



# CITY OF AUBURN HILLS

## Regular City Council Meeting MINUTES

April 22, 2019

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**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, Kittle, Knight, Moniz, and Verbeke  
Absent: None  
Also Present: City Manager Tanghe, City Attorney Beckerleg, Assistant City Manager Grice, City Clerk Pierce, Fire Chief Taylor, Police Chief Baker, Director of Community Development Cohen, City Planner Keenan, City Engineer Juidici, Deputy DPW Director Stahly, Mgr of Roads & Fleet See, Mgr of Municipal Properties Torres, Director of Authorities Skopek, Finance Director/Treasurer Schulz, Deputy Finance Director/Deputy Treasurer Farmer

36 Guests

**Mayor amended the agenda to move Item 9a (Ridgewood Villas) to 9c (Auburn Hills Outdoor Storage) and 9c was moved to 9a.**

#### 4. APPROVAL OF MINUTES

4a. City Council Minutes, April 8, 2019

**Moved by Verbeke, Seconded by Hammond.**

**RESOLVED: To approve the City Council Minutes of April 8, 2019.**

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

**No: None**

**Resolution No. 19.04.48**

**Motion Carried (7 - 0)**

#### 5. APPOINTMENTS AND PRESENTATIONS

#### 6. PUBLIC COMMENT

#### 7. CONSENT AGENDA

The Mayor removed Item 7c from the Consent Agenda as a resident requested to speak on the subject.

7a. Board and Commission Minutes

7a1. Tax Increment Finance Authority, April 9, 2019

7a2. Planning Commission, April 10, 2019

**RESOLVED: To receive and file the Board and Commission Minutes.**

7b. Motion - To approve and award the purchase of a 2019 Dodge Ram 3500 Cab and Chassis and Service Body.

**RESOLVED: To approve the purchase of a 2019 Dodge Ram 3500 Cab and Chassis from Lafontaine CDJR in the amount of \$29,831.00 and a service body from Truck and Trailer in the amount of \$11,575.00. Funding for this purchase is available via account # 661-442-981.000.**

7d. Motion - To receive and file the AndCo Consulting 1st Quarter 2019 Cash Management Summary and Executive reports.

**RESOLVED: To receive and file the AndCo Consulting 1st Quarter 2019 Cash Management Summary and Executive reports.**

7e. Motion – To Approve the 2019 Used Car Dealers Licenses.

**RESOLVED: To approve the Used Car Lot Licenses for the 2019 licensing period for A & S RV Center, Newcomb’s Auto Service, Oakland Truck and Equipment Sales, Inc., and Summit Place Kia.**

**Moved by Moniz, Seconded by Verbeke.**

**RESOLVED: To approve the Consent Agenda.**

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

**No: None**

**Resolution No. 19.04.49**

**Motion Carried (7 - 0)**

7c. Motion - To adopt the annual Arbor Day Proclamation.

Mr. Don Hughes thanked those who have helped promote Arbor Day and the saving of the black oak tree on Squirrel Road.

**Moved by Moniz, Seconded by Hammond.**

**RESOLVED: To adopt the annual Arbor Day proclamation designating Friday, April 26, 2019 as Arbor Day in the City of Auburn Hills. (Attachment A)**

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

**No: None**

**Resolution No. 19.04.50**

**Motion Carried (7 - 0)**

**8. OLD BUSINESS**

**9. NEW BUSINESS**

9a. Motion – To approve the combined PUD Step One – Qualification / Step Two – Site Plan / Auburn Hills Outdoor Storage.

Mr. Keenan presented the vehicle storage lot at 415 Collier Road. This land is zoned I-3 and will be a two phase project. It was noted that a fire hydrant will be installed to help with added fire protection to the property. The site that was previously owned by Great Lakes Container Corporation that suffered contamination and was cleaned up to meet industrial standards by the MDEQ. This project will not have any detrimental effects on the surrounding properties.

Kevin Main of Main Enterprises was present and explained that there will be a six foot perimeter fence surrounding the property, as well as lights and cameras for security purposes. The lot will have two gates; one a pin pad and the other a padlock, to aid in securing the entrance.

**Moved by Hammond, Seconded by Knight.**

**RESOLVED: To accept the Planning Commission’s recommendation an approve the combined PUD Step One – Qualification / Step Two – Site Plan for Auburn Hills Outdoor Storage subject to the conditions of the City’s Administrative Review Team.**

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

**No: None**

**Resolution No. 19.04.51**

**Motion Carried (7 - 0)**

9b. Motion – To approve the Site Plan and Tree Removal Permit / Executive Hills North - Unit 10 - Speculative Building.

Mr. Keenan presented a 10 acre T&R building to be located at Executive Hills Blvd and Executive Hills Court. The building will be used for office space and laboratory space. The plans require 700 replacement trees.

135 replacement trees will be placed on the site and the remaining amount will be paid into the City's tree fund. After construction is completed, Executive Hills Drive will be repaired but will still be classified as a private road.

Christopher Inch, Dembs Development was present.

**Moved by Kittle, Seconded by Knight.**

**RESOLVED: To accept the Planning Commission's recommendation and approve the Site Plan and Tree Removal Permit for Executive Hills North - Unit 10 - Speculative Building subject to the conditions of the City's Administrative Review Team.**

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

**No: None**

**Resolution No. 19.04.52**

**Motion Carried (7 - 0)**

9c. Motion – To approve the combined PUD Step One – Qualification / Step Two – Site Plan and Tree Removal Permit / Ridgewood Villas.

Mr. Cohen presented the site plan for Ridgewood Villas. This condominium site would include 113 detached single family homes on 38.53 acres on the east side of Bald Mountain Road, south of Dutton Road. This development meets the intent of the Northeast Corner Master Plan which requires 25% permitted open space and less than 3 units per acre. Mr. Cohen and Mr. Juidici presented a brief history of the master plan and zoning, the impact of the trees and drainage, and the impact to traffic in the area.

Mr. Cohen explained that in 2001 the Master Plan was approved changing the zoning of this area from R-1 to R-1a. In 2016, the Master Plan was amended allowing 2.5 to 3 housing units per acre. After the Master Plan was adopted, the residents started marketing their property to developers. In 2004, the City developed a tougher woodlands ordinance. The process calls for a developer to survey the site and if regulated trees are taken down, they have to be replaced. The ordinance also states that if a site is not able to physically hold the amount of trees that need to be replace on site, the rest is paid into the tree fund so trees can be planted somewhere else in the City. This development meets the goal of saving 1/3 of the trees on site.

Mr. Juidici explained the storm water management system. He explained that the existing properties drain north to south through the heavy topography. He stated that the proposed development will maintain this drainage pattern to the Galloway drain. This drainage course is on private property and neither the City nor County can perform maintenance. It is the existing property owner's responsibility. The developer cannot alter the existing drainage pattern and is required to outlet the storm water runoff from this site to the same drainage course that it currently outlets to. This developer will construct detention basins along the southern edge of the site and those basins will outlet to the natural drainage course as the site currently does. The detention basin outlet on the site plan, will be modified and moved to the east to better direct the outlet to the drainage course. The intention, after the development is completed, is to have the discharge rate mimic that of predevelopment or preexisting conditions. The storm water quality features will be reviewed to help reduce sediments. There are no impacts to the 100 year flood plain, since none exist on or adjacent to the development.

Mr. Juidici also reported that a traffic study was performed. The intersection analysis shows that the following areas operate in an acceptable level of service; Phillips Road and Bald Mountain Road, Phillips Road and Shimmons Road, Bald Mountain Road and Dutton Road. Where there is a poor level of service, the developer has agreed to develop a northbound right turn lane to help reduce the delays. This area is at the northbound approach at Bald Mountain Road and Dutton Road. The other existing traffic concern is at Philips Road and Bald Mountain Road. The City is currently discussing this issue with MDOT. The new development entrance currently intersects Bald Mountain Road where there is a steep downgrade. The

developer has been asked to create a center turn lane on Bald Mountain Road to improve safety for the southbound traffic making a left turn in to the development.

Mr. Cohen presented the concerns of the Heilbrun family regarding the 16ft retaining wall. He explained that the developer will be required install a protective fence.

David Stollman of the Biltmore Development was present. The company is located at 1943 Henrietta Street, Birmingham MI 48009. Mr. Stollman explained that this development will minimize the traffic impact by proposing the project to active adults. The clustered homes will minimize the impact on the trees as well as the impervious surfaces and that over 25% of the site will remain undisturbed. This development will also improve the intersection of Bald Mountain Road and Dutton Road by making the intersection operate better than it does today, making it safer for pedestrians and vehicles. He also stated that the state of the art storm water system meets all legal and engineering standards and will reduce the storm water flow rates by 50% from today's rate. The designers have worked to keep as many trees as possible along the Bald Mountain Road frontage and to maintain and ensure the natural feel of the current corridor keeping a lush and natural setting.

Council sought clarification on issues regarding the changes to the grade of the property, if Council had total discretion to the plans, and if there is a development agreement to assure the plan is completed as designed. It was discussed that the outlet of water would not change no matter the grade. It was confirmed that because it is a PUD, Council would have absolute discretion to approve or deny this plan. It was noted that if this were proposed to be a conventional development then many trees, if not all, could be removed, and City Council would have to approve it. It was discussed that if Council were to approve the project, a development agreement would be finalized with the City Attorney. It was also noted that all sureties that are required by Community Development will be followed and that financial assurances are in the draft development agreement.

Council also sought clarification on the drainage north of the retaining wall, the ability to landscape the retaining wall, and how the development is able to outlet to the drainage course on private property. Further clarification was discussed regarding the drainage and the retaining wall. The north section behind the wall will be a layer of stone and sand, as water comes towards the wall, it will perforate down and the drain tiles will collect it. The development will start with the grading and install the water main for the entire project. Discussion was held regarding the visual aesthetics of the wall and a tiered approach was suggested. The civil engineer stated that they are able to tier the wall but that would reduce the backyards of the units. With regards to the drainage, it was discussed that the improvement will produce a lower rate of water coming from the site since the pond outlet will be restricted and controlled in the detention pond that will be built. It was noted that the City and the County were questioned as to the owner of the ditch and there are no records of ownership. It was repeated that both engineers confirm that the storm water system will not negatively impact the property on the south end, and that the developer cannot block, alter or impede the flow coming from the properties north of his site, but he can improve on it.

The following individuals spoke regarding the issue:

Bonnie Knoppe, 3988 Bald Mountain Road, spoke in favor of the development and feels that this development will improve the water flow issue on the property and the frontage of Bald Mountain Road.

Don Hughes, 3744 Bald Mountain Road, is not in support of this development. He feels the concerns of the residents have not been addressed fully.

Italia Millan, 3744 Bald Mountain Road, is not in support of this development and would like to see a study conducted on the environmental impact of the project.

Brent Fields, 3940 Bald Mountain Road, is not in support of this development and is concerned for the pollutants that will infiltrate the area.

Adam Rabe, 3880 Bald Mountain Road, would like to see a signal at Dutton Road, a softer terraced landscape as opposed to a blunt concrete masonry wall and would like to see a solution to the water concerns.

Cynthia Rabe, 3880 Bald Mountain Road, thanked Council for listening to their concerns. She is not in support of the development due to the environmental impact, inadequate run off plan and traffic concerns.

Philip Clampitt, 3744 Tienken Road, urged a no vote regarding this development.

Vladimir Bacik, vacant land at 3720 Bald Mountain Road, has an interest in the development however is concerned with the drainage, feels the culvert under Bald Mountain Road is inadequate and noted that there are trees down east of the road blocking the waterway and drainage.

Ann Heilbrun, 4260 Bald Mountain Road, shared her concern with the volume of people traveling down the road causing it to be unsafe for walkers.

Nicole Rubino, 3940 Bald Mountain Road, is opposed to this development and wants to ensure that anything that is done, is done with respect to the neighbors and their property.

Earnest Brock, 3620 Bald Mountain Road, asked Council to consider what is at stake with this development and asked that this issue be postponed.

Manuel Ferraiuolo, 4234 Bald Mountain Road, shared that this was community driven and that these concerns should have been addressed during talks of the Master Plan in 2015.

Dave Buchanan, 3085 Pinecrest Way, shared that the ditch was installed in 1963 by Oakland County and at that time there were two men that worked for DPS that installed it; Chuck Chandler and Larry Flanning. He feels that Brent Fields should not have to be held accountable to maintain the drain.

Kim Dunn, 4190 Bald Mountain Road, shared that she is impressed that the development is going above and beyond to save the trees and not just passing the responsibility on to someone to take care of it. She is pleased with the turn lane at Dutton Road and the walkways that will be put in to keep people safe.

Jeremy Dunn, 4190 Bald Mountain Road, is in support of this project and is pleased that the developer is able to salvage 42% of the property with open space making it an enjoyable space to live in.

Diane McDaniel, 4110 Bald Mountain Road, shared that she is pleased with the plans and how it will improve and beautify the land.

Ericka Ferraiuolo, 4234 Bald Mountain Road, shared that this development will enhance the community.

Johnathan Wertheimer, representative from State Representative Brenda Carter's office, stated that there are several issues that are being looked into as requested by residents. One issue entails three species that live on the property and how the development would affect them. The office is working with Andy Hartz of the Southeast Michigan office of the MDEQ to determine who is responsible to clean the drain and protect the species on it.

Maria Bacik, vacant land at 3720 Bald Mountain Road, shared that 80% of the trees in the area are dead or have fallen down and is concerned that it could be creating diseases and should be cleaned up.

John Knoppe, 3988 Bald Mountain Road, is pleased to see the area improved upon by the proposed walkways being installed and the road being fixed. He stated that by clearing some of the trees the area will look beautiful.

Dave Nothstine, 3396 Bald Mountain Road, did not speak publically but noted that he feels the population and density need more study.

Written correspondence was received from David Heilbrun, Phil Clampitt, Jacqui, Diane, Hannah DeVilbiss, William Hamilton, Jared and Stephanie Rose, and Kate Tuttle.

Council reiterated that this has been master planned for residential development since 2001. By reviewing this as a PUD, Council has more control of what the developer can and cannot do. If this was a conventional development, the case would be different.

**Moved by Kittle, Seconded by Verbeke.**

**RESOLVED: To delay consideration of this item to the next Council meeting.**

**MOTION WITHDRAWN**

Further discussion was held regarding the drainage course and who is responsible for it. Mr. Keenan stated that he has spoken with Glen Appel of OCWR. He stated that the natural drainage course is not owned or operated by the County. There are also no records of drainage easements being established by the City or County. It has also been stated by Susan Tepatti of the DEQ, that if it is a natural drainage course then it is not under the jurisdiction of the City or the County. Because the water does travel through wetlands, the DEQ has some control over the area but not over the drainage. The City Attorney stated that if the course is on private property it will be of no value to state in a development agreement that the developer will fix any problems because they have no authority on private property.

Mayor McDaniel clarified with Brent Fields, property owner, that his only concern is in regards to any ill effects of this drainage onto his property. The property owner wants to make certain that if there are any negative impacts from this development, in terms of flooding or the drain, that he will not be held accountable for it. Mr. Eric Lord of Atwell, civil engineers of the project, stated that it is their obligation to ensure that there are no negative impacts to the properties surrounding the development by reducing the water flow to half of what it is today. The design will show that. Mr. Juidici commented that this process will require the developer to submit a storm water management maintenance agreement with the City that will be recorded against the property to assure the storm water system for the development continues to operate as designed. If there are any issues in the future, the developer will be responsible to make the property function like it was designed to.

**Moved by Knight, Seconded by Kittle.**

**RESOLVED: To accept the Planning Commission's recommendation and approve the combined PUD Step One – Qualification / Step Two – Site Plan and Tree Removal permit for Ridgewood Villas subject to the conditions of the City's Administrative Review Team.**

Mayor McDaniel shared that the decision he is making is based on all the options that have been presented and that he is doing what is best to preserve 42% of open space as opposed to clear cutting the land.

Ms. Verbeke stated that she would like to see a statement in the developer's agreement notifying potential buyers that AJAX paving company is nearby and at times emanates loud noises during certain periods of time. She feels that by notifying people ahead of time, they will not be frustrated with the City for not being informed. Mr. Kittle agreed that it would be beneficial to have some type of notice. City Attorney Beckerleg stated that it was not appropriate to impede someone from marketing their property. Mayor McDaniel stated that if a message needs to get out to the residents, there are other successful ways to do so.

**VOTE: Yes: Burmeister, Kittle, Knight, McDaniel, Moniz**

**No: Hammond, Verbeke**

**Resolution No. 19.04.53**

**Motion Carried (5 - 2)**

9d. Motion - To accept the first reading of the fireworks ordinance amendment and to schedule a public hearing for the second reading and adoption on May 6, 2019.

Chief Baker presented the recommendation to change the current ordinance. The ordinance currently states that fireworks are allowed to be discharged from 8:00AM-12PM for the day before, day of, and day after ten nationally recognized holidays, equaling 30 days. In December 2018, Public Act 635 was voted into law allowing local governmental units to restrict usage of fireworks to a minimum of eleven days and twelve only if July 5<sup>th</sup> fell on a Friday or Saturday. Usage of fireworks needs to be properly balance with the residents of the community.

**Moved by Kittle, Seconded by Hammond.**

**RESOLVED: To accept the first reading of the ordinance amending Auburn Hill's City Code to change Ordinance No. 13-855 to prohibit consumer fireworks usage except on December 31 until 1 a.m. on January 1; the Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days; June 29 to July 4 until 11:45 p.m. on each of those days; July 5, if that date is a Friday or Saturday, until 11:45 p.m.; and the Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days and to schedule a public hearing for the second reading and adoption at the May 6, 2019 meeting.**

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

**No: None**

**Resolution No. 19.04.54**

**Motion Carried (7 - 0)**

## **10. COMMENTS AND MOTIONS FROM COUNCIL**

Mr. Kittle – Shared that there is an ORV development in Holly Township. They are looking for naming suggestions and would like to see to FCA in the mix on it.

Mr. Moniz – Shared that he appreciated the good conversation this evening on the project. He feels that council and members of the Planning Commission have dug deep into the topic to make sure that the right decisions are made. He thank everybody for their dedication to doing the right thing.

Ms. Hammond – Apologized for missing the last meeting. She discussed the signage in the downtown area as the signs are not visible and this should be looked into. She also shared her concern with speeding on Squirrel Road.

Mr. Knight – Reiterated the signage concerns and their importance. He announced that the Steak and Burger dinner for the Boys and Girls club will be held on May 1<sup>st</sup> at the Community Center.

## **11. CITY ATTORNEY REPORT**

**12. CITY MANAGER REPORT**

Mr. Tanghe – Reported on the traffic topic that Mr. George from Heritage in the Hills presented several meetings ago. Staff will be meeting on the traffic issue to see if there are any solutions to the concerns that have been mentioned.

**13. CLOSED SESSION**

13a. Motion - To meet in closed session to discuss labor negotiations pursuant to MCL 15.268 8(c) of the Open Meetings Act.

**Moved by Hammond, Seconded by Moniz.**

**RESOLVED: To meet in closed session to discuss labor negotiations pursuant to MCL 15.268 8(c) of the Open Meetings Act.**

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

**No: None**

**Resolution No. 19.04.55**

**Motion Carried (7 - 0)**

Recessed to closed session at 10:42 PM.

Reconvened in open session at 11:09 PM.

**Moved by Burmeister, Seconded Verbeke.**

**RESOLVED: To approve the collective bargaining agreement between the City of Auburn Hills and the Auburn Hills Professional Firefighters Union Local 4404 for the period January 1, 2019 through December 31, 2022, with the terms and conditions contained therein, and retroactive pay to January 1, 2019. Furthermore, to authorize the Mayor, City Clerk, and City Manager to execute the agreement on behalf of the City.**

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

**No: None**

**Resolution No. 19.04.56**

**Motion Carried (7 - 0)**

**14. ADJOURNMENT**

Hearing no objections, the Mayor adjourned the meeting at 11:10 PM.

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Kevin R. McDaniel, Mayor

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Laura M. Pierce, City Clerk

**ATTACHMENT A**

**CITY OF AUBURN HILLS  
PROCLAMATION IN RECOGNITION OF**

**Designation of Friday, April 26, 2019 as Arbor Day  
in the City of Auburn Hills**

**WHEREAS**, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

**WHEREAS**, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

**WHEREAS**, Arbor Day is now observed throughout the nation and the world; and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

**WHEREAS**, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

**WHEREAS**, trees, wherever they are planted, are a source of joy and spiritual renewal.

**NOW THEREFORE**, the Auburn Hills City Council does hereby proclaim April 26, 2019 as Arbor Day in the City of Auburn Hills, and urges all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

**FURTHER**, the Auburn Hills City Council urges all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Signed this 22<sup>nd</sup> day of April, 2019, at the City of Auburn Hills.

Mayor Kevin R. McDaniel

Mayor Pro-Tem John Burmeister

Council Member Ron Moniz

Council Member Maureen Hammond

Council Member Henry Knight

Council Member Robert Kittle

Council Member Cheryl Verbeke