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, Lt. McDonnell, City Engineer Juidici, DPW Director Melchert, Deputy DPW Director Stahly, Mgr of Municipal Properties Torres, Director of Authorities Skopek, Management Intern Hagge

4 Guests

4. APPROVAL OF MINUTES
4a. City Council Minutes, April 22, 2019
Moved by Verbeke, Seconded by Hammond.
RESOLVED: To approve the City Council Minutes of April 22, 2019.
VOTE: Yes: Burmeister, Hammond, Kittle, Knight, McDaniel, Moniz, Verbeke
No: None
Resolution No. 19.05.57 Motion Carried (7 - 0)

5. APPOINTMENTS AND PRESENTATIONS
5a. Proclamation recognizing May 12th – 18th as Police Week. (Attachment A)
Mayor McDonald presented a proclamation to Lieutenant McDonnell in recognition of Police Week.

5b. Motion - To appoint Sage M. Hegdal to the position of Recreation Director, effective May 28, 2019, as recommended by the City Manager.
Ms. Sage Hegdal shared her excitement of being hired as the new Recreation Director for the City of Auburn Hills. She was welcomed by City Council.
Moved by Hammond, Seconded by Kittle.
RESOLVED: To appoint Sage M. Hegdal to the position of Recreation Director, effective May 28, 2019, as recommended by the City Manager.
VOTE: Yes: Burmeister, Hammond, Kittle, Knight, McDaniel, Moniz, Verbeke
No: None
Resolution No. 19.05.58 Motion Carried (7 - 0)

6. PUBLIC COMMENT
Mr. Joseph Yoblonski of 161 Robert Court, shared his concern regarding the parks. He would like to see more park benches and less monuments.

7. CONSENT AGENDA
7a. Board and Commission Minutes
7a1. Downtown Development Authority, April 15, 2019
7a2. Downtown Development Authority and Tax Increment Finance Authority, April 15, 2019
7a3.  Beautification Advisory Commission, April 17, 2019
RESOLVED: To receive and file the Board and Commission Minutes.

7b. Motion – To approve the 2019 HIDTA sub-recipient agreement with Oakland County.
RESOLVED: To approve the 2019 HIDTA Agreement between Oakland County and the City of Auburn Hills and authorize the Chief of Police to execute the agreement on behalf of the City.

7c. Motion - To authorize procurement of Tucor Irrigation Equipment.
RESOLVED: To approve the purchase of Tucor irrigation equipment in the amount of $14,241.57 from Central Turf & Irrigation to be funded from G/L 101-266-789.000 – Irrigation Expenses.

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. 19.05.59  Motion Carried (7 - 0)

8. OLD BUSINESS
9. NEW BUSINESS
9a. Public Hearing/Motion – To adopt new fireworks language to Auburn Hills Fireworks Ordinance.
Lt. McDonnell stated that nothing had been added to the new language of the fireworks ordinance.

Mayor McDaniel opened the Public Hearing at 7:16PM. Hearing no comment, he closed the Public Hearing at 7:16PM.

Mr. Tanghe stated that this will reduce the number of days fireworks can be discharged from 30 days to 11 days. By adopting this ordinance the City will be in compliance with the current State law. It will also meet the needs of the residents that have expressed concerns.

Moved by Burmeister, Seconded by Moniz.
RESOLVED: To adopt an ordinance amending Auburn Hills’ 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. (Attachment B)
VOTE: Yes: Burmeister, Hammond, Kittle, Knight, McDaniel, Moniz, Verbeke
No: None
Resolution No. 19.05.60  Motion Carried (7 - 0)

9b. Motion – To approve and award a three-year contract for HVAC Maintenance, Repair, and Replacement Services to K&S Ventures, Inc.
Mr. Staley presented the 3 year contract that will be awarded to K&S Ventures for the HVAC services around the City. Staff will present an annual maintenance plan and it will be submitted to the City within 90 days of the award.

Mr. Sid Blomberg, President of K&S Ventures, Inc. located at 2925 Waterview Drive, Rochester Hills was present to answer any questions. He stated that he is confident that his company can supply the current and future HVAC needs of the City.
After discussion by council regarding future trends in this area, as well as maintaining what the City currently has, it was decided that it would be wise to take time to reanalyze the needs of the City to obtain the best value and make the best decision.

NO ACTION TAKEN.

10. COMMENTS AND MOTIONS FROM COUNCIL

Mr. Kittle – Stated that he appreciated the discussion on the last item.

Ms. Verbeke – Questioned the participation of Council in the Memorial Day parade. Mr. Tanghe confirmed that vehicles will be available for those that are interested in participating.

Mr. Moniz – Clarified with Mr. Tanghe that the City will be purchasing only the food items for the Memorial Day picnic.

Ms. Hammond – Questioned DPW and the legal status of the employees that are subcontracted. Mr. Stailey stated that he will reach out to the contractors to confirm that they have met the Federal Government program requirements. She also reminded residents about the Perennial Exchange that will take place on May 18th at 9:00am at the Community Center.

Mr. Knight – Shared his appreciation to the City and those that were present at the Boys and Girls Club dinner. He appreciated the use of the facilities and the contributions.

Mr. Burmeister – Asked Staff to take a look at the dust by State Crushing on Auburn Road.

Mayor McDaniel – Shared that he has confirmed with DPW and OHM that the unfinished items in the downtown area will be taken care of now that the seasons have changed.

11. CITY ATTORNEY REPORT
12. CITY MANAGER REPORT
13. ADJOURNMENT

Hearing no objections, the Mayor adjourned the meeting at 7:47 PM.

Kevin R. McDaniel, Mayor

Laura M. Pierce, City Clerk
ATTACHMENT A

PROCLAMATION
National Police Week
May 12, 2019 - May 18, 2019

WHEREAS, the Congress and President of the United States have designated Wednesday, May 15th as Peace Officers Memorial Day, and the week in which it falls as National Police Week; and

WHEREAS, the members of the Police Department of the City of Auburn Hills play an essential role in safeguarding the rights and freedoms of the citizens of Auburn Hills; and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their Police Department, and that members of our Police Department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the Police Department of the City of Auburn Hills has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service;

NOW, THEREFORE, I, Kevin McDaniel, Mayor, call upon all citizens of the City of Auburn Hills and upon all patriotic, civil and educational organizations to observe the week of May 12th through May 18th, 2019, as National Police Week in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I FURTHER call upon all citizens of the City of Auburn Hills to observe Wednesday, May 15, 2019, as Peace Officers Memorial Day in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Auburn Hills to be affixed. Done in the City of Auburn Hills this 6th day of May 2019.

Mayor Kevin McDaniel
Mayor Pro-Tem John Burmeister
Council Member Maureen Hammond
Council Member Robert Kittle
Council Member Henry V. Knight
Council Member Ron Moniz
Council Member Cheryl Verbeke

DATED: May 6, 2019
ATTACHMENT B

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF AUBURN HILLS  
ORDINANCE NO. 13-855

AN ORDINANCE TO AMEND CHAPTER 38, FIRE PROTECTION AND PREVENTION

An ordinance to amend Chapter 38, Fire Prevention and Protection, of the Code of Ordinances to adopt Fireworks Regulations to conform with and exercise authority under the Michigan Fireworks Safety Act, Public Act No. 256 of 2011, as amended by Public Act No. 635 of 2018 and all future amendments.

THE CITY OF AUBURN HILLS ORDAINS:

Section 1.

Chapter 38, Fire Prevention and Protection, of Auburn Hills Code of Ordinances, as amended is hereby amended to add sections 38.23, 38.24, and 38.25 to read as follows:

Sec. 38.23 - Purpose

The purpose of this Ordinance is to regulate the ignition, discharge and use of fireworks within the city boundaries in accordance with the Michigan Fireworks Safety Act, Public Act No. 256 of 2011, as amended.

Chapter 38, Fire Prevention and Protection, is hereby amended to add Section 38.23 to read as follows:

Sec. 38.23 Fireworks.

Sec. 38.24 – Definitions and Discharge, Ignition, and Use of Consumer Fireworks

(a) Definitions and adoption by reference. As used in this section, the following words and phrases have the meanings indicated:

Act means the Michigan Fireworks Safety Act, Public Act No. 256 of 2011, MCL 28.451 to 28.471, as amended, which is hereby adopted by reference as a part of this ordinance.

Articles pyrotechnic, as defined in the Act, means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction.

Consumer fireworks, as defined in the Act, means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission and that are in compliance with the construction, chemical composition, labeling, and other requirements in the Act. Novelties and low-impact fireworks as defined in the Act are not consumer fireworks.

Display fireworks, as defined in the Act, means large fireworks devices that are explosive materials intended for use in fireworks, displays and designed to produce visible or audible effects by combustion, deflagration, or detonation.

Fireworks, as defined in the Act, means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation, and consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

Low-impact fireworks, as defined in the Act, means ground and handheld sparkling devices.

Minor is an individual who is less than 18 years of age.

Novelties, as defined in the Act, means all of the following:

(a) Toy plastic or paper caps for toy pistols in sheets, strips, roll, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.

(b) Toy pistols, toy canons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (i) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.

(c) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.
(d) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer’s name and the quantity contained in each box are printed on the box; and toy smoke devices.

Special effects, as defined in the Act, means a combination of chemical elements or chemical compounds capable of burning, independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment.

(b) Prohibited ignition, discharge, and use. Consumer fireworks shall not be ignited, discharged or used in the city except in the following situations:

(1) Consumer Fireworks may be ignited, discharged or used on the following dates and times:
   (a) December 31 until 1 a.m. on January 1.
   (b) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
   (c) June 29 to July 4 until 11:45 p.m. on each of those days.
   (d) July 5, if that date is a Friday or Saturday, until 11:45 p.m.
   (e) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

(2) The penalty for a violation under subsection (1) shall be a civil fine of $1,000.00 for each violation of the ordinance. A minimum of $500.00 of the fine collected under subsection (1) shall be remitted to the City of Auburn Hills.

(3) Consumer fireworks shall not be ignited, discharged, or used on public, school, church, or private property of another person without the express written permission from the person or entity legally in possession and control of that property.

(c) Minors. A minor shall not possess, use, discharge or ignite any consumer fireworks at any time unless supervised by a parent or legal guardian.

(d) Under the Influence. An individual shall not discharge, ignite, or use consumer fireworks or low impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and controlled substance.

(e) Unmanned free-floating devices. Any unmanned free-floating device (sky lanterns) which requires fire underneath to propel it and is not moored to the ground while aloft, have an uncontrolled and unpredictable flight path and descent area so as to pose a potential fire risk and are therefore prohibited.

(f) Novelties; inapplicability of ordinance. This ordinance does not apply to novelties. Nothing in this ordinance regulates, the sale, storage, display for sale, transportation, use, or distribution of novelties.

(g) Zoning Ordinances. Any person selling, distributing or transporting fireworks shall otherwise comply with the Act, and is required to comply with the zoning ordinances of the city, including obtaining necessary approvals hereunder. Failure to obtain necessary zoning approvals is subject to penalty as provided in the zoning ordinances of the city.

(h) Imminent danger. Notwithstanding the Act, no person shall use, discharge or ignite fireworks thereby creating or causing an imminent danger or threat to the public health, safety, or welfare, and such fireworks being used, ignited or discharged may be immediately seized.

(i) Seizure. All fireworks possessed, used, discharged, and/or ignited in violation of the Act and/or this section are subject to seizure. Any costs incurred by the city to seize and store the fireworks shall be paid by the responsible party.

Sec. 38.25 – Sanctions / Penalties

The sanction / penalty for a violation of Section 38.24 is deemed a municipal civil infraction, punishable by a civil fine of not more than $1,000.00 for subsection (1), and $500.00 for all other sections in this ordinance, plus costs, damages, and expenses and any other relief allowed under law.

Section 2 – Amendment
Amended only as specified above and in this Section, the Code of Auburn Hills shall remain in full force and effect.

Section 3 – Repealer

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4 – Savings

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 5 – Severability

If any provision of this ordinance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision.

Section 6 – Effective Date

The provisions of this ordinance are hereby ordered to take effect upon publication in the manner prescribed by the Charter of City of Auburn Hills.

Section 7 – Adoption

This Ordinance is hereby declared to have been adopted by the City Council of the City of Auburn Hills at a meeting thereof duly called and held on the 22nd day of April 2019, and ordered to be given publication in a manner prescribed by the Charter of the City of Auburn Hills.

AYES:

NAYES:

ABSENT:

ABSTENTIONS:

ORDINANCE 13-855 ADOPTED

CITY OF AUBURN HILLS

By: _____________________________

Kevin McDaniel, MAYOR

Laura Pierce, CLERK