



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, March 8, 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 7 - David Blair, Susan M. Bowyer, Ryan Deel, Dale Hetrick, Stephanie Morita, Theresa Mungioli and David Walker

Others Present:

*Bryan Barnett, Mayor
Tina Barton, City Clerk
Allan Schneck, Public Services Director
Leanne Scott, Deputy Clerk
John Staran, City Attorney
Zena Nasiri, Rochester Hills Government Youth Council Representative*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Walker, 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

Rochester Hills Government Youth Council (RHGYC):

President Deel introduced Zena Nasiri, Rochester Hills Government Youth Council (RHGYC) Representative.

Ms. Nasiri shared that she is a senior at Rochester Adams High School and

has served on the RHGYC for three years. She noted that she also serves on the Diversity, Equity and Inclusion Committee. She stated that the Youth Council is planning a mental health awareness event for the month of May to discuss anxiety and coping strategies. She announced that the next RHGYC meeting will be held on April 7, 2021.

PRESENTATIONS

2021-0092 Legislative Update presented by State Representative Mark Tisdel

Attachments: [030821 Agenda Summary.pdf](#)

State Representative Mark Tisdel shared that he was recently assigned the role of Vice-Chair of the Tax Policy Committee in addition to being a member of the following Michigan Representative House Committees: Insurance Committee, Health and Policy Committee, and Families, Children and Seniors Committee. He provided the following updates:

- The Michigan House passed a \$4.2 billion Supplemental Spending Plan for COVID-19 relief and schools which is now on Governor Whitmer's desk. He noted that it is tied to another Act limiting the Michigan Department of Health and Human Services' authority to close schools and sporting events. He provided a broad overview of the funding allocation:

- Approximately \$2 billion dollars are allocated for schools, tied to specific activities such as funds per student for in-person education with a minimum 20 hours a week, summer school, transportation, and tutoring.
- Approximately \$20 million for student mental health.
- Approximately \$1.6 billion for vaccines and COVID testing.
- Approximately \$360 million dollars for afflicted businesses.

- He stated that he has one of the 10 bills in a package that includes Ethics, Freedom of Information Act (FOIA), Open Meetings and Legislative Open Records Act to address the measures not followed by the State Legislator or the Governor.

- In 2017, the Tax Cut and Jobs Act put a \$10,000 cap on the state and local tax deduction. He noted that C-Corporations are still eligible to deduct above the \$10,000 cap. He shared that in November, the Treasury and IRS released rules for reinstating the cap for S-Corps, LLCs, and partnerships. He noted that the reinstatement could impact 250,000 small businesses in the State of Michigan and it would be offered as an election, not mandatory.

- He announced that they are launching a statewide COVID hotline to address the needs of individuals who are not technologically savvy and/or do not have access to the internet. He explained that the hotline will provide information on COVID related questions and individuals will have the ability to schedule their vaccination appointments. The hotline will be available through September 2022.

-The Health and Policy Committee has a 15-Bill package that includes drug

price transparency, an amendment to a hospital pricing transparency Bill, and regulation in licensing of pharmaceutical benefits managers to ensure coupons, rebates and generic alternatives are made available to patients. He explained that some contracts have provisions such as "gag rules" and "clawbacks". A gag rule is when a less expensive drug is available, but the contract with the pharmaceutical manager does not allow a pharmacist to give that information to the patient. He further explained that a "clawback" is when the patient's co-pay is more than the pharmacy's cost for the drug and the difference in cost goes to the Pharmacy Benefits Manager (PBM) and not to the patient. These are things that are being addressed by the Bill package.

President Deel questioned if the Legislator intends to extend the amendment to the Open Meetings Acts beyond March 31, 2021 for remote meetings.

State Representative Tisdell responded that there has been discussion in caucus and he is in favor of leaving the decision to the local municipalities to determine whether to continue on Zoom or meet face-to-face. He added that he trusts that they will best represent the interests of their constituents.

President Deel questioned how will the City of Rochester Hills be impacted under the Supplemental Spending Bill.

State Representative Tisdell stated that the School District would receive funds, determined by the Title I formulation. He stated that afflicted businesses may receive tax relief, unemployment insurance relief, and long term resident care providers will see some direct impact.

Mayor Barnett thanked State Representative Tisdell for keeping the City of Rochester Hills up-to-date. He asked State Representative Tisdell for his support in advocating for COVID-19 vaccination distribution in Oakland County. He stated that the U.S. Senate passed the American Rescue Plan with approximately \$200 billion for States. He questioned the allocation plan for the State of Michigan.

State Representative Tisdell stated that the vaccines are distributed under a CDC Social Vulnerability Index that has about 15 different categories, but there is no indication as to how they are weighted or applied. He stated relative to the \$200 billion being distributed to the States, very little is in his purview, but noted that he will keep an eye on it. He shared that his concern would be if a social vulnerability index is used to determine a formula of fund distribution as opposed to a more objective process.

Mayor Barnett asked for Representative Tisdell's support in advocating transparency in both the vaccination distribution and state allocation of the supplemental spending bill.

Presented.

PUBLIC COMMENT for Items not on the Agenda

None.

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.

2021-0083 Approval of Minutes - City Council Regular Meeting - November 16, 2020

Attachments: [CC Min 11162020.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0063-2021

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on November 16, 2020 be approved as presented.

2021-0084 Approval of Minutes - City Council Regular Meeting - December 7, 2020

Attachments: [CC Min 12072020.pdf](#)
[CC Min 12072020 \(Revised\).pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0064-2021

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on December 7, 2020 be approved as presented.

2021-0081 Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order for 3M Reflective Sheeting in the amount not-to-exceed \$40,000.00 through January 25, 2023; Minnesota Mining Manufacturing, St. Paul, MN

Attachments: [030821 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0065-2021

Resolved, that the Rochester Hills City Council hereby authorizes a blanket purchase order for 3M Reflective Sheeting to Minnesota Mining Manufacturing, St. Paul, Minnesota in the amount not-to-exceed \$40,000.00 through January 25, 2023.

2021-0082 Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order for the maintenance and repairs or upgrades of existing traffic signals and SCATS costs in the amount not-to-exceed \$90,000.00 through January 31, 2022; Road Commission for Oakland County, Waterford, MI

Attachments: [030821 Agenda Summary.pdf](#)
[Resolution \(Draft\).pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0066-2021

Resolved, that the Rochester Hills City Council hereby authorizes a blanket purchase order for the maintenance and repairs or upgrades of existing traffic signals and SCATS costs to the Road Commission for Oakland County, Waterford, Michigan in the amount not-to-exceed \$90,000.00 through January 31, 2022.

Passed the Consent Agenda

A motion was made by Blair, seconded by Mungioli, 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 shared that tonight is **Clerk Tina Barton's** last meeting as City Clerk. He stated that she is an absolute giant in the field of elections and election security. He further stated that the City has been lucky to have a talented, nationwide expert in elections and election security. He announced that Clerk Barton will be leaving the City to lend her talents to the Federal Government and help in making sure that the Nation's election security is solid. He expressed his gratitude for her years of leadership, dedication and service to the City of Rochester Hills.

Mr. Hetrick stated that Clerk Barton has demonstrated a high level of integrity to the City of Rochester Hills. He congratulated her on her appointment to the Federal Elections Commission.

Vice-President Bowyer congratulated Clerk Barton and stated that she is an esteemed leader, proven role-model and thanked her for her honesty and integrity.

Ms. Mungioli stated that Clerk Barton is an amazing person. She shared that she has the ability to inspire others, is always willing to share her faith publicly, and a role model to the community and young women. She described Clerk Barton as displaying GRIT; guts, resilience, integrity and tenacity in all things. She noted that she looks forward to seeing what she brings to the Federal Government.

Mr. Blair commended her for bringing her talents to the Federal level. He stated that she will be missed and thanked her for leaving a tight ship in the Clerk's Office.

Ms. Morita stated that certain people are destined for greater things and Clerk Barton is one of them. She shared that she is one of the best and is privileged to say that she has worked with her and that she considers her a friend. She wished her the best of luck.

Mr. Walker shared that it is a great honor for Clerk Barton to leave her

department better than it was before she started with the City. He expressed his appreciation to her.

Deputy Clerk Scott shared that they have developed a true friendship. She thanked her for her support and encouragement towards her professional development. She noted that she will miss her and the Election Assistance Commission is very lucky to have her. She wished her the absolute best in her future success.

Mayor Barnett stated that once in while you meet someone that has married their passion with their talents and is a blessing to people around them with their gifts. He explained that Clerk Barton has elevated the internal workings of the Clerk's Department and the external product of the Department. He stated she has represented the organization, her profession and the State of Michigan with poise, dignity, integrity and professionalism.

Clerk Tina Barton thanked her family for their love and support. She shared that Council has allowed a culture of growth within the City. She stated that Rochester Hills is a City of excellence and a great place to work. She recognized Mayor Barnett in providing her with leadership opportunities, a network of people, and the latitude that he has given her to be involved in things. She expressed her appreciation to the staff in the Clerk's office, the Mayor, City Council and the community.

Mayor Barnett provided the following updates:

- The Rochester Community School District has reached out to the Mayor's office and Council to participate in March's Reading Month. He encouraged interested individuals to participate by reading a children's book on their social media page to help promote March Reading Month.
- City Hall has been open to the public for the last two weeks. He stated that they have not experienced the same foot traffic as usual, but indicated as people feel more comfortable they will come back in. He thanked the City Hall team for their seamless transition to being back in the building.
- He stated that he shared with State Representative Tisdell the need for advocacy for Oakland County concerning vaccination distribution.
- The Mayor's office is keeping up-to-date with the restrictions from the Michigan Department of Health and Human Services (MDHHS) related to COVID-19 in order to plan for the City's summer events and activities. They are continuing to work with Midwest Strategy Group to obtain firsthand information concerning restrictions.
- As of March 8, 2021, the Michigan Department of Health and Human Services (MDHHS) is allowing vaccinations for people 50 years of age and older with medical conditions or disabilities. He noted that on Monday, March 22, 2021 vaccination eligibility will expand to all Michiganders 50 years of age and older. He further noted that as of today, forty percent of Michiganders, 65 and older have been vaccinated.
- The Oakland Press released an article about the new partnership between the City of Rochester Hills and the City of Rochester. Both Cities donated money to support an archive intern to catalog and digitize historical documents for the Rochester Hills Museum. He extended his appreciation for the City of

Rochester and their collaboration in telling a regional story.

- He congratulated Mr. Walker and the Rochester Regional Chamber of Commerce for their Community Outlook Breakfast that took place on Monday, March 1, 2021. He thanked Alaina Campbell, Rochester Regional Chamber of Commerce President, and her team for hosting the event. He shared that discussion took place on the "Summer of Fun" which is the branding being used to promote some of the upcoming events. He further shared events that will take place around the City by the end of May: the completion of the Museum's new roof and Equipment Barn which will be open for programming, splash pad, and the ribbon cutting on the new playground at Innovation Hills.

- He announced that approximately 475 students submitted applications to the Art on Auburn Competition and shared what community means to them. They are currently working through the process with Paint Creek Center for the Arts to select art work to be displayed on Auburn Road. He stated that he is pleased with the number of students that participated in the competition.

- The Mayor's office is closely monitoring legislation, specifically the American Rescue Plan of which the City of Rochester Hills will benefit from. He shared that there has been discussion with Joe Snyder, Chief Financial Officer, to determine the best way to manage the funds and create a thoughtful plan to implement the dollars in the most impactful way.

- He stated that after March 22, 2021 and going forward, the City Council will be back in person for meetings in the Council Chambers. He noted that other boards and committees will also be required to meet in-person.

ATTORNEY'S REPORT

City Attorney John Staran had nothing to report.

NOMINATIONS/APPOINTMENTS

2021-0053 Nomination/Appointment of three (3) Citizen Representatives to the Zoning/Sign Board of Appeals for a three-year term to expire March 31, 2024

Attachments: [030821 Agenda Summary.pdf](#)
[Nomination Form.pdf](#)
[Arrington CQ.pdf](#)
[Braun III CQ.pdf](#)
[Chalmers CQ.pdf](#)
[Graves CQ.pdf](#)
[Ivanaj CQ.pdf](#)
[McCracken CQ.pdf](#)
[Strunk CQ.pdf](#)
[Tischer CQ.pdf](#)
[Notice of Vacancy.pdf](#)
[Resolution \(Draft\).pdf](#)

Mr. Hetrick stated that he serves on the Zoning/Sign Board of Appeals and nominated Mr. Chalmers, Mr. Graves, and Mr. Tischer.

A motion was made by Hetrick, seconded by Morita, that this matter be Adopted by Resolution to appoint Bill Chalmers, Jayson Graves and Charles (Chip) Tischer to the Zoning/Sign Board of Appeals, each to serve a three-year term expiring March 31, 2024. The motion carried by the following vote:

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

Enactment No: RES0067-2021

Resolved, that the Rochester Hills City Council hereby appoints Bill Chalmers, Jayson Graves and Charles Tischer to the Zoning/Sign Board of Appeals, each to serve a three-year term expiring March 31, 2024.

NEW BUSINESS

2020-0259 Request for Purchase Authorization - DPS/ENG: Increase to the blanket purchase order/contract for the 2020 Bridge Rehabilitation Program in the amount of \$22,758.90 for a new total not-to-exceed project amount of \$364,407.90; Z Contractors, Inc., Shelby Township, MI

Attachments: [030821 Agenda Summary.pdf](#)
[07272020 Agenda Summary.pdf](#)
[Bid Tabulation.pdf](#)
[Plan Cover Sheet.pdf](#)
[07272020 Resolution.pdf](#)
[Resolution \(Draft\).pdf](#)

Allan Schneck, Director of Public Services, requested Council's favorable action on an increase to the contract for the Local Bridge Program. He explained that the contract increase is due to quantity overages attributed to unforeseen challenges discovered during the work on the Adams Road pedestrian bridge. He noted that there was a 16-inch watermain located underneath the bridge, but the exact location of it was unknown. He further noted, the scope of work included the driving piles next to the watermain, but they took an alternative route and drilled the piles to a position below the main and then drove them to their required depth. He stated that the Department of Public Service (DPS) prides itself on keeping projects within budget, on time and of high quality. He explained that Z Contractors were very efficient in prosecuting the work and in doing so, they did not need the amount of effort and oversight by their consultant. He requested Council to approve an increase of \$22,758.90, noting that their consultant costs are approximately \$23,000 under budget. He stated that as a total project they are within budget.

A motion was made by Hetrick, 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: RES0068-2021

Resolved, that the Rochester Hills City Council hereby authorizes an increase to the blanket purchase order/contract for the 2020 Bridge Rehabilitation Program to Z Contractors, Inc., Shelby Township, Michigan in the amount of \$22,758.90 for a new total not-to-exceed project amount of \$364,407.90.

ANY OTHER BUSINESS

2021-0094 Discussion and Creation of an Ad Hoc City Clerk Selection Technical Review Committee

President Deel stated that the City of Rochester Hills will be losing Clerk Tina Barton. He stated that under the City's Charter, it is City Council's responsibility to appoint the successor Clerk. He explained that he had an opportunity to research how City Council has executed this process in the past. He stated that in 2005, there was an internal posting, in 2013 there was an internal and external posting. In this case, however, he does not believe an external process is necessary. He further stated that they are blessed to have an incredible talent pool and believes it is a process that can be done expeditiously and would like to have the appointment of City Clerk on the next City Council Meeting Agenda. He proposed that Council open the position internally and review applicants for the position of City Clerk and come back on March 22, 2021 ready to appoint the new City Clerk. He shared that Clerk Barton's last day with the City is March 19, 2021 and Mayor Barnett will be appointing Deputy Clerk Leanne Scott as the interim City Clerk. He recognized Clerk Barton for cultivating a succession plan.

He stated that he proposes appointing **Vice-President Bowyer, Mr. Hetrick and Mr. Walker** to the Ad Hoc Committee to conduct the review of applicants for the position of City Clerk in accordance with the nomination process. The Ad Hoc Committee will be charged to vet the candidates, submit a recommendation to Council for approval, then Council would vote and appoint the City Clerk.

Ms. Morita questioned the qualifications for individuals appointed to the ad hoc committee.

President Deel stated that Council could appoint any Council member.

Ms. Morita stated that she does not foresee numerous applicants applying in house and would prefer to personally review the applications.

President Deel stated that he would expect that each Council member review applications that are received.

Ms. Morita questioned the need for an Ad Hoc Committee to make a recommendation to appoint to the position of City Clerk.

President Deel stated that the thought process is to form a formal procedure to vet candidates prior to submitting a recommendation to Council. He stated that Option #1 is to conduct an interview at a City Council meeting open to the public, or Option #2 is to create an Ad Hoc committee to formalize the vetting process, also allowing Council Members to review all applications. He noted that he would like to proceed quickly.

Mr. Hetrick questioned if other members of the City Staff will serve on the Ad Hoc Committee.

President Deel responded it would be appropriate to include the Mayor and an administrative staff member of the the Mayor's choosing.

Mr. Hetrick stated it would be good to have people on the committee beyond the subset of City Council.

Mayor Barnett shared that it is unequivocally clear that the power to appoint a City Clerk rests in the hands of City Council. He noted that when a committee was formed in the past, it was made up of three City Council members, the Human Resources Director, a colleague Director and the Mayor. He stated that this committee will probably meet once to interview candidates and make a recommendation to Council. He explained it is important for the administration to have some part in the selection process since 90% of the interaction is on a day-to-day basis working with the administration. He further explained that the process in the past included three Council members and three administrative staff members who worked together to make a recommendation to Council. Council then questioned the recommended applicant and ultimately made a vote to select the new City Clerk. He noted that this was the process in the selection of Clerk Barton.

Ms. Mungoli questioned the timeframe in which this process would have to be completed and considered the deadline of March 22, 2021 quickly approaching. She questioned if the committee members who are selected to serve on the Ad-Hoc committee are available and if there is sufficient time to produce an in-house process to engage and execute within the next five business days.

Ms. Morita concurred with **Ms. Mungoli**. She stated that she has full faith in Deputy Clerk Scott to run the Clerk's Department in the interim and prefers to take the appropriate amount of time needed to execute it correctly so there is no question that Council is appointing the right person. She noted that it would be appropriate to wait until April to appoint the City Clerk.

President Deel concurred with **Ms. Morita**. He stated that if it is Council's preference to move this to the April 12, 2021 City Council Meeting, they can begin the process to be prepared to appoint the Clerk at that time.

Ms. Mungoli stated that she hopes to see a timeline that will provide an overview of the progression of the Ad Hoc Committee to anticipate the steps in the process from the application review period to interviewing, to allow for enough time to review applicants and provide input. She requested that Council does not seek external applicants for the position of the City Clerk. She stated that we have the talent pool in-house and will select the person that is most qualified for the position.

President Deel requested that Mayor Barnett assist with the timeline to help coordinate efforts with the Human Resources Director. He questioned if Mayor Barnett has any comments regarding the timeline.

Mayor Barnett stated that Council's directive was to be prepared for the March 22, 2021 City Council Meeting and proceeded to do so, expediting the process. He shared that the position was posted today, March 8, 2021 and will close on

Friday, March 12, 2021. He stated that he will meet with the Human Resources Director tomorrow morning to put together a timeline. He expressed that he understands that Council has agreed that April 12, 2021 is an acceptable date in order to give the Ad-Hoc committee enough time to review applications and be comfortable with the process.

President Deel stated that pursuant to City Council Rules Article VII, Section .02, City Council will appoint an Ad Hoc Technical Review Committee for the Selection of the City Clerk. The committee is to review the applicants for the position of the City Clerk and report a recommendation. He explained that the committee shall include Vice-President Bowyer, Mr. Hetrick, Mr. Walker, Mayor Barnett and one administrative staff member of the Mayor's choosing; the committee will dissolve upon the appointment of the new City Clerk. He noted that they anticipate this item to be on the April 12, 2021 City Council Meeting Agenda. It meets the rules and criteria in the City Council Rules and Procedures.

A motion was made by Bowyer, seconded by Walker, that in accordance with Article VII, Section .02 of the City Council Rules of Procedure, the City Council resolves to establish an Ad Hoc City Clerk Selection Technical Review Committee to review the applicants for the position of City Clerk and report a recommendation to the City Council be Adopted by Resolution. The motion carried by the following vote:

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

Nay 1 - Morita

Enactment No: RES0069-2021

In accordance with Article VII, Section .02 of the City Council Rules of Procedure, the City Council resolves to establish an Ad Hoc City Clerk Selection Technical Review Committee, as follows:

1) Purpose and Charge

a. Charge/responsibility of the Committee.

1) To review the applicants for the position of City Clerk and report a recommendation to the City Council.

b. Expected results, including, but not limited to, time line.

1) The Committee has a target date of April 12, 2021, but agrees that date may be flexible if necessary.

2) Membership and selection, including number of members, solicitation of members and qualifications of members

a. Committee shall include three (3) Council Members.

Vice President Bowyer, Mr. Hetrick and Mr. Walker.

b. Committees shall include citizen members which shall be appointed by

Council.

No Citizen Members.

c. Committees may include Administrative Staff Members which shall be appointed by the Mayor.

Mayor Barnett and one Administrative Staff Member of the Mayor's choosing.

d. Committees may include one (1) Rochester Hills Government Youth Council (RHGYC) Representative selected by the Youth Council.

No RHGYC member.

e. Term of appointment, where appropriate.

The Committee shall dissolve upon the appointment of a new City

NEXT MEETING DATE

Regular Meeting - Monday, March 22, 2021 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, it was moved by Mungioli and seconded by Walker to adjourn the meeting at 8:20 p.m.

*RYAN DEEL, President
Rochester Hills City Council*

*LEANNE SCOTT, 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.