



The City of Auburn Hills
City Council Meeting
Minutes

April 25, 2016

CALL TO ORDER: Mayor Pro Tem Mitchell at 7:00 p.m.
LOCATION: City Council Chamber, 1827 N. Squirrel Road, Auburn Hills, MI 48326
Present: Mayor Pro Tem Mitchell, Council Members Burmeister, Hammond, Kittle, Knight
Absent: Mayor McDaniel, Council Member Verbeke
Also Present: City Manager Tanghe, Assistant City Manager Grice, Police Chief Olko, Deputy City Clerk Novak, DPW Director Melchert, Assistant City Planner Keenan, Director of Authorities Mariuz, Management Assistant Harris, City Engineer Juidici, City Attorney Beckerleg
7 Guests

4. APPROVAL OF MINUTES

4a. Regular City Council – April 11, 2016

Moved by Hammond; Seconded by Burmeister.

RESOLVED: To approve the April 11, 2016 City Council meeting minutes.

VOTE: Yes: Burmeister, Hammond, Kittle, Knight, Mitchell

No: None

Resolution No. 16.04.062

Motion Carried (5–0)

4b. City Council Workshop – April 11, 2016

Moved by Knight; Seconded by Burmeister.

RESOLVED: To approve the April 11, 2016 City Council Workshop minutes.

VOTE: Yes: Burmeister, Hammond, Kittle, Knight, Mitchell

No: None

Resolution No. 16.04.063

Motion Carried (5–0)

5. APPOINTMENTS AND PRESENTATIONS - none

6. PUBLIC COMMENT

Carol Beck, 265 Grey Road, asked for assistance in curbing commercial semi-truck traffic traveling Grey Road.

Mr. Knight agreed there is a lot of truck traffic using Grey Road on their way to the lumber yard. The drivers follow the directions provided by GPS units.

Ms. Beck stated many of the trucks are going to the industrial park.

Ms. Hammond thought at one time there was a sign posted on Adams Road, restricting truck traffic on Grey Road.

Ms. Mitchell asked Mr. Tanghe to forward this concern to the appropriate department.

Mr. Tanghe stated he will be in contact with Ms. Beck.

7. CONSENT AGENDA

7a. Board and Commission Minutes

7a.1. Planning Commission, March 16, 2016

7a.2. Tax Increment Finance Authority – April 12, 2016

7a.3. Planning Commission – April 13, 2016

7a.4. Zoning Board of Appeals – April 14, 2016

7a.5. Downtown Development Authority – April 18, 2016

7b. Motion – Authorize the City Manager to Request Reimbursement of Eligible Mosquito Control Activity / Oakland County's West Nile Virus Fund Program

RESOLVED: To adopt the resolution to authorize and direct the City Manager, as agent for the City of Auburn Hills, to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

Moved by Kittle; Seconded by Hammond.

RESOLVED: To approve the Consent Agenda.

VOTE: Yes: Burmeister, Hammond, Kittle, Knight, Mitchell

No: None

Resolution No. 16.04.064

Motion Carried (5–0)

8. OLD BUSINESS

8a. Motion –Award Auburn and S. Squirrel Roads Infrastructure Improvements to Fiore Enterprises and Construction Services to OHM Advisors

Mr. Melchert explained this request is to modify the on-street parking along Auburn Road at the southwest corner of Auburn and S. Squirrel Roads. This project was originally approved, bid, and scheduled to begin construction in 2015, but the proposed development at that corner fell through and the project was put on hold. Since then, a new development has been proposed and the City wishes to move forward with improvements this year.

The change will convert on street parallel parking to diagonal parking, with those parking spaces being added to the general parking space inventory. With the additional parking, a reconfiguration of the existing parking and traffic lanes needs to take place. A curb extension or “bump out” to define the parking areas along with new side walk and brick paver will be installed between the new curb and the exiting sidewalk. With the change of the parking and traffic lane shift, this creates a need for modifications at the intersection.

The estimated improvement costs are approximately \$327,000.00 which includes road work, water main, construction administration, coordination of the “bump out”, and traffic signal realignment. The proposed “bump-out” construction offers an opportunity to replace an existing piece of 12-inch AC (asbestos cement) water main running along Auburn Road from Squirrel Road to the river crossing. This will require removal and replacement of the existing pavement and curb and can be combined to leverage infrastructure investment and improve reliability of the water system in this area. Merging these projects minimizes future disruption to the proposed development to replace the aging and undersized water main on Auburn Road. The cost to replace the water main is \$170,000.00, which will be covered by the Water Fund. The road work and traffic signal realignment will be funded by TIFA A in the amount of \$157,093.00.

Mr. Melchert confirmed for Mr. Kittle no work is being done on the north side of Auburn Road, only new striping.

Mr. Knight was concerned that the realignment of the traveling lane isn’t moved over far enough from the parking spaces.

Mr. Juidici assured Mr. Knight the traveling lane will be moved over more than what is depicted on the drawing; there will be ample room between the traveling lane and the parking spaces. The lanes will line up on either side of the intersection. Responding to Mr. Burmeister, Mr. Melchert stated the redefined parking spaces will not include electrical vehicle parking nor handicap parking spaces.

Mr. Kittle noted Auburn Road further east is in need of repair and asked if those repairs are included in this proposal.

Mr. Melchert explained Auburn Road rehabilitation is scheduled to be done in 2017, from Cherryland to Adams Road.

Ms. Hammond asked if striping will be done on Auburn Road in front of the fire station.

Mr. Melchert noted there weren’t any plan to stripe that area, but he will take a look.

Moved by Knight: Seconded by Burmeister.

RESOLVED: To Award the Auburn Road and South Squirrel Road Infrastructure Improvements to Fiore Enterprises in the amount of \$300,593.00 and the associated Construction Services to OHM Advisors in the not-to-exceed amount of \$26,500.00. Funding to be allocated from TIFA A Traffic Signal account (251-735-988.083) in the amount of \$42,093.00, the TIFA A Road Maintenance account (251-735-935.000) in the amount of \$115,000.00 and the Water Fund account (592-536-977.001) in the amount of \$170,000.00.

VOTE: Yes: Burmeister, Hammond, Kittle, Knight, Mitchell

No: None

Resolution No. 16.04.066

Motion Carried (5 - 0)

8b. Motion – Approve Clinton River Watermain Crossing Replacement along Auburn Road

Mr. Melchert explained the watermain has a fracture at the bank of the Clinton River. Fortunately staff was able to isolate the break by closing the valves on either side of the river with no loss of water service for the residents, however, fire protection flows are compromised in the area. DPW Public Utilities staff assisted Fire Department personnel with field testing of the fire hydrants in the area and found that most of the water flow and pressure was adequate to fight a fire if needed. The area of Opdyke near M-59 is a concern causing some urgency to repair the break as soon as possible.

The existing 12 inch water main was constructed in the early 1970’s and is an asbestos cement (AC) pipe. Even though AC pipe doesn’t pose a health threat, it is no longer in production as a watermain material. As indicated in the City’s water master plan the pipe size should be increased to a 16 inch pipe. It is staff’s recommendation to include replacing approximately 500 feet of the watermain adjacent to the break, east of Opdyke Road to Hillfield Road.

Fiore Enterprises has provided contract unit pricing for a similar project; the only portion not included in the bid price of \$289,968.30, is the cost for crossing the river. The river crossing construction portion of the price quote includes both an open cut to cross the river at \$80,000, and an option to directional bore under the river at \$73,000. The contractor will attempt the directional bore option to provide cost savings.

Responding to Mr. Burmeister, Mr. Melchert confirmed this project and the previous discussed project will be done concurrently. If approved, because of the urgency of this issue, the contractor will be ready to begin this Thursday.

Mr. Kittle asked if the new installation will be a straight shot as opposed to the current zig-zag configuration and what will become of the vacated pipes.

Mr. Melchert confirmed the new pipes will be a straight line and the vacated pipes will be grouted and not removed.

Responding to Ms. Mitchell, Mr. Melchert explained the water main master plan which is periodically reviewed by OHM has suggested an increased diameter of the water main based on the population and growth of the City. The increased size will allow a greater volume of water pressure to flow to the Opdyke corridor where there have been some past issues with fire flow.

Mr. Melchert confirmed for Mr. Knight the water main extends below the Clinton River, approximately six feet below the river bed, where there is stable soil. That pipe is a high density poly ethylene (HDPE), and yes, the river will also help insulate the pipe from freezing.

Mr. Knight asked if these replacements are a normal maintenance items that is projected and budgeted for, using the 20 year estimation for water and sewer projects.

Mr. Melchert stated this is a typical maintenance item that is budgeted for. There is quite a bit of asbestos pipe that was used in the early 1970's. Gradually those pipes are being replaced, particularly when road projects are being done.

Mr. Kittle is curious of the price; 500 feet at \$300,000 seems quite expensive when compared to the much larger Featherstone project, costing approximately \$1.6 million.

Mr. Melchert, conferring with Mr. Juidici, stated the Featherstone Road project cost was approximately \$2.5.

Moved by Burmeister; Seconded by Kittle.

RESOLVED: To approve the Clinton River watermain crossing replacement along Auburn Road and award the project to Fiore Enterprises for the estimated project cost of \$289,968.30 to be paid from account number 592-536-977.001.

VOTE: Yes: Burmeister, Hammond, Kittle, Knight, Mitchell

No: None

Resolution No. 16.04.067

Motion Carried (5 - 0)

9. NEW BUSINESS

9a. Motion – Approve Special Land Use and Site Plan / Aqua-Tots of Auburn Hills

Mr. Keenan explained this request from Abro Design Group, Inc., is to renovate the former Applebee's restaurant, 750 Brown Road, into an indoor recreational facility. The 1.43 acre parcel is located in a B-2, General Business zoning district, located in the Auburn Mile Shopping Center, just south of the Meijer store.

The renovation includes the construction of a 2,708 square foot building addition to the east side of the existing building, which is where the swimming pool will be located. The total investment is estimated between \$800,000 and \$900,000, with renovation beginning this spring and completed in about six months.

Brian Tomina stated he and his family own four other Aqua Tot locations and are seeking to include an Auburn Hills location. The goal of Aqua Tots is to prevent drownings. These five stores are part of a much larger franchise, who has 75 locations throughout the United States.

Ms. Mitchell was pleased to see the thoroughness of the Planning Commission's questions, as indicated in the meeting minutes.

Mr. Kittle is delighted with this unique business and asked if the competition, Gold Fish Swim School, is a national company as well.

Mr. Tomina stated Gold Fish Swim School is the second biggest, based in Birmingham, Michigan. They have approximately 20 stores with six of those being local.

Mr. Kittle asked when doing marketing studies, what is the proximity of a Gold Fish school in relation to an Aqua Tots school.

Mr. Tomina noted some schools are within two miles of each other and some are six miles apart. The decision on where to locate a school is based on the market, not necessarily where the competitor's school is located. Responding to Mr. Kittle, Mr. Tomina stated the other Aqua Tot schools are located in Troy, Canton, Sterling Heights and Novi.

Mr. Kittle asked how the marketing is done, reaching new parents.

Mr. Tomina explained it is a grass roots effort, attending many community events such as the Royal Oak Farmers market, the South Lyon kite festival; direct mailers; and a full marketing team dealing with referrals and the like.

Continuing, Mr. Tomina explained the pool is four feet around the perimeter and four and a half foot in the middle, the optimal depth for teaching swimming.

Mr. Tomina stated there will be open swim for the community for a nominal fee, at certain times. The open swim allows for families to swim as well as seniors. Aqua Tots has a program working with rehabilitation facilities, yoga instructors, and water aerobics instructors, who hold their own classes for a fee, when there is down time with no Aqua Tot classes.

The hours of operation are generally 10:00 a.m. until 8:00 p.m., Monday through Friday; 9:00 a.m. until 5:00 or 6:00 p.m. on Saturday's; with Sundays having shorter hours. Starting out, the hours may be much less until the membership grows and is in need of all those hours, which usually takes six to eight months.

Moved by Hammond; Seconded by Knight.

RESOLVED: To accept the Planning Commission’s recommendation and approve the Special Land Use Permit and Site Plan to renovate the existing Applebee’s restaurant into an indoor recreational facility subject to staff and consultants conditions.

VOTE: Yes: Burmeister, Hammond, Kittle, Knight, Mitchell

No: None

Resolution No. 16.04.068

Motion Carried (5–0)

9b. Motion – Accept the Third & Fourth Quarter 2015 Monitoring Review and 2015 Annual Monitoring Summary / Oakland Heights Development Landfill

Andy Foerg, Environmental Consulting Solutions, explained in the third quarter there was a high organic nitrogen level at one of the wells, an anomaly that was resolved. There were a few very low VOC’s the second quarter in a few wells that were thought to be errors and were no longer evident in the third quarter. The ongoing issue, MW31SR well, has shown a slow and steady increase in concentrations that isn’t very well explained. The thought is there may be some connection between the concentrations and the surface water at the retention basin. Either in late 2014 or early 2015 a staff gauge was installed in the pond, to see if there is a correlation between water levels in the pond and the groundwater level in the well. Monitoring will be an ongoing process to gain enough data to make a determination.

The fourth quarter testing resulted in the organic hydrogen level in the well as reported in the third quarter, was back to normal. There were a few wells in the fourth quarter that had slightly elevated TIN, total inorganic nitrogen, with one compound, which seemed very unusual; it is believed a laboratory analytical error. Monitoring will continue, but levels are expected to be normal with the next testing results.

The annual summary reiterates the third and fourth quarter findings.

Mr. Knight noted the north end of the landfill is being used now and asked if additional wells are constructed as the landfill expands.

Mr. Foerg stated he isn’t sure, but generally with perimeter wells, as the perimeter expands so too will the placement of wells.

Mr. Burmeister noted the report indicates toluene, a VOC, and asked what VOC stands for.

Mr. Foerg apologized stating Volatile Organic Compound, similar to gasoline that will evaporate quickly.

Mr. Kittle asked who other than the City, receives these reports.

Mr. Foerg stated the reports are written by Brown and Caldwell, consultants for Republic Services, the owner and operator of the landfill, with copies of the report sent to MDEQ as well as himself. He confirmed he reviews the reports as does MDEQ; he has nothing to do with the drafting of the reports. He is the eyes and ears for the City; Brown and Caldwell is a very good monitoring consultant.

Mr. Kittle asked if Mr. Foerg collects samples and does testing.

Mr. Foerg explained the terms of the Host Agreement allows the City to have an agency representing the City to observe, ask questions, take notes while Brown and Caldwell collect samples.

Mr. Kittle asked Mr. Foerg what value is he to this process.

Mr. Foerg explained he has the scientific background and experience of 30 years; he reviews the highly technical report looking for any red flags and breaks it down to layman terms to present to Council. He as a third party, keeps an eye on what is going on at the landfill on behalf of the City.

Bill Dolson, Oakland Heights Development, confirmed the construction has just been completed for the last expansion of the landfill. The life of the landfill is not based on a period of time, but the volume of trash. He confirmed Eagle Valley built a new cell on the west side of their property.

Mr. Kittle asked what the ultimate plan is for the landfill once filled. He understood trees and a park like setting.

Mr. Knight stated him and former Mayor/Council Member Mary Harvey-Edwards, were on a committee and made a deal with Oakland Heights Development to plant trees and bushes to make it look like a natural hill. Some trees and bushes have been planted.

Mr. Dolson explained it is very difficult to keep the trees alive, because the ground doesn’t hold moisture well enough to keep the plants alive.

Mr. Knight stated there is to be a walking path to the top, it was to be a park-like place that the public could visit. The view from the top is magnificent, the highest point in Oakland County and you can see Detroit.

Mr. Foerg confirmed for Ms. Hammond, that yes, he is happy with the report, things are going well and there are no issues of any concern.

Regarding the monitoring of the north slope Mr. Knight asked about, Mr. Dolson explained the wells were abandoned on the older area and moved north to the new area, where needed.

Ms. Mitchell asked about the elevated levels of TIN and when Mr. Foerg expects to receive the results of the 2016 first quarter report.

Mr. Foerg expects the report the second week of May and agreed to inform the City if those levels are not back to normal.

Moved by Knight; Seconded by Kittle.

RESOLVED: To accept the Third and Fourth Quarter Y2015 Monitoring Network Review Summaries and 2015 Annual Monitoring Network Review Summary prepared by Environmental Consulting Solutions for the Oakland Heights Development Landfill

VOTE: Yes: Burmeister, Hammond, Kittle, Knight, Mitchell

No: None

Resolution No. 16.04.069

Motion Carried (5–0)

9c. Motion – Approve Ordinance Amendment and Set Public Hearing/ Consumer Energy Company Gas Franchise

Mr. Beckerleg explained this is a formality; the City last entered in to a Franchise Agreement/Ordinance with Consumer's Energy, to supply gas to the residents, in 1986, for a 30 year term. The agreement expires on May 9, 2016. The City Code and Charter requires a franchise agreement with utilities. An ordinance was adopted stating a utility agreement can only be a maximum of 10 years, no longer 30 years. The term of the franchise is for 10 years, as required in the Auburn Hills Electric and Gas Supply Franchise Ordinance.

This request requires a public hearing, and should be set for May 9, 2016. Ursula Warren, Consumers Energy representative is available for any questions.

Ursula Warren, represents Consumers Energy for southeast Michigan, stated the proposed agreement, as drafted by City Clerk Kowal, Mr. Beckerleg and herself, is a very good agreement.

Mr. Kittle noted there were no franchise fees paid to the City in the past, noting other utilities pay fees, asking what can be done to have Consumers Energy pay franchise fees.

Ms. Warren stated Consumers Energy never pays franchise fees; they are mandated by the Public Service Commission and as such, rates would have to be increased to cover paying franchise fees to communities.

Mr. Beckerleg stated generally franchise fees are received from cable companies, not typical utility companies. During their meetings with Ms. Warren, the question of the City receiving franchise fees was discussed.

Moved by Burmeister; Seconded by Hammond.

RESOLVED: To introduce Ordinance # 16-877, Consumer's Energy Gas Supply Franchise Ordinance and schedule a public hearing for the City Council meeting of May 9, 2016, for possible adoption of the Ordinance by City Council.

VOTE: Yes: Burmeister, Hammond, Kittle, Knight, Mitchell

No: None

Resolution No. 16.04.070

Motion Carried (5–0)

10. COMMENTS AND MOTIONS FROM COUNCIL

Ms. Hammond:

- Suggested everyone to take a look at the downtown, the tulips are blooming, the dogwood trees are blooming - it is beautiful.

Mr. Kittle:

- As the Council liaison to the Beautification Advisory Commission (BAC), there are plans underway for a new program – BAC Garden. The Beautification Awards are given to those residents and commercial companies who have obviously spent a considerable amount of money making them beautiful. Not all residents can afford that expense, so the program will team up with four families to brighten up their yards. There are hopes to get students from Avondale to help with the program. The perennial exchange is also coming up shortly.
- Understands there is finishing work to be done on the Diverging Diamond Interchange and asked if the lane striping will be done as well.
Mr. Melchert stated he will investigate and let Council know, but if the markings are worn, they will be done.
- There has been great progress made on North Squirrel Road and according to the contractor's time line the work should be done Thursday. He is looking forward to seeing the road done and beautiful.

Mr. Knight:

- Grass is already being cut, and he doesn't believe it is three inches tall. The starting date for a contract should be an arbitrary number, not a specific date; there wasn't any need to already be cutting the grass.
- Reading the TIFA minutes, noting the TIFA C income values are less than when it started. He asked where TIFA C is located and why the value has dropped.

Mr. Tanghe explained it is the TIFA D district, which incorporates FCA and the municipal campus. The most significant impact has been the elimination of the personal property tax.

Ms. Mariuz explained TIFA D has dropped below the base value of where it had originally started because of the removal of the personal property tax.

Mr. Tanghe noted there will be incremental increases because values are capped at the equivalent of the consumer price index or 5%, whichever is less. The only thing that will help the district is new construction, but that is limited because the district is nearly built out.

Mr. Kittle asked if U.S. Farathane and the other developments in that area are in the TIF D district.

Mr. Tanghe stated they are, however, most of those facilities received tax abatements and some are layered with a Brownfield, resulting in receiving one half of one half of the taxable value. All three TIF districts expire in 2031.

- Asked Mr. Melchert if Juniper could be cleaned up; a developer renovated a home and there is dirt all over the street. This same person owns another home that he renovated, located at the northwest corner of Juniper and Primary, and is storing some bigger equipment. He's not asking anything be done at this time, but wants to make sure it doesn't become a permanent habit of storing equipment at the house.

Mr. Burmeister believes the equipment is gone from the home.

- Reminded everyone of the Boys and Girls Club Steak and Burger dinner, April 27th. He asked if any Council Members will be attending. It is very disappointing when there are tables filled with young people and no adults sitting with them. He strongly urged Council to try to attend the dinner as well as the reception that begins at 5:30 p.m. This has been an annual event forever, and he believes the Boys and Girls Club should be supported by City Council.

Ms. Mitchell:

- Noted the 10 year anniversary of the Community Center is soon, and an open house is planned for May 6, 2016 from noon to 8:00 p.m. Everybody is invited.

Mr. Burmeister:

- Wished all the mothers a Happy Mother's Day.
- Is pleased to see work will begin on Auburn Road, east of Cherryland.

11. CITY ATTORNEY'S REPORT - none

12. CITY MANAGER'S REPORT - none

13. ADJOURNMENT

Hearing no objections, the meeting adjourned at 8:10 p.m.

Kevin R. McDaniel, Mayor

Terri Kowal, City Clerk