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, Kittle, Knight, Marzolf, Moniz and Verbeke
Absent: None
Also Present: City Manager Tanghe, Assistant City Manager Grice, City Attorney Beckerleg, City Clerk Pierce, Police Chief Baker, City Assessor Griffin, Deputy DPW Director Stahly, City Planner Keenan, Mgr of Municipal Properties Torres, Mgr of Public Utilities Deman, City Engineer Juidici, Management Intern Hagge

6 Guests

4. APPROVAL OF MINUTES
4a. City Council Workshop Minutes, January 6, 2020
   Moved by Verbeke, Seconded by Burmeister.
   RESOLVED: To approve the City Council Workshop Minutes of January 6, 2020 as presented.
   VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, McDaniel, Moniz, Verbeke
         No: None
   Resolution No. 20.01.05  Motion Carried (7 - 0)

4b. City Council Minutes, January 6, 2020
   Moved by Verbeke, Seconded by Kittle.
   RESOLVED: To approve the City Council Minutes of January 6, 2020 as presented.
   VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, McDaniel, Moniz, Verbeke
         No: None
   Resolution No. 20.01.06  Motion Carried (7 - 0)

5. APPOINTMENTS AND PRESENTATIONS
6. PUBLIC COMMENT
7. CONSENT AGENDA
7a. Board and Commission Minutes
   7a1. Planning Commission Meeting, December 11, 2019
   7a2. Planning Commission Meeting, January 8, 2020
   RESOLVED: To receive and file the Board and Commission Minutes.
   Moved by Verbeke, Seconded by Marzolf.
   RESOLVED: To approve the Consent Agenda.
   VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, McDaniel, Moniz, Verbeke
         No: None
   Resolution No. 20.01.07  Motion Carried (7 - 0)
8. OLD BUSINESS
9. NEW BUSINESS

9a. Motion – To approve a one-year extension of the Site Plan and Tree Removal Permit for Harmon Road Development.

Mr. Keenan presented the need for an extension on the approval that was granted on February 25, 2019. Mr. Bennet Donaldson of JB Donaldson Company, 30610 Hills Tech Dr., Farmington Hills, MI was present. He shared that the property was cleared and the detention pond, which is near the road, was installed and will remain with landscaping being added later. There are no signed contracts at this time but there is a very positive lead.

Moved by Moniz, Seconded by Knight.

RESOLVED: To approve a one-year extension of the Site Plan and Tree Removal Permit for Harmon Road Development. The approval shall expire on February 25, 2021.

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, McDaniel, Moniz, Verbeke
No: None

Resolution No. 20.01.08

9b. Public Hearing/Motion – To approve Resolution No. 3, declaring necessity and proceeding with the project for the proposed Special Assessment District No. 7 regarding the repair of and improvements to West Entrance Drive.

Mr. Stahly presented the need to take the next step in the Special Assessment District (SAD) for West Entrance Drive. He shared that the road is rated at a PASER level 2, and that the development agreement with FANUC addresses the improvement of the road from a Class B to a Class A road. He stated that there is some water main work that needs to be performed but that will be taken care of separately from this issue. He also shared that there are no letters against the project at this time. Construction is tentatively scheduled to take place August through November 2020.

Mr. Moniz requested clarification regarding the number of properties that would be benefitting from the SAD. Mr. Stahly explained that the discrepancy lies with the number of parcels that can be developed and those that are not able to be developed. There was discussion regarding the number of properties in the resolution. Mr. Stahly stated that he would verify the number of properties.

Mayor McDaniel opened the Public Hearing at 7:16PM.

Mr. Joe Cvengros, VP of Operations for FANUC America, 1100 W. Entrance Drive, Auburn Hills shared that they are in support of this project and their commitment to improve the road for the business.

Kristine Tolan, 985 W. Entrance Dr., requested clarification if the SAD was only going to cover the road and not the water main repair. Mr. Stahly responded that the water main would be a separate project and not part of the SAD.

Hearing no further comments, Mayor McDaniel closed the Public Hearing at 7:18PM.

Moved by Verbeke, Seconded by Knight.

RESOLVED: To approve Resolution No. 3, a Resolution Declaring Necessity and to Proceed with Project and Defray a Portion of the Costs of the Project by Special Assessments upon Specially Benefited Properties for the proposed Special Assessment District No. 7 regarding the repair of and improvements to West Entrance Drive. (Attachment A)

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, McDaniel, Moniz, Verbeke
No: None

Resolution No. 20.01.09

Motion Carried (7 - 0)
9c. Public Hearing/Motion – To approve Resolution No. 3, declaring necessity and proceeding with the project for the proposed Special Assessment District No. 6 regarding the repair of and improvements to Atlantic Boulevard.

Mr. Stahly presented the need to take the next step in the Special Assessment District (SAD) for Atlantic Boulevard. He stated that this road has a PASER rating of 3. Mr. Stahly shared that the pathway will be in the bid but will not be added to the SAD given the number of stakeholders that have objected to the project. He stated that the projected construction was to take place May-July, 2020. He explained that this project will be a complete reconstruct down to the base and not a mill off and relay.

Mr. Stahly presented a slide showing the properties that have objected to the SAD which includes:
1597 Atlantic Blvd – Glenn Charest, LLC
1797 Atlantic Blvd – Kemp & Sherman Company
1755 Atlantic Blvd – Kemp & Sherman Company
Address Not Listed – R2 Land Holdings
1388 Atlantic Blvd – R2 Land Holdings
1460 Atlantic Blvd – RDB Atlantic, LLC
1377 Atlantic Blvd – RIM Properties LP
1555 Atlantic Blvd – What About Me LLC

Mayor McDaniel opened the Public Hearing at 7:24PM.

Mr. James Vlasic, 39533 Woodward Ave., Suite 200, Bloomfield Hills, Michigan, is the attorney for R2 Land Holdings which own parcels 14-03-301-021 and 14-03-301-022 on Atlantic Blvd. He objected to the assessment for the road improvements and the pathway as not being in reasonable proportion to the benefits to be derived from the proposed improvements. The owners of 8 of the 13 parcels have signed a list petition opposing the assessment. He stated that the City has not produced evidence that each parcel will benefit the amount being assessed.

Mr. Jason Scurest, 1597 Atlantic Blvd, representing Glenn Charest, LLC was present. He shared that they are not in support of this SAD. He shared that many of the businesses are small and will not be able to afford this assessment.

Ms. Nicole Prokopetz, representative for RIM Properties, LP asked for clarification to the process for when the project goes out to bid if the actual bid comes out higher than the estimated cost. Attorney Beckerleg stated that the project would come back to City Council for resolution 4 and 5 and the owners will be notified.

Hearing no further comments, Mayor McDaniel closed the Public Hearing at 7:31 PM.

Moved by Knight, Seconded by Verbeke.

RESOLVED: To approve Resolution No. 3, a Resolution Declaring Necessity and to Proceed with Project and Defray a Portion of the Costs of the Project by Special Assessments upon Specially Benefited Properties for the proposed Special Assessment District No. 6 regarding the repair of and improvements to Atlantic Boulevard. (Attachment B)

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, McDaniel, Moniz, Verbeke
No: None

Resolution No. 20.01.10 Motion Carried (7 - 0)
9d. Public Hearing/Motion – To accept the second reading and adoption of an Ordinance to Amend Chapter 2 Administration of the Auburn Hills City Code.

Mr. Tanghe presented that this item will fulfill the second reading requirement for the ordinance allowing immediate family members to be employed and working within the same department, provided that it is not in a supervisor and subordinate relationship. He stated that he would not want the City to eliminate a good candidate just because they have a relative working in the same department. Discussion took place with specific scenarios. Mr. Tanghe stated that the new ordinance will be reviewed by the collective bargaining unit to ensure that all parties are being treated fairly.

Mayor McDaniel opened the Public Hearing at 7:37PM and hearing no comments, he closed the Public Hearing at 7:38 PM.

Moved by Moniz, Seconded by Burmeister.

RESOLVED: To accept the Second Reading and Adoption of an ordinance to amend Chapter 2, Administration, of the Auburn Hills City Code. (Attachment C)

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, McDaniel, Moniz, Verbeke
No: None

Resolution No. 20.01.11 Motion Carried (7 - 0)

10. COMMENTS AND MOTIONS FROM COUNCIL

Mr. Kittle – Shared that he will be out of town for the next two meetings. He shared that he has done his inspection of Seyburn Mansion and is under the impression that the building should come down.

Mr. Moniz – Mentioned that he would like to see a flag pole in the Riverside Park area.

Mr. Marzolf – Shared that he attended the Martin Luther King event at the Community Center, it was well done and Ms. Adcock and staff did a great job. He would like to consider in the future, not holding City Council meetings on Martin Luther King Day.

Mr. Knight – Stated that he agrees with Mr. Marzolf with not holding Council meetings on Martin Luther King Day. He shared that he also was at the event at the Community Center and encourages all to come see the event next year. He provided information to Chief Baker that the light on the north end of Squirrel and M-59 is still blinking yellow.

Mayor McDaniel – Shared his gratitude to DPW, Fire Department and the Police Department for getting the City through the snow storm and keeping everyone safe with the snow emergency.

11. CITY ATTORNEY REPORT

12. CITY MANAGER REPORT

Mr. Tanghe – Shared the annual report from the Community Development Director and City Assessor showing the status of tax abatements. He also shared the passing of Charlotte Copple, formed TIFA Board member and strong supporter of the City.

13. ADJOURNMENT

Hearing no objections, the Mayor adjourned the meeting at 7:48PM.

______________________________  ________________________________
Kevin R. McDaniel, Mayor              Laura M. Pierce, City Clerk
ATTACHMENT A

CITY OF AUBURN HILLS

RESOLUTION DECLARING NECESSITY AND TO PROCEED WITH PROJECT AND TO DEFRAY A PORTION OF THE COST OF THE PROJECT BY SPECIAL ASSESSMENTS UPON SPECIALLY BENEFITED PROPERTIES (RESOLUTION NO. 3)

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, Michigan 48326, at 7:00 p.m. on the 20th day of January 2020, the following resolution was offered by Councilperson ____________ and supported by Councilperson ____________:

WHEREAS, the City has considered construction of the proposed improvement described below (the Project) and has further requested the establishment of a special assessment district to finance and defray a portion of the costs of the project; and

WHEREAS, the proposed improvement (the Project) is the repair of and improvements to West Entrance Drive; and

WHEREAS, the Project is designed and intended to specially benefit the properties identified in the special assessment district (the District) attached to this Resolution; and

WHEREAS, after an initial consideration, the City Council on November 18, 2019, adopted its Resolution No. 2 declaring its tentative intent to proceed with the Project and with the establishment of the District; and

WHEREAS, plans for the Project, and an estimate of the costs of the project in the amount of $2,089,000, of which amount it is estimated that approximately $1,044,500 will be defrayed by special assessments against the properties in the special assessment district, have been prepared and notice of public hearing has been duly given, according to law, to the owners of property in the District to inform them of their opportunity to present comments and objections to the Project and to the District; and

WHEREAS, the hearing was duly conducted and held on January 20, 2020, consistent with the notice, following which the City Council determined to proceed with the project and the establishment of the district.

NOW, THEREFORE, it is hereby resolved as follows:

1. The City Council determines that the Project is necessary.

2. The City shall proceed with the Project.

3. The plans and specifications prepared for the Project and the cost estimate for the Project in the amount of $2,089,000 presented at the hearing are approved.

4. The District shall consist of the properties identified in the special assessment district attached to this Resolution and against which 50% of the cost of the project shall be assessed.
5. The District shall be designated and known as the West Entrance Drive Road Improvement Special Assessment District, Special Assessment District No. 7.

6. The duration of the District’s existence shall be ten (10) years, and unless paid in cash earlier with respect to a particular property, the special assessment shall be paid in ten (10) annual installments at the rate of five percent (5%) interest to be charged on said installments, with the date of the first assessment installment to be determined and set forth in the City Council’s Resolution confirming the special assessment roll.

7. The City Assessor shall prepare a special assessment roll that includes all lots and parcels of land within the District with the names of the respective record owners of each property, if known, and shall also include the total amount to be assessed against each property. The amount to be assessed against each property shall be based upon the proportionate amount of special benefit to be received by each property from the Project. The amount spread in each case shall be based upon the detailed estimate of costs as approved by the City Council.

8. When the Assessor completes the assessment roll, the Assessor shall file it with the City Clerk for presentation to the City Council, along with the Assessor’s certification that the roll has been prepared by the Assessor pursuant to the January 20, 2020, Resolution of the City Council and that in making the assessments contained in the assessment roll, the Assessor has, as near as may be, according to the Assessor’s best judgment, conformed in all respects with the directions contained in the January 20, 2020, Resolution of the City Council and the Auburn Hills City Charter and the provisions of Chapter 58 of the Auburn Hills City Code.

9. The City Manager is directed to obtain firm bids from companies and/or other entities who are interested in performing the work necessary to complete the project.

AYES: 7
NAYES: None
ABSENT: None
ABSTENTIONS: None

STATE OF MICHIGAN )
COUNTY OF OAKLAND )

I, LAURA M. PIERCE, the duly qualified and appointed City Clerk of 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 20th day of January, 2020, the original of which is on file in my office.

In witness whereof, I have hereunto affixed my official signature on this____day of ________________, 2020.

__________________________
LAURA M. PIERCE
City Clerk
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<tr>
<th>Parcel ID</th>
<th>Address</th>
<th>Owner Name</th>
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<th>State</th>
<th>Zip Code</th>
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<td>1100 W Entrance Dr</td>
<td>Fanuc America Corporation</td>
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<td>FCA US LLC</td>
<td>800 Chrysler Drive, CIMS 482-60-03</td>
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<td>DXC Technology Services LLC c/o MacMunnis, Inc.</td>
<td>1840 Oak Avenue Suite 300</td>
<td>Evanston</td>
<td>IL</td>
<td>60201</td>
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<td>7 14-24-476-009</td>
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<td>Valley View LLC</td>
<td>26711 Northwestern Hwy., STE 125</td>
<td>Southfield</td>
<td>MI</td>
<td>48033</td>
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ATTACHMENT B

CITY OF AUBURN HILLS

RESOLUTION DECLARING NECESSITY AND TO PROCEED WITH PROJECT AND TO DEFRAY A PORTION OF THE COST OF THE PROJECT BY SPECIAL ASSESSMENTS UPON SPECIALY BENEFITED PROPERTIES (RESOLUTION NO. 3)

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WHEREAS, the City has considered construction of the proposed improvement described below (the Project) and has further requested the establishment of a special assessment district to finance and defray a portion of the costs of the project; and

WHEREAS, the proposed improvement (the Project) is the repair of and improvements to Atlantic Boulevard; and

WHEREAS, the Project is designed and intended to specially benefit the properties identified in the special assessment district (the District) attached to this Resolution; and

WHEREAS, after an initial consideration, the City Council on November 18, 2019, adopted its Resolution No. 2 declaring its tentative intent to proceed with the Project and with the establishment of the District; and

WHEREAS, plans for the Project, and an estimate of the costs of the project in the amount of $3,065,000, of which amount it is estimated that approximately $1,532,500 will be defrayed by special assessments against the properties in the special assessment district, have been prepared and notice of public hearing has been duly given, according to law, to the owners of property in the District to inform them of their opportunity to present comments and objections to the Project and to the District; and

WHEREAS, the hearing was duly conducted and held on January 20, 2020, consistent with the notice, following which the City Council determined to proceed with the project and the establishment of the district.

NOW, THEREFORE, it is hereby resolved as follows:

1. The City Council determines that the Project is necessary.

2. The City shall proceed with the Project.

3. The plans and specifications prepared for the Project and the cost estimate for the Project in the amount of $3,065,000 presented at the hearing are approved.

4. The District shall consist of the properties identified in the special assessment district attached to this Resolution and against which 50% of the cost of the project shall be assessed.
5. The District shall be designated and known as the Atlantic Boulevard Road Improvement Special Assessment District, Special Assessment District No. 6.

6. The duration of the District’s existence shall be ten (10) years, and unless paid in cash earlier with respect to a particular property, the special assessment shall be paid in ten (10) annual installments at the rate of five percent (5%) interest to be charged on said installments, with the date of the first assessment installment to be determined and set forth in the City Council’s Resolution confirming the special assessment roll.

7. The City Assessor shall prepare a special assessment roll that includes all lots and parcels of land within the District with the names of the respective record owners of each property, if known, and shall also include the total amount to be assessed against each property. The amount to be assessed against each property shall be based upon the proportionate amount of special benefit to be received by each property from the Project. The amount spread in each case shall be based upon the detailed estimate of costs as approved by the City Council.

8. When the Assessor completes the assessment roll, the Assessor shall file it with the City Clerk for presentation to the City Council, along with the Assessor’s certification that the roll has been prepared by the Assessor pursuant to the January 20, 2020, Resolution of the City Council and that in making the assessments contained in the assessment roll, the Assessor has, as near as may be, according to the Assessor’s best judgment, conformed in all respects with the directions contained in the January 20, 2020, Resolution of the City Council and the Auburn Hills City Charter and the provisions of Chapter 58 of the Auburn Hills City Code.

9. The City Manager is directed to obtain firm bids from companies and/or other entities who are interested in performing the work necessary to complete the project.

AYES:  
NAYES:  
ABSENT:  
ABSTENTIONS:  

STATE OF MICHIGAN  )
)ss
COUNTY OF OAKLAND  )

I, LAURA M. PIERCE, the duly qualified and appointed City Clerk of 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 20th day of January, 2020, the original of which is on file in my office.

In witness whereof, I have hereunto affixed my official signature on this_______day of _______________, 2020.

______________________________
LAURA M. PIERCE
City Clerk
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<th>Parcel ID</th>
<th>Address</th>
<th>Owner Name</th>
<th>Street Address</th>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
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<td>What About Me LLC</td>
<td>PO Box 259</td>
<td>Lake Orion</td>
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ATTACHMENT C

CITY OF AUBURN HILLS

ORDINANCE NO.________

AN ORDINANCE TO AMEND SECTION 2-58, APPOINTMENT OR EMPLOYMENT—WITHIN SAME DEPARTMENT OR SUPERVISOR/SUBORDINATE RELATIONSHIP, OF CHAPTER 2, ADMINISTRATION, AS AMENDED TO ADD NEW LANGUAGE ADDING A CITY MANAGER EXCEPTION

THE CITY OF AUBURN HILLS ORDAINS:

Section 1.

Section 2-58. Appointment or Employment—Within Same Department or Supervisor/Subordinate Relationship, of Chapter 2, Administration, of the Auburn Hills City Code, as amended, is hereby amended to read as follows:

Sec. 2-58. The appointment or employment of members of an immediate family shall not be allowed within the same department or in a supervisor/subordinate relationship where the chain of command crosses departmental lines. If employees become members of an immediate family by the process of adoption or marriage, or creation of espoused relationship, reasonable effort shall be made to place one of the employees in another department or outside the chain of command, provided that a position is available wherein the duties and rate of pay are reasonably similar to the position from which the employee is being transferred. Subject to the terms of Collective Bargaining Agreements which shall control, the City Manager shall have the authority to waive the limitations of this Section and may allow members of an immediate family to be employed and working in the same department but not in a supervisor/subordinate relationship, in those circumstances where the City Manager determines there will be no detrimental impact on the City and/or the department involved.

Section 2. Repealer.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Severability.

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in 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 when they were commenced.

Section 5. Effective Date.

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

Section 6. 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 20th day of January 2020, and ordered to be given publication in the manner prescribed by the Charter of the City of Auburn Hills.

AYES:

NAYES:

ABSTENTIONS:

STATE OF MICHIGAN)

COUNTY OF OAKLAND)

I, the undersigned, the duly qualified Clerk of the City of Auburn Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. ________ adopted by the Auburn Hills City Council on the 6th day of January 2020, the original of which is in my office.

LAURA PIERCE, City Clerk