

Rochester Hills

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

Minutes

City Council Regular Meeting

David J. Blair, Jason Carlock, Ryan Deel, Carol Morlan, Theresa Mungioli, Marvie Neubauer 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 18, 2024	7:00 PM	1000 Rochester Hills Drive
Monday, March 10, 2024	7.001 1	Tood 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.

ROLL CALL

- **Present** 6 David Blair, Ryan Deel, Carol Morlan, Theresa Mungioli, Marvie Neubauer and David Walker
- Absent 1 Jason Carlock

Others Present:

Bryan Barnett, Mayor Chief Sean Canto, Fire Chief/Emergency Services Director Dan Christ, City Attorney Bill Fritz, Public Services Director Chris McLeod, Planning Manager Sara Roediger, Planning and Economic Development Director Leanne Scott, City Clerk Laurie Taylor, Assessing Director

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Walker, seconded by Mungioli, to Approve the Agenda as Presented. The motion carried by the following vote:

- Aye 6 Blair, Deel, Morlan, Mungioli, Neubauer and Walker
- Absent 1 Carlock

COUNCIL AND YOUTH COMMITTEE REPORTS

Rochester Hills Government Youth Council (RHGYC):

Approved as presented at the June 10, 2024 Regular City Council Meeting.

President Deel introduced RHGYC Representative, Tessa Chalmers.

Ms. Chalmers shared that he is in the twelfth grade at Rochester High School and that she has served on the RHGYC for the past year. She shared that the past month has been spent planning the Cultural Fair and that members have been assigned to committees overseeing the information booths, the food, the performers, and the sponsorships. She added that they also discussed the budget and that the assignment of the event planning committees such as marketing, volunteering, décor, and engagement will be discussed at the next meeting. She announced that the Cultural Fair will be May 11, 2024 from 12:00 p.m. to 3:00 p.m. and that the location will be determined at a later date. She concluded that the next RHGYC meeting will be on May 20, 2024.

Rochester/Auburn Hills Community Coalition:

Ms. Neubauer announced that the VAPE 101 Free Training will be located at the Rochester Hills Public Library on March 21, 2024 at 7:00 p.m.

Rochester Area Youth Assistance:

Ms. Mungioli shared that she attended the 2024 Youth Recognition Dessert Reception, which gave recognition to the youth in the community.

She announced that the Memorial Day Parade of Heroes will be on Memorial Day, May 27, 2024 and that there will be more details to come.

Avondale Youth Assistance:

Ms. Morlan announced that the Awards Night for the Avondale Youth Assistance will be in April 2024.

RECOGNITIONS

2024-0150 Proclamation in Recognition of George and Betty Seifert

<u>Attachments:</u> 031824 Agenda Summary.pdf <u>Proclamation.pdf</u>

Mayor Barnett presented a proclamation to George and Betty Seifert.

George Seifert shared that he and his wife have been in the community for the past 40 years and thanked the community for the opportunities that have been given to them.

Presented.

PRESENTATIONS

2024-0126 Friends of the Clinton River Trail Presentation to City Council Approved as presented at the June 10, 2024 Regular City Council Meeting.

Attachments: 031824 Agenda Summary.pdf

Josh Eichenhorn. Vice President, Friends of the Clinton River Trail, provided City Council an update on the status of the Clinton River Trail. He shared that 2024 is the 20th anniversary of the Clinton River Trail and that it was founded in 2004 by the five cities that own and agreed to take care of their portion of the Trail. He thanked the City Council for all they have done for the Trail. He explained that there have been many enhancements to the Trail including improvements to road crossings, improvements to bridges, increases and repairs to signs, and the construction and maintenance of shelters. He added that Rochester Hills hosts the only two restrooms on the Trail. He shared that every City along the Clinton River Trail will participate in the Detroit Institute of Arts Inside Out Program, which brings artwork to cities along the Trail. He continued that the Trail hosts periodic Alliance Meetings where members can share their plans for the Trail to other cities. He stated that the Friends of the Clinton River Trail sources volunteer hours and money to support the Trail as well. He noted that maintaining the Trail is a challenge and that most of the recent investment in the Trail has been to improve. pave, and repair bridges. He provided the following five recommendations to City Council on how they can continue to support the Trail:

- Enjoy the Trail and encourage others to do the same

- Continue to engage in the Alliance Meetings

- Encourage the residents to connect with the Friends of the Clinton River Trail

- Celebrate the 20th Anniversay of the Clinton River Trail by attending the

celebration on May 22, 2024 at the Goldner Walsh Nursery on Orchard Lake Road in Pontiac

- Know that the Friends of the Clinton River Trail stand ready to help the City maintain the Trail

President Deel commented that he enjoys the Clinton River Trail himself and that it is a great way to get some exercise and enjoy the outdoors.

Mayor Barnett shared that the number one parks visited every year in the community are the Clinton River Trail and the Paint Creek Trail and that they are a treasure to the community. He recognized Melinda Hill who was on City Council in the past and voted to purchase the Trail. He remarked that the Friends of the Clinton River Trail are one of the best groups that the City works with.

Presented.

PUBLIC HEARINGS

2024-0042 Request for Acceptance of the 2024 Natural Features Inventory Update, which includes the Wetland Inventory Map as required by Section 126-496 of the City's Code of Ordinances

<u>Attachments:</u>	031824 Agenda Summary.pdf	
	Wetlands Inventory Map 2024 (Draft).pdf	
	PC-CC Min 012924 (Draft).pdf	
	Memo Roediger-McLeod 012924.pdf	
	2024 Natural Features Inventory Update.pdf	
	Public Comment.pdf	
	Public Hearing Notice.pdf	
	Resolution (Draft).pdf	
	Suppl Presentation.pdf	

Chris McLeod, *Planning Manager*, and *Kyle Hottinger*, ASTI Environmental, were present.

Mr. McLeod presented the following information regarding the Natural Features Inventory and Wetlands Inventory Map:

- Natural Features Inventory Update

- Inventory Completed in 2022
 - Field Survey

- Sources Referenced: Oakland County Conservation District, Oakland County Water Resources Commission, SEMCOG, United States Department of Agriculture, Natural Resources Conservation Service, Michigan Department of Environment, Great Lakes, and Energy, Michigan Department of Natural Resources, Michigan Natural Features Inventory, Michigan Geographic Information Library, Federal Emergency Management Agency

- Review and Document Production
- Public Review and Acceptance
 - Natural Features Inventory
 - Wetlands Inventory Map Ordinance requires public notice

- Natural Features Ordinances

- Tree Conservation Ordinance (Article III of Chapter 126 of City Ordinance)

- Wetland and Watercourse Protection Ordinance (Article IV of Chapter 126 of City Ordinance)

- Natural Features Setback Ordinance within the City's Zoning Ordinance (Chapter 1, Natural Features of Chapter 138 Zoning of City Ordinance)

- Steep Slopes Ordinance within the City's Zoning Ordinance (Chapter 2, Article 9, Natural Features of Chapter 138 Zoning of City Ordinance)

- Floodplain Regulations (Chapter 114 - Floods, of City Ordinance)

- Wetlands Inventory Map

- Notices sent to each recorded owner of property on the City's property tax roll
- Notices were sent out with recent tax statements Notices were sent to
- approximately 3,500 properties
 - Stating the map has been created/amended
 - Where the map may be reviewed
 - That the owner's property may be designated as a wetland
 - That the City has code sections regulating wetlands
 - Newspaper notice

- Key Note: A wetland inventory map does not create any legally enforceable presumptions regarding whether property that is or is not included on the inventory map is or is not in fact a wetland - A site specific determination must

be conducted

- Natural Features Inventory Scoring Matrix
- Interactive City GIS Wetlands Map
- Wetlands Inventory Map
 - City Land Use Area = Wetland 9%
 - Change 2005-2022 = + 46 Acres
- Woodlands Map
 - City Land Use Area = Woodland 16%
 - Change 2005-2022 = + 107 Acres
- Steep Slopes Map
 - Unchanged
- Floodplain Map
 - Unchanged
- Prioritized Natural Features Areas Map
 - The River Rouge Corridor
 - Spencer Park

- Clinton River Corridor, Sargent Creek/Paint Creek Corridor, Stoney Creek Corridor, Bloomer Park

President Deel Opened the Public Hearing at 7:39 p.m.

Bashar Iwas, 2177 Wentworth Drive, stated that he owns the property on 546 South Rochester Road and that he was notified via a letter from FEMA that the property was removed from any wetlands. He inquired why that is not being reflected on the City's wetlands map and asked what he can do to keep the property out of the wetlands zone.

Mike Warholak, 884 North Adams Road, commented that he did not get a notice with the assessment that was supposed to be mailed out. He shared that his family has lived in the City for over 60 years and that there have been drainage issues as a result of the overdevelopment and diversion of water. He explained that the delineation of the creek has disappeared and that the surrounding wetlands have increased on the property. He expressed his concern that he may have to file a cease-and-desist order if more water continues to enter the property than is permitted, which could result in a reduction of the wetlands. He questioned if there was an engineer that could address this issue and also questioned how often the Wetlands Map is updated.

Ambra Alleman, 2706 Lambeth Park, shared that their property has wetlands designated on it and that there is a creek behind their home that is intruding closer to their home. She questioned what they are allowed to do to help mitigate this or what the City is allowed to do.

Michael Alleman, 2706 Lambeth Park, stated that the Map that was provided

by the Planning Department is not precise and questioned if that will cause a problem if he addresses the issues on his property with the City.

Mary Miller, 250 Marmoor Court, shared that the water levels rose so high in their backyard that ducks were swimming right by their deck. She commented that Mr. McLeod informed them that wetlands change and that this is a concern for them. She stated that her main concern is that if the dam that is a couple blocks away on Shagbark Drive were to break, her property and all of the other properties along the creek would be in trouble.

President Deel Closed the Public Hearing at 7:51 p.m.

Mr. Hottinger addressed the public comment from *Mr.* Iwas and stated that he has never seen a FEMA letter like that before, but that they would be willing to review the letter.

Mr. McLeod addressed the public comment from *Mr.* Warholak and noted that there is not prescribed number of years or set time for when the wetlands need to be studied or redefined. He added that the last time it was studied was 17 years ago. He commented that they have a list of everyone who should have received notice and that 12 of the 3,500 were returned as undeliverable. He continued that it was addressed to the owner of the record and that it came as part of their tax assessments.

Mr. McLeod addressed the public comment from Mr. and Mrs. Allman and commented that they can seek direction from the Planning Department and the Department of Public Services because their concerns are more engineering-focused. He added that ASTI Environment also fields questions that residents have from the City.

Mayor Barnett shared that his office would also get back with residents this week to address any questions that are not answered tonight.

President Deel addressed the public comment from Ms. Miller noting that the Mayor's Office and the Department of Public Services can help answer her questions this week.

Ms. Mungioli noted that her subdivision in the Northwest portion of the City is near a storm drain and that the subdivision's Homeowner's Association is responsible for that area, not an individual home owner. She added that the area along Raintree Drive floods regularly and that the subdivision was responsible for clearing the storm drain. She questioned what the Homeowner's Association can do in that area to make sure the water flows properly now that it is considered an emergent wetland.

Mr. Hottinger responded that even if there is no water flowing, it is considered a stream by the City and State laws because it has a defined channel bed and banks, along with evidence of flow.

Ms. Munigioli commented that the only water flow is the water that goes from the catch basin into that area.

Mr. Hottinger stated that it is still considered a wetland and that it doesn't matter if it is man-made or natural.

Ms. Mungioli questioned what the responsibility is of the property owner (the Homeowner's Association) to clean it up and what types of permits they have to obtain.

Mr. Hottinger responded that any storm water maintenance is exempt from the City's Ordinance and that permits would be through the State's EGLE office.

Ms. Mungioli inquired whether the City's Planning process for new subdivisions includes a review of how the storm water runoff may create an emergent wetland.

Mr. McLeod responded that the first thing to do would be to get a delineation done and shared that it is not uncommon for a subdivision to discharge into a body of water or drain. He added that wherever a subdivision's water discharge goes will dictate what type of review process is needed.

Ms. Mungioli stated that older homes in the City have open ditches in front of their homes with water coursing down the drain and inquired if these areas are considered emergent wetlands.

Mr. Hottinger explained that it would be a site-by-site decision if they are to be considered emergent wetlands or not.

Ms. Mungioli questioned who would get the notice since the area is owned by a Homeowner's Association.

Mr. McLeod responded that the person listed as the address of record for that taxable space would have received the notice. He added that the GIS system generated a notice to anyone that abutted a wetland.

Ms. Mungioli questioned if Council were to accept this Inventory Update, would there be an appeals process if someone disagreed.

Mr. McLeod stated that the map is not definitive and that it is just an indicator that shows areas that may require additional investigation. He added that about twenty residents have contacted them and they were informed that if they felt it was erroneous, a determination would need to be made as to what the definitive line might be.

Mr. Blair shared that in the Chichester subdivision, there is a detention pond with a stream that goes east to west which has been a marsh area of cattail plants in years past. He stated that further north by Sargent's Creek, there is water that gets obstructed by trees that have fallen over and cannot be touched without the State's approval. He questioned what the residents can do to resolve this.

Mr. Hottinger responded that any work done in Sargent's Creek would require

permitting from the State.

Mr. Blair questioned what the cost and time-frame for a potential cleanup project in that area might be.

Mr. Hottinger stated that he does not know what the time frame and cost might be. He added that ASTI cannot assist anyone within the City with permitting because it would be a conflict of interest. He noted that a stream study and wetland delineation would need to be done.

Mr. McLeod commented that wetlands are one element, but drainage concerns are a different issue.

President Deel expressed his concern that there are a lot of residents who have issues with this and that they are not receiving much information to address their questions. He questioned if there is a contact person or place that residents can call to address their concerns.

Mr. Hottinger commented that he was not anticipating questions related to the drainage concerns.

Mr. McLeod shared that Robert Primeau's phone number at EGLE is 586-256-7274.

Mayor Barnett remarked that residents can also reach out to his office to help connect them with the right people.

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

- Aye 5 Blair, Deel, Morlan, Neubauer and Walker
- Nay 1 Mungioli
- Absent 1 Carlock

Enactment No: RES0088-2024

Resolved, that the Rochester Hills City Council hereby accepts the 2024 Natural Features Inventory Update, which includes the Wetland Inventory Map as required by Section 126-496 of the City's Code of Ordinances.

PUBLIC COMMENT for Items not on the Agenda

Thomas Yazbeck, 1707 Devonwood Drive, shared that he is with the Friends of the Clinton River Trail and stated that he is happy the City is investing in the crosswalk at Adams Road. He added that midblock crossings are very important and he urged the City to think about more places to construct them.

Cliff Eshelman, 972 Stanford Circle, shared that his neighborhood's retention pond drains into the college pond behind their homes. He questioned who is responsible for the maintenance of the pipe used for drainage.

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.

2023-0638 Approval of Minutes - City Council Special Meeting - December 4, 2023

<u>Attachments:</u> <u>CC Special Min 120423.pdf</u> Resolution (Draft).pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0089-2024

Resolved, that the Minutes of the Rochester Hills City Council Special Meeting held on December 4, 2023 be approved as presented.

2023-0639 Approval of Minutes - City Council Regular Meeting - December 4, 2023

<u>Attachments:</u> <u>CC Min 120423.pdf</u> Resolution (Draft).pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0090-2024

Resolved, that the Minutes of the Rochester Hills City Council Regular Meeting held on December 4, 2023 be approved as presented.

2024-0142 Adoption of the Oakland County Hazard Mitigation Plan

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<u>Attachments:</u> 031824 Agenda Summary.pdf
2023 Oakland County Hazard Mitigation Plan.pdf
Resolution (Draft).pdf
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This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0091-2024

Whereas, the mission of Oakland County and the participating jurisdiction of The City of Rochester Hills include the charge to protect the health, safety, and the general welfare of the people of the County and municipalities; and

Whereas, Oakland County, Michigan, is subject to flooding, tornadoes, winter storms, and other natural, technological, and human-caused hazards; and

Whereas, pro-active mitigation of known hazards before and after a disaster event can reduce or eliminate long-term risk to life and property; and

Whereas, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre- and post-disaster hazard mitigation programs; and

Whereas, to remain eligible to receive mitigation monies, Oakland County prepared a

Hazard Mitigation Plan (the "PLAN") for the County and all communities in the County; and

Whereas, Oakland County and the City of Rochester Hills have participated in and completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of hazards, develops a mitigation strategy consistent with a set of uniform goals, and creates a plan for implementing, evaluating and revising this strategy;

Now, Therefore, Be It Resolved, that the City of Rochester Hills:

1. Adopts in its entirety the 2023 Oakland County Multi-Jurisdictional Hazard Mitigation Plan (Plan)

2. Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.

3. Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.

4. Will continue its support of the Hazard Mitigation Steering Committee and continue to participate in the planning partnership as described by the Plan.

5. Will help to promote and support the mitigation successes of all planning partners.

- 2024-0158 Request to Approve the Interlocal Agreement between the City of Rochester Hills and Oakland County for department members to be members of and deploy with the Oakland County Incident Management Team
 - Attachments: 031824 Agenda Summary.pdf Agreement.pdf Resolution (Draft).pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0092-2024

Whereas, Oakland County requires members on the Incident Management Team to have an Interlocal Agreement on file in order to deploy to incidents outside of Oakland County.

Now, Therefore, Be It Resolved, that the Rochester Hills City Council hereby approves the Interlocal Agreement between the City of Rochester Hills and Oakland County for department members to be members of and deploy with the Oakland County Incident Management Team and authorizes the Mayor to execute the agreement on behalf of the City.

2024-0144 Request for Purchase Authorization - PARKS: Blanket Purchase Order for sewage pump outs in the amount not-to-exceed \$48,000.00 through April 30, 2027; Turner Sanitation, Lake Orion, MI

<u>Attachments:</u> 031824 Agenda Summary.pdf Bid Tabulation.pdf Resolution (Draft).pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Approved as presented at the June 10, 2024 Regular City Council Meeting.

Enactment No: RES0093-2024

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for sewage pump outs to Turner Sanitation, Lake Orion, Michigan in the amount not-to-exceed \$48,000.00 through April 30, 2027.

Further Resolved, that the City's acceptance of the proposal and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

2024-0141 Request for Purchase Authorization - FACILITIES/DPS: Contract/Blanket Purchase Order for on-call plumbing services in the amount not-to-exceed \$78,600.00 through February 28, 2026; Rolls Mechanical, Fenton, Michigan; USA Plumbing and Sewer Service, Inc., Washington, MI

<u>Attachments:</u> 031824 Agenda Summary.pdf Proposal Summary.pdf Resolution (Draft).pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0094-2024

Resolved, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for on-call plumbing services to Rolls Mechanical, Fenton, Michigan as the primary vendor and USA Plumbing and Sewer Service, Inc., as the secondary vendor in the amount not-to-exceed \$78,600.00 through February 28, 2026 and further authorizes the Procurement Manager to execute a contract on behalf of the City.

Further Resolved, that the City's acceptance of the proposal and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

2024-0157 Request for Acceptance of the Water Main Easement granted by Avon Creek Building LLC, a Michigan limited liability company, for E. Avon Road Lot Split

> Attachments: 031824 Agenda Summary.pdf Location Map.pdf Easement.pdf Resolution (Draft).pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0095-2024

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills 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 #'s 15-13-301-065, -066, -067, -068 and -069, granted by Avon Creek Building LLC, a Michigan limited liability company, whose address is 14970 Technology Dr., Shelby Twp., MI 48315, for E. Avon Road Lot Split.

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

Passed the Consent Agenda

Approved as presented at the June 10, 2024 Regular City Council Meeting.

A motion was made by Walker, 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 6 - Blair, Deel, Morlan, Mungioli, Neubauer and Walker

Absent 1 - Carlock

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mayor Barnett provided the following City Updates:

- Former City Council President Mark Tisdel received the Legislator of the Year Award at the Michigan Municipal League Conference.

- The opening of the Total Wine store was this past weekend and they donated ten percent of their gross sales to Dutton Farm.

- He visited Magna last week and will be visiting Prefix for the Mayor's Business Council.

- Innovation Hills received another Award and he shared some of the resident's comments on social media.

- The Free Street Tree Program sold out in hours (about 200 trees).

- Yard Waste Pickup resumes the week of March 25, 2024.

- Three former NHL players who are affiliated with the City joined the Mayor on his podcast, Right Down The Street.

- The Art on Auburn 2 Project is launching and all entries are due May 10, 2024.

- The Oakland University Men's Basketball team won their game and they will advance to the next round against Pittsburgh.

ATTORNEY'S REPORT

City Attorney Dan Christ had nothing to report.

NOMINATIONS/APPOINTMENTS

2024-0151 Request to Confirm the Mayor's Reappointment of Scott Struzik and Ben Weaver to the Planning Commission for a three (3) year term to expire March 31, 2027

Attachments: 031824 Agenda Summary.pdf Struzik CQ.pdf Weaver CQ.pdf Resolution (Draft).pdf

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

Aye 6 - Blair, Deel, Morlan, Mungioli, Neubauer and Walker

Absent 1 - Carlock

Enactment No: RES0096-2024

Resolved, that the Rochester Hills City Council hereby confirms the Mayor's reappointment of Scott Struzik and Ben Weaver to the Planning Commission for a three (3) year term to expire March 31, 2027.

2024-0109 Request for Appointment of a Planning Commission Representative to the Zoning Board of Appeals for a one-year term to expire March 31, 2025

<u>Attachments:</u> 031824 Agenda Summary.pdf <u>PC Min 022024 (Draft).pdf</u> <u>Memo Roediger 021424.pdf</u> Resolution (Draft).pdf

Ms. Mungioli commented that Deborah Brnabic has been on the Planning Commission and Zoning Board of Appeals for a long time and that her knowledge is irreplaceable.

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

Aye 6 - Blair, Deel, Morlan, Mungioli, Neubauer and Walker

Absent 1 - Carlock

Enactment No: RES0097-2024

Resolved, that the Rochester Hills City Council hereby appoints Deborah Brnabic to serve as the Planning Commission Representative on the Zoning Board of Appeals for a one-year term to expire March 31, 2025.

2024-0112 Nomination/Appointment of one (1) Citizen Representative to the Green Space Advisory Board, to fill the unexpired term of David McCracken ending December 31, 2026

Attachments:	031824 Agenda Summary.pdf
	Appointment Form.pdf
	Carpenter CQ.pdf
	McCurdy CQ.pdf
	030424 Agenda Summary.pdf
	Nomination Form.pdf
	McCracken Resignation.pdf
	Bennett CQ.pdf
	Braun CQ.pdf
	De CQ.pdf
	Duperon CQ.pdf
	Fakhouri CQ.pdf
	Ferry CQ.pdf
	Galliway CQ.pdf
	Hunter CQ.pdf
	Jamian CQ.pdf
	McGunn CQ.pdf
	Ogden CQ.pdf
	Pohl CQ.pdf
	Sahu CQ.pdf
	Swider CQ.pdf
	Yazbeck CQ.pdf
	Notice of Vacancy.pdf
	030424 Resolution.pdf
	Resolution (Draft).pdf

President Deel stated that at the last meeting there were two nominees for one position: Steven Carpenter and Brian McCurdy.

Ms. Mungioli shared that she nominated Mr. Carpenter and would like to withdraw that nomination.

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

Aye 6 - Blair, Deel, Morlan, Mungioli, Neubauer and Walker

Absent 1 - Carlock

Enactment No: RES0098-2024

Resolved, that the Rochester Hills City Council hereby appoints Brian McCurdy to the Green Space Advisory Board, to fill the unexpired term of David McCracken expiring December 31, 2026.

2024-0115 Nomination/Appointment of three (3) Citizen Representatives to the Zoning/Sign Board of Appeals, each for a three-year term to expire March 31,

<u>Attachments:</u>	031824 Agenda Summary.pdf
	Appointment Form.pdf
	Graves CQ.pdf
	Ogden, Bill CQ.pdf
	Sanders CQ.pdf
	Tischer CQ.pdf
	Young CQ.pdf
	030424 Agenda Summary.pdf
	Nomination Form.pdf
	Braun CQ.pdf
	Campbell CQ.pdf
	Duperon CQ.pdf
	Fakhouri CQ.pdf
	Frederiksen CQ.pdf
	Galliway CQ.pdf
	Kaszubski CQ.pdf
	Lemanski CQ.pdf
	Parisi CQ.pdf
	Pinkham CQ.pdf
	Steidemann CQ.pdf
	Swider CQ.pdf
	Thompson CQ.pdf
	Notice of Vacancy.pdf
	030424 Resolution.pdf
	Resolution (Draft).pdf

President Deel stated that at the last meeting there were five nominees for three positions: Jayson Graves, Bill Ogden, Tiffany Sanders, Charles "Chip" Tischer, and John Young. He added that per City Council's Rules and Procedures, Council will take a roll call vote.

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

Aye 6 - Blair, Deel, Morlan, Mungioli, Neubauer and Walker

Absent 1 - Carlock

Enactment No: RES0099-2024

Resolved, that the Rochester Hills City Council hereby appoints Jayson Graves, Charles Tischer, and John Young to the Zoning/Sign Board of Appeals, each to serve a three-year term expiring March 31, 2027.

NEW BUSINESS

2024-0159 Request for PILOT Agreement by DV Limited Dividend Housing Association (LDHA), Limited Partnership (LP), an affiliate of Redwood Housing, 2566 Walton Blvd.

 Attachments:
 031824 Agenda Summary.pdf

 Memo Danish Village.pdf

 MCL 125.1415a.pdf

 Ordinance.pdf

 Presentation.pdf

 Resolution (Draft).pdf

Laurie Taylor, Assessing Director, *Erik Anderson*, Applicant, and *Patrick Barry*, Applicant, were present.

Ms. Taylor stated that this request is from Redwood Housing for a Payment in Lieu of Taxes Agreement (PILOT) in order to purchase and make renovations to Danish Village at 2566 Walton Boulevard.

Mr. Barry remarked that Redwood Housing is an impact development company and that they are focused on the preservation of affordable housing in 16 different states around the country.

Mr. Anderson and *Mr. Barry* presented the following information regarding Redwood Housing and their request for a PILOT Agreement:

- Who We Are

- Redwood is a mission-driven development organization focused on raising the standard of living for low-income seniors and families. We invest in people, properties, and neighborhoods to generate positive social impact that extends beyond project boundaries.

- Over \$2 billion of impact development and investment activities

- Focus on the preservation and rehabilitation of affordable senior, family, and historically significant housing communities

- Team of passionate advocates of affordable housing with deep industry expertise

- Serve more than 50,000 residents through 15 states, including Michigan

- Success partnering with government agencies and non-profit organizations

- Common Goals

- Rochester Hills Housing Goals - 2018 Master Plan

- "Provide attractive, safe, quiet, and well-maintained neighborhoods"

- "Provide diversified range of housing for all ages to enable older residents to remain in the City"

- Oakland County Strategic Framework Goals - 2023 Strategic Initiatives

- "Improve affordability as measured by households spending greater than 30 percent of income on housing"

- The Mayors' Strategic Platform - The Mayors' 2020 Vision: An American Breakthrough

- "Make housing more affordable and address homelessness"

- "Through low-income housing tax credits, inclusionary zoning, and developer incentives for mixed-use and affordable housing, mayors and local leaders are working in their communities to build thriving neighborhoods"

- Project Overview

- Residents: Elderly-designated community providing housing for more than

150 residents

- HAP Contract: All units are assisted by a project-based Section 8 Housing Assistance Payment ("HAP") contract

- Term: Plan to extend HAP contract for maximum allowable term of 20 years

- Affordability: Residents pay no more than 30 percent of household income on rent

- Condition: Approaching 20 years since major renovations and in need of investment/improvement

- Rehabilitation: Proposed comprehensive renovation consists of approximately \$7 million in improvements/upgrades

- Resident Impact: 100% of low-income residents anticipated to remain in place through acquisition and rehabilitation

- Community Impact: Enhanced resident services and wellness programming limits draw on community resources

- Proposed Renovation

- Local partners include G. Fisher Construction Company (contractor) and Schneider and Smith (architect)

- Comprehensive unit upgrades, including new kitchen cabinets, countertops, stainless steel appliances, built in microwaves, vanities, fixtures, flooring, and lighting

- System improvements, including electrical panels, HVAC, domestic water/water conservation system, and generator

- Meaningful upgrades to the community amenities, including kitchen, library, offices, game room, laundry room, craft room, and salon

- Upgrades to envelope and site, including roof terrace, grounds, outdoor courtyard, barbeque area, outdoor gaming area, and lighting

- Accessibility upgrades throughout site exterior, common areas, and units

- Pilot Eligibility

- Criteria: Owned by a limited dividend housing corporation / Project Eligibility: DV Limited Dividend Housing Association

- Criteria: Financed by a federally or state aided mortgage or loan / Project Eligibility: Proposed loan considered federally aided due to underlying HAP contract

- Criteria: Occupied by low-income individuals or families / Project Eligibility: 100% low-income occupancy

- Meaningful Tax Revenue Growth

- Total tax payment anticipated to increase nearly three times on an annualized basis

- Total estimated tax revenue over 35-year term of \$6.1 million

President Deel questioned what residents can expect during the transition.

Mr. Barry responded that there are HUD-required notices that need to be sent to residents to keep them informed.

Mr. Anderson added that it is an eleven-month renovation and that the residents will not be displaced overnight. He explained that the apartment renovations should be completed within one week and residents should be able

to come back to their apartments and sleep overnight during the renovation process. He shared that Day One is the kitchen renovation, Day Two is electrical work, Day Three is painting, Day Four is flooring and appliance installation, and Day Five is finishing up the project. He announced that they will be having their first meeting with the residents tomorrow and that they will tell them what they can expect and answer any questions that they may have. He explained that once they actually take ownership of the property, a detailed scheduled will be provided to the residents. He stated that they will keep as many units as they can vacant to be used as hospitality suites during the renovations. He added that the Resident Services Coordinator will activate the amenity spaces and use them for dining, cleaning, and entertainment.

Ms. Mungioli questioned how the ownership entity, DV Limited Dividend Housing Association, works and what the name of the property will be.

Mr. Barry responded that it is a single-purpose entity and that Redwood Housing is the parent group that owns the entity. He stated that they wanted to honor the history of the parcel and they are using a previous name for the property, Danish Village.

Ms. Mungioli questioned how all the renovations they listed are going to fit within the \$7 million they listed and how much will be invested in each of the individual units.

Mr. Anderson responded that they have bid out the project multiple times to different contractors and they have selected G. Fisher Construction Company and that they are very comfortable with the \$7 million number. He commented that approximately \$25,000 to \$30,000 will be allocated to each individual unit.

Ms. Mungioli questioned what will be done to make sure the smells and fumes are not pervasive to the residents if they are staying in their units during the renovations.

Mr. Anderson responded that paint causes the most fumes during the renovation process and that they have a review process to ensure that the air is meeting all environmental concerns. He added that refinishing work also creates fumes, but they are not planning on conducting that type of work. He noted that he will be performing a 100 percent inspection of all the units once the project is complete.

Ms. Mungioli questioned if most of the residents are senior citizens and if the City's Fire Department will have adequate access to the building to perform their duties when needed.

Mr. Barry stated that most of the residents are senior citizens and that ten percent of the facility is designated for non-elderly, disabled residents.

Mr. Anderson noted that there was a renovation in 2007 at the property and that a lot of the accessibility needs were addressed, but that they would be willing to meet with the City's Fire Department to see if anything additional is needed. He added that they plan to do some upgrades to the fire suppression

system, but the other major systems are in good condition. He explained that they are also looking to reactivate the trash chutes so residents do not have to walk to the trash dumpsters.

Vice President Walker stated that the City has an obligation to determine a PILOT program that would help to cover the services that the City provides. He shared that they recently went through the PILOT program process with another applicant and that they are looking to provide some consistency with future applications. He explained that the taxes they would have paid have been estimated and were used to help determine a comparable PILOT program. He commented that the four percent the applicant is proposing is not sufficient to cover the services provided by the City. He proposed a PILOT program at seven percent, which amounts to about a 90 percent recovery rate for what would have been collected ad valorum.

Mr. Barry remarked that if the rehabilitation they are proposing were to occur, the existing agreement in place would carry on until the federally-aided mortgage is no longer in place. He added that the current tax revenue collected is about one third of the proposed four percent PILOT agreement and that the four percent PILOT agreement is what allows them to undertake the rehabilitation on the scale they are proposing. He stated that they are ready to work with the City to ensure that City services are adequately supported. He requested Council to consider that the four percent is what allows them to enact the meaningful rehabilitation of the property and that if the four percent is not approved, the preservation transaction is in jeopardy.

Vice President Walker noted that the applicant is not adding to the affordable housing inventory because it already exists. He explained that if the rehabilitation were to take place, there is a new mechanism for sheltered rents and that the amount they are collecting can be increased. He continued that they estimated around \$1800 a unit would be able to be recovered.

Mr. Barry stated that was correct.

Ms. Neubauer shared that she was reached out to by one of the residents of the facility and that a letter was sent out by Redwood Housing on February 5, 2024 that was confusing to the residents. She encouraged the applicant to clarify some of the statements in the letter in the upcoming meetings they are having with the residents. She noted that some of the statements that they were concerned with in the letter were that residents could potentially be displaced for up to a year and that they may not be able to reside in their current unit. She explained that places where senior citizens reside have a higher recurrence of needing Fire and Ambulance services, and that the City has to pay for those services, so it is fair for the burden to be shared.

Mr. Barry commented that there is HUD-required language that is required to be put in those notices.

Ms. Neubauer shared that there is a lot of uneasiness from the residents about the process.

Mr. Anderson explained that tomorrow is their first opportunity to speak to the residents and that there will be 30-day and seven-day notices sent out as the project gets closer.

Ms. Neubauer remarked that she believes the seven percent is beneficial to both parties because they will not be subject to potential tax increases.

President Deel questioned when the current PILOT agreement for Danish Village expires.

Ms. Taylor explained that it would expire at the end of the financing, which she believes started in 2007.

Mr. Barry commented that he believes it expires in 2037.

President Deel noted that they have to be cautious when they approve agreements like this because it will also be binding future Council Members to these decisions. He continued that the seven percent is going to help cover the payment of City services.

Mr. Barry stated that in regards to consistency, the previous PILOT agreement that was approved for another applicant did not have an existing ordinance and that presents a key difference in the potential for tax revenue.

President Deel noted that with any transfer of ownership, there is an uncapping event.

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

- Aye 6 Blair, Deel, Morlan, Mungioli, Neubauer and Walker
- Absent 1 Carlock

Enactment No: RES0100-2024

Be it Resolved, that the City Council authorizes the City Attorney to draft an amendment to Ordinance 30-32 Danish Village establishing the provisions of a PILOT between the city and DV Limited Dividend Housing Association (LDHA) after receiving certification by MSHDA identifying the facility as tax exempt under its programs with the provision that the payment in lieu of taxes be equal to 7%, as long as the federally-aided or authority-aided mortgage, advance or grant remains outstanding and that the proviso that there is 100% low-income affordable housing provided during the course of the PILOT otherwise that portion of the housing development occupied by other than low-income shall be subject to a service fee equal to ad valorem taxes.

2024-0145 Request for Purchase Authorization - FIRE: Blanket Purchase Order/Contract for emergency dispatch services in the amount not-to-exceed \$996,821.52 through March 31, 2027; County of Oakland, Waterford, MI
 Attachments:
 031824 Agenda Summary.pdf

 Agreement.pdf

 Historical Data.pdf

 Resolution (Draft).pdf

Chief Sean Canto, Fire Chief/Emergency Services Director, shared that the request is for the dispatching contract with the Oakland County Sheriff's Department. He noted that there was a 27 percent increase this year, which is unfortunate because the Board of Commissioners had started adding a 7.3 percent increase as part of the agreements. He explained that they did not know about the increases until the Board of Commissioners voted on it, which put the City at a disadvantage. He remarked that they have been using the Oakland County Sheriff's Department for a long period of time. He added that the increase put the City over-budget by approximately \$57,000.

President Deel questioned where the additional 7.3 percent increase came from.

Chief Canto responded that he does not know where it came from and that the Board of Commissioners did not give an explanation as to why they were charging the extra 7.3 percent. He commented that if the increases are to continue, the City may have to look into other options for dispatching services.

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

- Aye 6 Blair, Deel, Morlan, Mungioli, Neubauer and Walker
- Absent 1 Carlock

Enactment No: RES0101-2024

Resolved, that the Rochester Hills City Council hereby authorizes a blanket purchase order/contract for emergency dispatch services to The County of Oakland, Waterford, Michigan in the amount not-to-exceed \$996,821.52 and further authorizes the Mayor to execute the contract on behalf of the City.

2024-0139 Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for the Avon Industrial Drive Water Main Replacement Project in the amount of \$2,277,489.00 with a 10% project contingency in the amount of \$227,748,.90 for a total not-to-exceed project amount of \$2,505,237.90; Bidigare Contractors, Plymouth, Michigan

Attachments: 031824 Agenda Summary.pdf Bid Tabulation.pdf Resolution (Draft).pdf

Bill Fritz, Public Services Director, stated that the request is for the replacement of approximately 9,000 feet of asbestos cement pipe, in advance of repaving Avon Industrial Drive later this year.

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

Aye 6 - Blair, Deel, Morlan, Mungioli, Neubauer and Walker

Approved as presented at the June 10, 2024 Regular City Council Meeting.

Absent 1 - Carlock

Enactment No: RES0102-2024

Resolved, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for the Avon Industrial Drive Water Main Replacement Project to Bidigare Contractors, Plymouth, Michigan in the amount of \$2,277,489.00 with a 10% project contingency in the amount of \$227,748,.90 for a total not-to-exceed project amount of \$2,505,237.90 and further authorizes the Mayor to execute an agreement on behalf of the City.

Further Resolved, that the City's acceptance of the proposal and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

- 2024-0143 Request for Purchase Authorization DPS/ENG: Contract/Blanket Purchase Order for construction engineering services related to the Avon Industrial Drive Water Main Replacement Project in the amount not-to-exceed \$298,700.00; Hubbell, Roth & Clark, Inc., Bloomfield Hills, MI
 - <u>Attachments:</u> 031824 Agenda Summary.pdf <u>Proposal for Services.pdf</u> Resolution (Draft).pdf

Bill Fritz, Public Services Director, explained that Hubbell, Roth, and Clark, Inc. prepared the plans for the Avon Industrial Drive Water Main project and that the City is proposing to have them also do the construction engineering for the project.

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

Aye 6 - Blair, Deel, Morlan, Mungioli, Neubauer and Walker

Absent 1 - Carlock

Enactment No: RES0103-2024

Resolved, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for construction engineering services related to the Avon Industrial Water Main Replacement Project to Hubbell, Roth & Clark, Inc., Bloomfield Hills, Michigan in the amount not-to-exceed \$298,700.00 and further authorize the Procurement Manager to execute the agreement on behalf of the City.

2024-0146 Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for the Leach Road Paving and DPS Garage Access Connector Project in the amount of \$1,985,701.00 with a 10% project contingency in the amount of \$198,570.10 for a total not-to-exceed project amount of \$2,184,271.10; Pro-Line Asphalt Paving Corporation, Washington, Michigan

Attachments: 031824 Agenda Summary.pdf Bid Tabulation.pdf DPS Garage NE Corner.pdf Leach Road Paving Location.pdf North Alleyway.pdf Resolution (Draft).pdf

Bill Fritz, Public Services Director, noted that this is the combination of two projects: the paving of Leach Road and the installation of a connector road near the DPS Garage.

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

Aye 6 - Blair, Deel, Morlan, Mungioli, Neubauer and Walker

Absent 1 - Carlock

Enactment No: RES0104-2024

Resolved, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for the Leach Road Paving and DPS Garage Access Connector Project to Pro-Line Asphalt Paving Corporation, Washington, Michigan in the amount of \$1,985,701.00 with a 10% project contingency in the amount of \$198,570.10 for a total not-to-exceed project amount of \$2,184,271.10 and further authorize the Mayor to execute an agreement on behalf of the City.

Further Resolved, that the City's acceptance of the proposal and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

2024-0147 Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for construction engineering services for the Leach Road and DPS Garage Access Connector Paving project in a not-to-exceed amount of \$285,207.20; Hubbell, Roth & Clark, Inc., Bloomfield Hills, MI

<u>Attachments:</u> 031824 Agenda Summary.pdf <u>Proposal for Services.pdf</u> Resolution (Draft).pdf

Bill Fritz, Public Services Director, explained that Hubbell, Roth, and Clark, Inc. prepared the plans for the Leach Road and DPS Garage Access Connector Paving project and that the City is proposing to have them also do the construction engineering for the project.

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

Aye 6 - Blair, Deel, Morlan, Mungioli, Neubauer and Walker

Absent 1 - Carlock

Enactment No: RES0105-2024

Resolved, that the Rochester Hills City Council hereby authorizes a Contract/Blanket

Purchase Order for construction engineering services for the Leach Road and DPS Garage Access Connector Paving project to Hubbell, Roth & Clark, Inc., Bloomfield Hills, Michigan in a not-to-exceed amount of \$285,207.20 and further authorizes the Procurement Manager to execute an agreement on behalf of the City.

Further Resolved, that the City's acceptance of the proposal and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

2024-0153 Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for the 2024 Local Street Asphalt Road Program, Pathway Rehabilitation, and Marketplace Circle Rehabilitation Project in the amount of \$2,764,238.21 with a 10% project contingency in the amount of \$276,423.82 for a total not-to-exceed project amount of \$3,040,662.03; Ajax Paving Industries, Troy, MI

Attachments: 031824 Agenda Summary.pdf Bid Tabulation.pdf Resolution (Draft).pdf

Bill Fritz, Public Services Director, commented that is the combination of the 2024 Asphalt Road Program, the Adams Road Pathway Rehabilitation, and the Marketplace Circle Rehabilitation Project.

Ms. Mungioli questioned if there are any other subdivision roads that will be worked on this year other than the Brooklands area.

Mr. Fritz stated that there are no major roads included in the Asphalt Road Program this year and that there will be other local roads that are completed.

Ms. Mungioli questioned why the County is not fixing Marketplace instead of the City.

Mr. Fritz responded that it is part of the City's road system.

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

Aye 6 - Blair, Deel, Morlan, Mungioli, Neubauer and Walker

Absent 1 - Carlock

Enactment No: RES0106-2024

Resolved, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for the 2024 Local Street Asphalt Road Program, Pathway Rehabilitation, and Marketplace Circle Rehabilitation Project to Ajax Paving Industries, Troy, Michigan in the amount of \$2,764,238.21 with a 10% project contingency in the amount of \$276,423.82 for a total not-to-exceed project amount of \$3,040,662.03 and further authorizes the Mayor to execute an agreement on behalf of the City.

Further Resolved, that the City's acceptance of the proposal and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

2024-0154 Request for Purchase Authorization - DPS/ENG: Contract/Blanket Purchase Order for construction engineering services for the 2024 Asphalt Road Rehabilitation Program in a not-to-exceed amount of \$386,993.00; Spalding DeDecker, Rochester Hills, MI

<u>Attachments:</u> 031824 Agenda Summary.pdf <u>Proposal for Services.pdf</u> Resolution (Draft).pdf

Bill Fritz, Public Services Director, shared that this is the construction engineering services for the 2024 Asphalt Road Rehabilitation Program.

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

Aye 6 - Blair, Deel, Morlan, Mungioli, Neubauer and Walker

Absent 1 - Carlock

Enactment No: RES0107-2024

Resolved, that the Rochester Hills City Council hereby authorizes a Contract/Blanket Purchase Order for construction engineering services for the 2024 Asphalt Road Rehabilitation Program to Spalding DeDecker, Rochester Hills, Michigan in a not-to-exceed amount of \$386,993.00 and further authorizes the Procurement Manager to execute an agreement on behalf of the City.

Further Resolved, that the City's acceptance of the proposal and approval of the award of a contract shall be contingent and conditioned upon the parties' entry into and execution of a written agreement acceptable to the City.

ANY OTHER BUSINESS

NEXT MEETING DATE - City Council Regular Meeting - April 8, 2024 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, it was moved by Mungioli and seconded by Neubauer to adjourn the meeting at 10:08 p.m.

RYAN DEEL, President Rochester Hills City Council

LEANNE SCOTT, MMC, Clerk City of Rochester Hills AARON GEER Administrative Coordinator City Clerk's Office

Approved as presented at the June 10, 2024 Regular City Council Meeting.