



CITY OF AUBURN HILLS

Regular City Council Meeting Minutes

January 14, 2019

CALL TO ORDER: Mayor McDaniel at 7:00 p.m.

LOCATION:

City Council Chamber, 1827 N. Squirrel Road, Auburn Hills, MI 48326

Present: Mayor McDaniel, Council Members Burmeister, Hammond, Knight, Moniz, and Verbeke

Absent: Council Member Kittle

Also Present: City Manager Tanghe, City Attorney Beckerleg, Assistant City Manager Grice, City Clerk Pierce, Police Chief Baker, Fire Chief Taylor, Director of Community Development Cohen, Senior Services Director Adcock, City Assessor Griffin, DPW Director Melchert, Deputy DPW Director Stahly, Director of Authorities Skopek

11 Guests

Workshop Subject: Passage of Marijuana Law – Next Steps

4. APPROVAL OF MINUTES

4a. City Council Workshop Minutes – December 10, 2018

Moved by Verbeke, Seconded by Hammond.

RESOLVED: To approve the City Council Workshop Minutes of December 10, 2018.

VOTE: Yes: Burmeister, Hammond, Knight, McDaniel, Moniz, Verbeke

No: None

Resolution No. 19.01.01

Motion Carried (6 - 0)

4b. City Council Minutes – December 10, 2018

Moved by Hammond, Seconded by Burmeister.

RESOLVED: To approve the City Council Minutes of December 10, 2018.

VOTE: Yes: Burmeister, Hammond, Knight, McDaniel, Moniz, Verbeke

No: None

Resolution No. 19.01.02

Motion Carried (6 - 0)

5. APPOINTMENTS AND PRESENTATIONS

5a. OU Hop-UP PT Program Grant Award, presented by Dr. Wilson and Dr. Arena

Dr. Wilson and Dr. Arena presented the OU Hop-UP Program, which is a home-based physical therapy prevention program for seniors.

5b. Motion – To confirm the reappointment of Michelle Hawley and Larry Douglas to the Brownfield Redevelopment Authority for a term ending December 31, 2021.

Moved by Knight, Seconded by Verbeke.

RESOLVED: To confirm the reappointment of Michelle Hawley and Larry Douglas to the Brownfield Redevelopment Authority for a term ending December 31, 2021.

VOTE: Yes: Burmeister, Hammond, Knight, McDaniel, Moniz, Verbeke

No: None

Resolution No. 19.01.03

Motion Carried (6 - 0)

5c. Motion – To confirm the appointment of Dr. John Klemanski to the Tax Increment Finance Authority for a term ending February 28, 2021.

Mr. Klemanski shared his experience with TIFA in other communities as well as research in the local economic development. He is pleased to be able to serve the City in this area.

Moved by Knight, Seconded by Verbeke.

RESOLVED: To confirm the appointment of Dr. John Klemanski to the Tax Increment Finance Authority for a term ending February 28, 2021.

VOTE: Yes: Burmeister, Hammond, Knight, McDaniel, Moniz, Verbeke

No: None

Resolution No. 19.01.04

Motion Carried (6 - 0)

6. PUBLIC COMMENT

Amanda Hesh, 2801 Patrick Henry Drive and questioned the recycling program in the City. Staff will follow up with her on this issue.

7. CONSENT AGENDA

7a. Board and Commission Minutes

7a1. Zoning Board of Appeals, November 8, 2018

7a2. Tax Increment Finance Authority, December 11, 2018

7a3. Planning Commission/Recreation Commission, December 12, 2018

7a4. Brownfield Redevelopment Authority, December 18, 2018

RESOLVED: To receive and file the Board and Commission Minutes

7b. Motion – To approve the revised IFT Resolution for INCOE Corporation.

RESOLVED: To approve the revised IFT Resolution for INCOE Corporation. (Attachment A)

Moved by Verbeke, Seconded by Moniz.

RESOLVED: To approve the Consent Agenda.

VOTE: Yes: Burmeister, Hammond, Knight, McDaniel, Moniz, Verbeke

No: None

Resolution No. 19.01.05

Motion Carried (6 - 0)

8. OLD BUSINESS

9. NEW BUSINESS

9a. Motion – Approval of Combined PUD Step One – Concept Plan and PUD Step Two – Site Plan and Tree Removal Permit / Speedway Passenger and Commercial Vehicle Fueling Station and Convenience Store

Mr. Cohen presented the requested PUD permit from Speedway for a passenger and commercial vehicle fueling station, located west of Joslyn road. The permit would be specifically for semi-truck fueling purposes. The projected construction time frame will extend from August 2019 – April 2020. A donation of \$100,000 was made to the Auburn Hills Community Foundation by Speedway for public purposes. Attorney Beckerleg clarified that the donation is being given to the Auburn Hills Community Foundation and their board will decide where the money is distributed.

Mr. Cohen explained that at the November 14, 2018 Planning Commission meeting, the members shared their concerns with this development. Their concerns were regarding traffic safety and sight distance, the finding of methane gas from the property located next to this development at the address of 3951 Joslyn road, as well as the concern that this establishment could become a truck stop. After review by the Police Department and OHM these issues were negated and it was stated that no long term parking would be allowed at this location.

Mr. Al Chakonas of Speedway LLC, 730 Lincoln Highway, Dyer, In and Mandy Gauss with CESO, Inc, 13060 Old US 27, DeWitt, Mi were present.

There was discussion regarding the ability for large trucks to make the necessary turns, the survival of this business at this location and the known methane gas leak on the adjacent property, 3951 Joslyn road. It was stated that the City does not want any responsibility for the clean-up of the methane gas located at the property next to the property in question. Mr. Skopek, Director of Authorities, stated that the Brownfield Redevelopment Authority conducted phase one of the property and does not want to continue with any additional research or testing at 3951 Joslyn beyond the Phase I because it is not a City owned property. It was stated that the MDEQ is looking through their files to determine who the liable party would be, there was no indication of who the liable party would be from the information gathered from Phase I.

Ms. Verbeke stated that she was not opposed to this company joining our community, but had concerns with the location due to traffic, entering and exiting of the property, the close proximity of other gas stations, and the methane gas issue.

Moved by Burmeister, Seconded by Hammond.

RESOLVED: To accept the Planning Commission’s recommendation and approve the Combined PUD Step One – Concept Plan and PUD Step Two – Site Plan and Tree Removal Permit for the Speedway Passenger and Commercial Vehicle Fueling Station and Convenience Store subject to the conditions of the administrative review team.

VOTE: Yes: Burmeister, Hammond, Knight, McDaniel

No: Moniz, Verbeke

Resolution No. 19.01.06

Motion Carried (4 - 2)

- 10. COMMENTS AND MOTIONS FROM COUNCIL**
- 11. CITY ATTORNEY REPORT**
- 12. CITY MANAGER REPORT**
- 13. ADJOURNMENT**

Hearing no objections, the Mayor adjourned the meeting at 8:13PM

Kevin R. McDaniel, Mayor

Laura M. Pierce, City Clerk

ATTACHMENT A

CITY OF AUBURN HILLS REVISED RESOLUTION APPROVING AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR INCOE CORPORATION

At a regular meeting of the City Council of the City of Auburn Hills, Oakland County, Michigan, held in the Council Chambers at 1827 N. Squirrel Road, Auburn Hills MI 48326 on the **14th day of January, 2019**.

The following resolution was offered by Councilperson Verbeke and supported by Councilperson Moniz:

WHEREAS, pursuant to P.A. 198, 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on the **16th day of September, 1986**, the City of Auburn Hills, established an Industrial Development District, commonly referred to as the **Schostak-Comerica Industrial Development District; and**

WHEREAS, **INCOE Corporation** has filed an application for an Industrial Facility Exemption Certificate with the Clerk of the City of Auburn Hills with respect to proposed new **real property** within the **Schostak-Comerica Industrial Development District; and**

WHEREAS, on August 24th, 2018 INCOE Corporation was granted an industrial facility exemption certificate by the Auburn Hills City Council for the certificate at which time the project cost was indicated to be \$20,218,750

WHEREAS, the actual cost has been determined to be \$23,800,000 which is more than 10% of the original project cost and this resolution is being approved for the purpose of the City of Auburn Hills through its City Council approving the new project cost of \$23,800,000

WHEREAS, before acting on said application, the City Council of Auburn Hills held a hearing on the **14th day of January, 2019** at a regularly scheduled meeting, at which time the applicant, the assessor, and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, construction of the facility has not begun earlier than six (6) months before **28th day of February, 2018**, the date of the acceptance of the application for the Industrial Facility Exemption Certificate; and

WHEREAS, completion of the **real property** is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in Auburn Hills; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Auburn Hills after granting this certificate **will exceed 5%** of an amount equal to the sum of the SEV of the unit, plus the SEV of real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of Auburn Hills that:

1. The City Council of Auburn Hills finds and determines that the granting of this Industrial Facilities Exemption Certificate, together with the aggregate amount of the certificates previously granted and currently in force, under PA 198 of 1974, and PA 225 of 1978, **shall not** have the effect of substantially impeding the operation of the City of Auburn Hills, or of impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Auburn Hills.

2. The application from **INCOE Corporation** for an Industrial Facilities Exemption Certificate with respect to the **New Construction of Real Property** on the following described parcel of real property situated within the **Schostak-Comerica Industrial Development District**; to wit;

The real property parcel the facility is located on is identified as tax parcel **02-14-23-200-013**, having an address **2850 High Meadow Circle**, City of Auburn Hills, MI 48326, including:

T3N, R10E, SEC 23 PART OF NE 1/4 BEG AT PT DIST N 87-07-26 E 2660.21 FT & S 01-01-44 W 150.33 FT & N 62-15-07 W 240.61 FT & S 70-20-53 W 403.56 FT & S 33-52-03 W 420.88 FT & S 33-41-03 W 376.97 FT & S 81-17-58 W 541.83 FT & S 81-15-24 W 524.02 FT & S 28-26-18 W 46.73 FT & S 28-26-18 W 268.32 FT & S 79-34-38 W 351.35 FT & S 69-44-08 W 282.21 FT & S 60-15-48 W 512.88 FT FROM NE SEC COR, TH S 29-55-42 W 252.14 FT, TH S 25-58-55 W 489.97 FT, TH S 76-23-10 W 363.75 FT, TH S 24-52-10 W 215.33 FT, TH S 67-39-40 W 165.16 FT, TH N 18-59-19 E 1419.29 FT, TH N 136.18 FT, TH ALG CURVE TO LEFT, RAD 596.50 FT, CHORD BEARS N 75-49-51 E 104.87 FT, DIST OF 105 FT, TH ALG CURVE TO LEFT, RAD 646.50 FT, CHORD BEARS N 59-12-24 E 259.59 FT, DIST OF 261.37 FT, TH S 35-32-20 E 127.35 FT, TH S 08-14-16 E 535.99 FT TO BEG 15.26 A 7-11-17 FR 012

is hereby approved for **real property improvements**.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of **six (6) years**, and the starting date for the certificate is **December 31, 2018** and the ending date is **December 30, 2024**.

4. The total project investment approved is **\$23,800,000**.

5. **INCOE Corporation** agrees to operate the facility for which the Industrial Facilities Exemption Certificate is granted for the term of the certificate, plus an additional **six (6) years** after the date of the certificate's expiration.

AYES: 6
NAYS: None
ABSENT: 1 (Kittle)
ABSTENTIONS: None

RESOLUTION ADOPTED

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

I, the undersigned, the duly appointed City Clerk for the City of Auburn Hills, Oakland County, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the Auburn Hills City Council held on the **14th day of January, 2019**.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on **this 14th day of January, 2019.**

Laura M. Pierce, City Clerk