



# CITY OF AUBURN HILLS

## Regular City Council Meeting

September 23, 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, Kittle, Knight, Moniz and Verbeke

Absent:

Also Present: City Manager Tanghe, City Attorney Beckerleg, Assistant City Manager Grice, Deputy Clerk Klassen, Assistant Fire Chief Macias, Lieutenant Gagnon, Deputy DPW Director Stahly, GIS Specialist Bowman, Assessor Griffin, Director of Community Development Cohen, City Planner Keenan, Engineer Cousino, Management Intern Hagge

21 Guests

#### 4. APPROVAL OF MINUTES

4a. City Council Workshop Minutes, September 9, 2019

**Moved by Knight, Seconded by Verbeke**

**RESOLVED: To approve the City Council Workshop Minutes of September 9, 2019 as presented.**

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

**No: None**

**Resolution No. 19.09.129**

**Motion Carried (7 - 0)**

4b. City Council Minutes, September 9, 2019

**Moved by Moniz, Seconded by Burmeister**

**RESOLVED: To approve the City Council Regular Meeting Minutes of September 9, 2019 as presented.**

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

**No: None**

**Resolution No. 19.09.130**

**Motion Carried (7 - 0)**

#### 5. APPOINTMENTS AND PRESENTATIONS

#### 6. PUBLIC COMMENT

Mr. Earnest Brock, 3620 Bald Mountain Rd, presented his concerns and petitions regarding the Ordinance that allows bow hunting in the City. He would like the City Ordinance changed.

Mr. Don Hughes, 2744 Bald Mountain Rd, presented his concerns regarding people hunting and poaching within the City limits.

#### 7. CONSENT AGENDA

7a. Board and Commission Minutes

7a1. Planning Commission, September 11, 2019

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

**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. 19.09.130**

**Motion Carried (7 - 0)**

**8. OLD BUSINESS**

**8a. Motion – To approve the Revised Extension Conditions for Planned Unit Development Approval / Residences at Thirty-Two 50.**

Mr. Cohen explained that on August 26<sup>th</sup> Council approved this development plan. The developer is asking for an extension to the PUD for this development to November 30<sup>th</sup>. By extending the PUD approval, the company, Foremost, will have the appropriate time to close on the property sale to Detroit Riverside Capital and set more realistic goals.

Discussion took place over the financing issue that has been an ongoing since the onset of this development. It was also discussed that realistic goals should have been set from the beginning and for the community, it has been an eyesore for too long. There was discussion regarding the fencing concerns. At the last meeting it was discussed that the ripped tarp would be taken down and replaced with new attractive fencing. It was clarified that the new attractive fencing will be installed once the marketing can begin, March 2020.

Mr. Mark Wayne of Detroit Riverside Capital was present to answer any questions. He stated that this should not be seen as an extension but as a redefinition to what is already being done. Foremost will not have any ownership of this property moving forward. The property and development rights will be owned by Detroit Riverside Capital.

**Moved by Verbeke, Seconded by Moniz**

**RESOLVED: To authorize the City Attorney to draft and the Mayor to execute an amendment to the Development Agreement for Residences at Thirty-Two 50 extending the Planned Unit Development approval subject to the following conditions:**

- 1. If proof of bank financing is not provided to the City by December 1, 2019, then Foremost and any successor in interest will voluntarily terminate the Planned Unit Development approval.**
- 2. If proof of bank financing is provided to the City by December 1, 2019, but construction on the project is not substantially underway by June 30, 2020, then Foremost and any successor in interest will voluntarily terminate the Planned Unit Development approval. Substantially underway shall be defined as the installation of underground utilities and the completion of the building's footings and foundations.**
- 3. If the Planned Unit Development approval is terminated per condition #1 or condition #2 above, then the City shall have the right to utilize the cash bond of \$30,000, which is currently held by the City, to regrade and revegetate the site. The temporary protective fencing along the perimeter of the site shall be removed upon restoration.**

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

**No: Hammond**

**Resolution No. 19.09.131**

**Motion Carried (6– 1)**

**9. NEW BUSINESS**

9a. Motion – To approve the Revised PUD Step Two - Site Plan / Dutton Corporate Center PUD-Candlewood Suites Hotel

Mr. Cohen presented the need to allow modification to the façade of the current building located at 4303 Interpark Drive, the Dutton Corporate Center. The façade is based off of the new brand franchise prototype.

**Moved by Burmeister, Seconded by Hammond**

**RESOLVED: To accept the Planning Commission’s recommendation and approve the PUD Step Two – Site Plan for the building facade for Candlewood Suites Hotel subject to the conditions of the City’s Administrative Review Team.**

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

**No: None**

**Resolution No. 19.09.132**

**Motion Carried (7 - 0)**

9b. Motion – To approve the Site Plan and Tree Removal Permit / Beacon Hill Townhomes – Phase No. 5

Mr. Keenan presented the new 65 multi-family residential rental development to be located on the west side of Beacon Hill Drive north of Walton Blvd. This development will be in compliance with the City’s age friendly community initiative.

Ms. Amy Paris of Trowbridge Homes and Mr. Gordon Wilson of Anderson, Echstein and Westrick Inc. (AEW) were present to answer any questions. The intention of Beacon Hill Townhomes, is to have more rental units for the aging community and not a younger college community. There will be green space in the area.

**Moved by Kittle, Seconded by Burmeister**

**RESOLVED: To accept the Planning Commission’s recommendation and approve the Site Plan and Tree Removal Permit for Beacon Hill Townhomes – Phase 5 subject to the conditions of the City’s Administrative Review Team.**

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

**No: None**

**Resolution No. 19.09.133**

**Motion Carried (7 - 0)**

9c. Public Hearing/Motion - To approve a new IFEC for IEE Sensing Inc., 815 N. Opdyke.

Mr. Griffin presented the application for a four year IFEC for the building located at 815 N. Opdyke. The building is partially occupied.

John Maurice of Paradigm Task Group was present to answer any questions.

Mayor McDaniel opened the Public Hearing at 7:35PM. Hearing no comment, he closed the Public Hearing at 7:36PM

**Moved by Hammond, Seconded by Knight**

**RESOLVED: To approve the request for a 4-year IFEC for IEE Sensing Inc. (Appendix A)**

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

**No: None**

**Resolution No. 19.09.134**

**Motion Carried (7 - 0)**

9d. Motion – To accept the First and Second Quarter 2019 Monitoring Network Review Summaries / Oakland Heights Development Landfill

Mr. Andrew Foerg of Environmental Consulting Solutions, LLC presented the first and second quarter 2019 summaries for the Oakland Heights Development Landfill. It was mentioned that the secondary collection system needs further monitoring. He stated that this system had an exceedance of liquid into the secondary collection system causing concern that there could be tear in the liner. He explained that the proper procedure was followed and there were extra particles found in the test sample, nothing to be too concerned about, but attention drawn to it due to the increase of natural occurring metal compounds and the addition of low level organic compounds found. In the third quarter, a resample was completed for this area but the report is not available.

Mr. Rob Moore, Environmental Manager at Oakland Heights Development owned by Republic Services was present to answer any questions.

It was noted by Council, that MW-33R has been discussed in the past as having difficulty. There was an attempt to repair this area in June, but was unsuccessful. It was explained that the options for this situation are to make another attempt to repair the well, replace the well or petition the State to abandon the well. Mr. Moore explained that any decision made would involve notifying Mr. Foerg. The goal is to have another sampling to Mr. Forge before the fourth quarter sampling is finished. There is no reason to be alarmed, just to continue to monitor the levels. At this time the levels are decreasing. It was discussed that there are approximately four years left until completion but the process of capping has begun. The northeast corner has reached its final grade so no more trash will go in that area. Shortly, the site will begin to change visually with grass.

**Moved by Moniz, Seconded by Knight**

**RESOLVED: To accept the First and Second Quarter 2019 Monitoring Network Review Summaries prepared by Environmental Consulting Solutions of the Oakland Heights Development Landfill Reports.**

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

**No: None**

**Resolution No. 19.09.135**

**Motion Carried (7 - 0)**

9e. Motion - To award an agreement for Snow and Ice Removal Services in the Downtown Corridor.

Mr. Stahly presented the award information for the snow and ice removal for the downtown area. He explained that this agreement will save the City and TIFA an amount of \$6000 for the term of the agreement.

Jeromy Miller, General Manager and Rebecca Omens, Sales Representative of Miller Landscape were present to answer any questions.

It was discussed that with the improvement to the downtown area, it would be nice to have the downtown area kept orderly. Miller Landscape explained that they will take the concerns from the past into consideration as they prepare for this upcoming season. The process they follow is a two pronged approach, the snow cut outs and then a time when the snow is removed, a time in the day when traffic flow is not as heavy.

Miller Landscape feels confident in their bid submission. They have their own supply of winter supplies in reserve and they feel this gives them stability in the market. It was also discussed that snow relocation would take place 24-48 hours after the snow fall.

**Moved by Kittle, Seconded by Burmeister**

**RESOLVED: To award a three year agreement for snow and ice removal services in the downtown to Miller Landscape, Inc. Funding for these services is contingent upon the respective adopted Annual City Budget and Tax Increment Finance Authority Budget.**

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

**No: None**

**Resolution No. 19.09.136**

**Motion Carried (7 - 0)**

9f. Motion – To approve the Petition for the Consolidation of Drainage Districts Pursuant to Chapter 20 of the Michigan Drain Code of 1956, as amended.

Mr. Keenan presented the need to approve the petition for the consolidation of the drainage districts. He provided a history regarding the City asking the County to take back the jurisdiction of the Maplehurst drain. In 2018, it was discovered that the Water Resources Commission was unable to verify all the steps were taken to turn over the jurisdiction to the County. To assure the drain is owned and maintained by the County the WRC staff, City staff and City Attorney determined it would be appropriate to petition the County to take over jurisdiction of the drain. It was stated that this was an oversight, the City felt they had done everything they needed to complete this action.

**Moved by Moniz, Seconded by Hammond**

**RESOLVED: To approve the petition to consolidate the Maplehurst Drainage District and request the Water Resources Commissioner and Drainage Board to use the \$70,367.89 in the Vinewood Drain Fund as surplus funds to be used to pay current Maplehurst Chapter 20 and Chapter 4 Drain and other costs associated with the three years of operation.**

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

**No: None**

**Resolution No. 19.09.137**

**Motion Carried (7 - 0)**

9g. Motion - To approve the Microsoft Office 365 licensing and services project and authorize City Management to award the contract to Avalon Technologies.

Mr. Grice stated that the City has been taking steps to modernize the IT infrastructure, including investments, servers, routers and fiber connections. The continuation of this modernization is to also include the Microsoft Office 365 licensing.

Mr. Purdy explained these services are just for the exchange in the email environment and the Office Suite. Microsoft has now secured a certificate from FBI for three of the data centers in the Country to meet all the CJIS requirements. This will give the City the ability to move the sensitive information to a cloud based storage system.

**Moved by Verbeke, Seconded by Moniz**

**RESOLVED: To approve the Microsoft Office 365 licensing and services project and authorize City Management to award the contract to Avalon Technologies for total services not to exceed \$48,000. Funds for the project are from the MIS Department Computer Services Fund account 101-883-814.000.**

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

**No: None**

**Resolution No. 19.09.138**

**Motion Carried (7 - 0)**

9h. Motion - To approve the application to the Southeast Michigan Infrastructure Asset Management Program.

Ms. Bowman presented the application to work with SEMCOG and the Michigan Infrastructure Council. This will allow the City to compile underground infrastructure data for the region. The goal of SEMCOG is two pronged, to create a data heavy comprehensive needs assessment of water infrastructure in our region and to promote collaboration and communication between communities, counties and utility providers. The mapping application will give the City the ability to monitor other community projects and the ability to work together to eliminate resident inconvenience and collaboration on funding opportunities. By participating in this program it will help to strengthen the GIS program and continue to develop the data while receiving compensation through the grant program.

**Moved by Moniz, Seconded by Verbeke**

**RESOLVED: To approve application to the Southeast Michigan Infrastructure Asset Management Program and related Agreement.**

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

**No: None**

**Resolution No. 19.09.139**

**Motion Carried (7 - 0)**

9i. Motion - To Award Squirrel Court (East) Water Main Improvements.

Mr. Stahly presented the need for the update of the water main improvements due to replacing the existing asbestos cement water main with a new iron water main.

Superior Excavating, Inc. is currently under contract with the developer for similar work on the Fountain Circle project via a competitive bid. As they complete that work, they have agreed to take on this project pending council approval.

**Moved by Moniz, Seconded by Knight**

**RESOLVED: To award Squirrel Court (east) water main improvements to Superior Excavating, Inc. in the amount of \$76,490.**

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

**No: None**

**Resolution No. 19.09.140**

**Motion Carried (7 - 0)**

**10. COMMENTS AND MOTIONS FROM COUNCIL**

Mr. Kittle – Would like to know what is happening with the vacant land that was once owned by Wilson Garner. Mr. Cohen stated that a new apartment complex is being designed at this time. He also stated that he would like to see a communication for the public regarding recycling.

Ms. Verbeke – Would like to see something done for the residents that are concerned with the hunting issue and how they can be helped. It was stated that the DNR is ultimately in charge and the Police Department has looked into the complaints. Lt. Gagnon stated that if anyone has concerns about this issue it is best to contact the police. There is no discharge of a gun in the City limits and the Police Department does not turn a blind eye with this issue.

Mr. Moniz – Questioned Lt. Gagnon if there were any recent concerns regarding the hunting in the City. Lt. Gagnon stated that all calls have been looked into and the people that have been questioned were appropriate in their response to the Police. An update was provided by Councilmember Knight, regarding Squirrel Rd. He shared that the forms were being laid on the south end and the forms were filled in with cement and that the curbs would be done soon.

Ms. Hammond – Stated that she would like to see something on social media reminding people that October 1<sup>st</sup> is the beginning of bow hunting season and that the hunting laws are to be obeyed.

Mr. Knight – Provided an update from the Brownfield Commission and stated that they are looking to evaluate the site formally known as County Kitchen and the surrounding sites. Money has been set aside for possible remedial action. He shared his concern regarding the parking in the downtown area with the new apartment buildings that are being built. Stated that he would like to see a non-emergency number established for residents to call, after hours, for non-emergency purposes rather than having to route calls through the County.

Mayor McDaniel – Congratulated the Fire Department on the approval of a Safer Grant from the Department of Homeland Security. This grant will allow the Fire Department to hire sooner than the budget allows to bring better protection to the residents.

**11. CITY ATTORNEY REPORT**

**12. CITY MANAGER REPORT**

Mr. Tanghe – Provided support that the Police Department has never been dismissive with the issue of the discharge of fire arms. Mr. Tanghe welcomed VOX Automotive to the City. He also stated that Mahindra has donated a new ROXOR off road vehicle to the City. This vehicle will be used for the trails, parks and the downtown area.

**13. ADJOURNMENT**

Hearing no objections, the Mayor adjourned the meeting at 9:02 PM

---

Kevin R. McDaniel, Mayor

---

Kristine Klassen, Deputy City Clerk

## APPENDIX A

### RESOLUTION APPROVING AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR IEE SENSING INC.

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 **23<sup>rd</sup> day of September, 2019**.

The following resolution was offered by Councilperson Hammond and supported by Councilperson Knight.

WHEREAS, pursuant to P.A. 198, 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on the **26<sup>th</sup> day of October, 2015**, the City of Auburn Hills, established an Industrial Development District, commonly referred to as the **BKG Featherstone, LLC Industrial Development District; and**

WHEREAS, **IEE Sensing Inc.** 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 **BKG Featherstone, LLC Industrial Development District; and**

WHEREAS, before acting on said application, the City Council of Auburn Hills held a hearing on the **23<sup>rd</sup> day of September, 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, 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 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 **IEE Sensing Inc.** 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 **BKG Featherstone, LLC Industrial Development District; to wit;**

The real property parcel the facility is located on is identified as tax parcel **02-14-23-351-013**, having an address **815 North Opdyke Road**, City of Auburn Hills, MI 48326, including:



T3N, R10E, SEC 23 MADDOCK ACRES LOT 1 EXC BEG AT NE LOT COR, TH S 17-09-30 W 173.51 FT, TH N 89-45-28 W 369.29 FT, TH N 00-14-22 E 166 FT, TH S 89-45-28 E 419.78 FT TO BEG 11-3-15 FR 009 & 010

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 **four (4) years**, and the starting date for the certificate is **December 31, 2019** and the ending date is **December 30, 2023**.

**4.** The total project investment approved is **\$7,657,291**.

**5. IEE Sensing Inc.** agrees to operate the facility for which the Industrial Facilities Exemption Certificate is granted for the term of the certificate, plus an additional **four (4) years** after the date of the certificate's expiration.

AYES: 7  
NAYS: NONE  
ABSENT: NONE  
ABSTENTIONS: NONE

RESOLUTION ADOPTED

STATE OF MICHIGAN)  
  )SS  
COUNTY OF OAKLAND)

I, the undersigned, the duly appointed Deputy 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 **23<sup>rd</sup> day of September, 2019**.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on **this 23<sup>rd</sup> day of September, 2019**.

Kristine Klassen, Deputy City Clerk