



The City of Auburn Hills

City Council Meeting

Minutes

February 23, 2015

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, Mayor Pro Tem Kittle, Council Members Burmeister, Hammond, Knight, Mitchell, Verbeke

Absent: None

Also Present: City Manager Tanghe, Assistant City Manager Grice, Police Chief Olko, Fire Chief Manning, City Clerk Kowal, DPW Deputy Director Herczeg, Community Development Director Cohen, Finance Director Schulz, City Attorney Beckerleg, City Engineer Juidici

12 Guests

4. APPROVAL OF MINUTES

4a. Regular Council Meeting – February 9, 2015

Moved by Knight; Seconded by Verbeke.

RESOLVED: To approve the February 9, 2015 City Council regular meeting minutes.

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

No: None

Motion Carried (7– 0)

Resolution No. 15.02.030

4b. Council Workshop – February 9, 2015

Moved by Mitchell; Seconded by Kittle.

RESOLVED: To approve the February 9, 2015 City Council Workshop meeting minutes.

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

No: None

Motion Carried (7– 0)

Resolution No. 15.02.031

4c. Executive Session

4c.1. November 10, 2014

4c.2. February 9, 2015

Moved by Knight; Seconded by Burmeister.

RESOLVED: To approve the November 10, 2014 City Council Executive Session meeting minutes.

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

No: None

Motion Carried (7– 0)

Resolution No. 15.02.032

Moved by Verbeke; Seconded by Kittle.

RESOLVED: To approve the February 9, 2015 City Council Executive Session meeting minutes.

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

No: None

Motion Carried (7– 0)

Resolution No. 15.02.033

5. APPOINTMENTS AND PRESENTATIONS

5a. Motion – Reappointment of Glen Nelson to TIRC, term to expire July 31, 2018

Glen Nelson introduced himself and is pleased to continue serving on the Tax Incentive Review Committee.

Mayor McDaniel thanked Mr. Nelson for his willingness to serve on the Committee.

Moved by Verbeke; Seconded by Burmeister.

RESOLVED: To confirm the Reappointment of Glen Nelson to the Tax Incentive Review Committee for a term ending July 31, 2018.

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

No: None

Motion Carried (7– 0)

Resolution No. 15.02.034

5b. Presentation – Promotions to Detective & Oaths of Office for Jeramey Peters and Ivette Brown

Police Chief Olko explained these two Patrol Officers have passed all the necessary testing and are ready to become Detectives, to replace the two that retired last year. Detectives are the core of the Departments investigations; they must be experts in the many forms of evidence, experts in interviews and interrogation, be detailed orientated, have an in depth understanding of criminal laws, as well as the ability to be sensitive.

Police Chief Olko described Jeramey Peter's progression of police work prior to coming to Auburn Hills, via California and Ohio. He began with Auburn Hills in 2004 and has held several roles and assignments, including a field training officer and in 2005 became the first Certified Drug Recognition Expert in the State of Michigan. Officer Peters was the driving force behind Michigan's adoption of the Drug Recognition program. He became an instructor, a regional coordinator and a member of the steering committee and course manager for the State's entire program. In 2008 he was assigned to the Direct Patrol Unit and created the Department's website and the Department's first Facebook page. In 2010, he was selected to join Troy's Special Investigations Unit, where he worked as an undercover investigator. Since September 2014, Officer Peters was assigned as a temporary investigator in the City's Investigative Bureau. He has achieved numerous accommodations from Auburn Hills as well as other communities including Troy; has 21 unit and individual accommodations; has been named Officer of the Year, three times, by the American Legion and Morning Optimist Club; received the Auburn Hills Chief's Award; and Auburn Hills' Employee of the Year. He returned to school and received his Bachelor's Degree in Criminal Justice Administration.

City Clerk Kowal administered the Oath of Office.

Police Chief Olko continued, introducing Officer Ivette Brown, who is a 17 year veteran with the City, hired as a dispatcher in 1997. She was promoted to a Patrol Officer in 2000 after completing the Police Academy at Delta College; she has completed her Associates Degree and will be graduating from Central Michigan University with a Bachelor's Degree in Community Development this spring. She has also completed a Social Media Certificate program from Central Michigan University. She has served as a Gang Resistance Education and Training Officer in the schools; a D.A.R.E. Officer and a School Resource Officer for the Avondale School District for the last three years. Officer Brown has worked the Retail District for several years and is currently assigned to the Troy's Special Investigations Unit. She has served a term as the President of D.A.R.E. Officers Association of Michigan and is currently the President of Auburn Hills Law Enforcement Benevolent Fund. Officer Brown's honors and awards include MCALS Award for outstanding performance for rating first in her graduating class at the Police Academy; the Michigan D.A.R.E. Officer of the Year in 2008; American Legion Officer of the Year in 2012 and received the Chief's Award for service to the community and Department in 2013. Officer Brown has received 13 accommodations and two individual accommodations; one Certificate of Merit; one Department Citation; two Safe Driving Awards; and six National Night Out Awards.

Officer Brown coordinated the award winning Nation Night Out event twice; and has been a speaker and presenter at numerous groups and companies throughout the City and southeastern Michigan on topics such as workplace violence, financial institution crimes and personal safety. She was instrumental in the startup and maintenance of the Department's Twitter social media.

City Clerk Kowal administered the Oath of Office.

Mayor McDaniel congratulated Detectives Peters and Brown on behalf of City Council and himself.

6. PUBLIC COMMENT

Annett McAvoy, 3841 Briarvale, provided an update of What's Cool with School, noting a study has been done regarding the effects physical activity has on the brain and learning. In talking with physical education teachers and coaches she learned the schools are aware of the impact and have been making sure physical activity is a regular part of the school curriculum as well as after school activities. Avondale has a Special Olympic Track and Field team that has 25 members. The physical education opportunities in the schools have led to eight students signing letters of intent with colleges.

7. CONSENT AGENDA

Item 7b. Approval of Site Plan / Stanley Photographic Studio was removed from the Consent Agenda at the request of Mr. Knight.

7a. Board and Commission Minutes

- 7a.1. Planning Commission – January 20, 2015
- 7a.2. Beautification Advisory Commission – January 21, 2015
- 7a.3. Tax Increment Finance Authority – February 10, 2015
- 7a.4. Zoning Board of Appeals – February 12, 2015

Moved by Kittle; Seconded by Verbeke.

RESOLVED: To approve the Consent Agenda, 7a.1., 7a.2., 7a.3. and 7a.4.

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

No: None

Motion Carried (7-0)

Resolution No. 15.02.035

7b. Motion – Approval of Site Plan / Stanley Photographic Studio

Mr. Knight stated he pulled this item from the Consent Agenda, because he doesn't believe a site plan should be approved on a Consent Agenda. He likes how well thought out the use of the land is, but would like to review it and learn more about the use.

Mr. Cohen explained this proposal is to construct a one-story, 4,100 sq. ft. studio, in I-1, Light Industrial zoning district. The building has a small office space, with a larger studio area in front. The building sits low approaching the Clinton River, and will be hid by many trees in front. No regulated trees will be removed from the site.

The business and property owner, Bradford Stanley, takes pictures of vehicles and people.

Mr. Knight found it odd to have a photography studio in a light industrial use district, and wanted to point that out.

Ms. Verbeke asked for clarification regarding the drive for this facility and the neighbor as mentioned in the paper work.

Mr. Cohen explained the neighbor supplies stationary to funeral homes and he and Mr. Stanley have agreed to share a driveway to create a ring drive, making access to Auburn Road much easier and safer. Mr. Cohen further explained the easements between the two will be completed if this site plan is approved by City Council. If the easements are not executed, the site plan must be revised and be brought back for City Council approval.

Responding to Ms. Verbeke, Mr. Cohen noted historically straight forward site plans with no tree removal, have been placed on the Consent Agenda; however, if Council wishes, all site plans can be placed under New Business on the agenda.

Ms. Verbeke stated she prefers to have the ability to review and discuss any site plans.

Mr. Knight agreed with Ms. Verbeke. He also asked if Mr. Stanley will be responsible for keeping the River clean at his property or if he might grant access for others to keep the River clean.

Mr. Cohen stated Mr. Stanley is out of town, but Tom Strat is the architect and may be able to answer questions.

Thomas Strat of Thomas Strat Architect, explained there is access to a retention area that is located beside the River; however, there is a 10 or 12 foot ledge that would make direct access to the River very difficult.

Mr. Kittle noted the building is very European looking and asked what building materials are used.

Mr. Strat explained the exterior archway is a galvanized material that will change to a gray color over time. The building is designed to complement the photography of vehicles.

Moved by Knight; Seconded by Hammond.

RESOLVED: To accept the Planning Commission's recommendation and approve the Site Plan for Stanley Photographic Studio, subject to staff and consultants' conditions.

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

No: None

Motion Carried (7-0)

Resolution No. 15.02.036

8. OLD BUSINESS - none

9. NEW BUSINESS

9a. Motion – Approval of Combined PUD Step One-Qualification and Step Two-Site Plan Approval / Adams Outdoor Advertising

Mr. Cohen explained this request from Adams Outdoor Advertising is to construct a new state-of-the-art digital LED billboard on a vacant parcel adjacent to I-75, west of Giddings. The site was chosen because the use will have very little impact on adjacent properties, the wetlands or trees.

In 2000, the ordinance was amended to not allow billboard signs to be any closer to each other than 10,000 feet, up from a distance of 1,000 feet. The new ordinance wouldn't allow any more billboards to be erected in the City unless the ordinance was amended, an approved variance from the Zoning Board of Appeals (ZBA) is received, or through the approval of a Planned Unit Development (PUD).

It was decided by staff the best way to proceed with Adams Outdoor Advertising is through the PUD process, which will also benefit the City. The benefits to the City, as part of the PUD agreement, are a one-time donation of \$125,000 for the City's park system, which will help with the River Walk project and the City will have free message time on the sign, one message every 60 seconds on both sides of the sign.

James Faycurry, representing Adams Outdoor Advertising, explained the sign will be 25 feet from I-75's road right-of-way, so the sign will actually be approximately 80 feet from I-75 and the sign height, from the grade of the MDOT right-of-way will be about 45 feet tall.

Mr. Cohen confirmed for Ms. Verbeke, the reason for the PUD is because of a number of deviations from the Zoning Ordinance. The deviations include less than 10,000 feet between billboards, a 200 foot setback from the I-75 right-of-way, the sign height, the distance from residential zoning, and allowing a digital billboard. Mr. Cohen explained this billboard is proposed at 1,009 feet from residential, but that is because it doesn't meet the required 200 foot right of-way setback from I-75; if the road right-of-way setback was met, it wouldn't meet the 200 foot, residential setback. The height requested is because, driving north on I-75, the sign wouldn't be seen if built at the required height. Continuing, Mr. Cohen explained because of the topography along I-75, there are a number of signs that exceed the maximum height. The Palace sign is 92 feet tall, the Silverdome sign is 75 feet tall and this one being proposed this evening is 55 feet tall.

Ms. Verbeke has an issue with the less than 10,000 feet minimum being allowed; currently there are six billboard signs allowed in the City. She doesn't want this sign setting a precedence by reducing the 10,000 feet minimum; there will be more applicants coming to the City for more billboards.

Mr. Cohen noted there are currently 10 billboard signs in the City. It is the choice of the City Council to allow more signs to be constructed in the City.

Mr. Beckerleg explained a PUD does not set a precedent.

She agrees in some ways this is a win for the City, but there are drawbacks.

Mr. Faycurry explained it is the policy of his company that the sign height meet the vehicles windshield height, for easy viewing by the driver. Access to the sign messaging is provided to emergency responders, noting just this evening the company's signs in Novi and Livingston and Washtenaw counties was taken over by the FBI for a wanted suspect.

Mr. Knight noted the PUD allows for flexibility in the zoning requirements. He also noted the 10,000 foot distance was an arbitrary number at the time of the ordinance amendment, the City didn't want billboards every few thousand feet.

Mr. Kittle hopes the graphics depicting the City used on the billboard are in good taste and reviewed prior to being displayed.

Ms. Verbeke asked if there was a decision made to only allow six billboards in the City at a workshop a year or so ago.

No one could recall an exact number, only the discussion.

Mayor McDaniel noted there have been complaints in the past about how bright the white light is on some LED signs and asked if there is a limit of brightness for the signs. He recalled a sign along I-75, a dark portion of the roadway that had an advertisement with minimal color and a very bright white background.

Mr. Faycurry explained MDOT regulates brightness of LED signs, there is a maximum of .3 candle per foot for a 350 foot view; however, local municipalities can have more strict requirements. Many communities require testing of lumens and foot candles each year. Mr. Faycurry stated adjustments can be made for the brightness remotely and manually and is done within the first week or so of installation.

Mr. Beckerleg noted there is a provision in the development agreement addressing complaints of light brightness.

Mr. Knight feels the eight second message on the sign is too short of a time for drivers to read the message.

Mr. Beckerleg explained the eight seconds is an industry standard.

Mr. Faycurry noted MDOT stipulates a message cannot be less than eight seconds and the change must be instant, no fade out or scrolling.

Mayor McDaniel stated this area and adjacent areas is zoned non-residential.

Mr. Faycurry noted the new neighbor, Louca Mold, has granted access to the sign site and in return Adams Outdoor Advertising will be sealing and restriping the parking lot.

Moved by Hammond; Seconded by Knight.

RESOLVED: To approve the combined PUD Step One – Qualification / Step Two – Site Plan approval for Adams Outdoor Advertising, subject to the terms and conditions of the staff recommendation and Development Agreement.

Ms. Verbeke stated she will not vote in favor of this sign; if signs are going to be allowed 5,000 feet apart, then the ordinance should be amended.

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

No: Verbeke

Motion Carried (6-1)

Resolution No. 15.02.037

9b. Motion - Prepay of Oakland Macomb Interceptor

Ms. Schulz explained since 2010 the City has been assessed its pro-rata share of multiple segments/contracts of the OMID project. As of December 31, 2014, the total OMID outstanding principal debt on the City's books is \$4.2 million. In the fall of 2014, the City prepaid a segment of this project debt, approximately \$326,000. A notification was received from Oakland County indicating the final pieces of this initiative; the City has been given the opportunity to prepay the debt with a decision required by February 25, 2015. One part of the project is repairing the sewer on the Oakland County arm of

the system and another part is work on the north east sewage pumping station. The City's pro-rata principal share of the project is estimated to be between \$332,000 and \$375,000, with a total cost between \$662,000 and \$750,000.

The City has prepared for projects such as this by intentionally maintaining appropriate cash reserves in the Water and Sewer Fund, to preserve the pay-as-you-go philosophy. The Water and Sewer fund anticipates no additional unbudgeted capital items. Returns on excess reserves are not anticipated to increase at a pace necessary to exceed the interest payments that this debt would require.

Both the City's investment advisor as well as the cash manager were conferred with, making sure this is a wise decision.

Mr. Kittle asked about the fund balances.

Ms. Schulz explained \$17 million in cash fund balance for 2014 was projected, with approximately \$15 million at the end of 2015.

Mr. Knight noted this is very prudent of the City; the money sitting in an investment account is only making 0.7% and the City is making money by paying off this debt.

Mayor McDaniel explained the City received the deadline information for prepaying this about two weeks ago. The due diligence that Ms. Schulz and her staff were able to do in such a short amount of time, is very much appreciated.

Ms. Schulz clarified for Mr. Kittle this will show up as an expense for the current year, a portion of it will be recognized as capital asset in CIP until the project is completed.

Mr. Knight questioned this being a capital asset, noting it is government accounting.

Mr. Tanghe noted the prepayment saves the City \$213,000 in interest payments.

Moved by Verbeke; Seconded by Burmeister.

RESOLVED: To approve a resolution to prepay the OMID Bond Series 2015-North East Pump Station-Public Sale in the amount of \$330,590 not to exceed \$375,000 and the OMID Bond Series 2015-SAW Loan in the amount of \$330,590 not to exceed \$375,000 and to authorize the City Manager to satisfy the prepay filing requirements set forth by the Water Resource Commission on or before February 25, 2015.

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

No: None

Motion Carried (7-0)

Resolution No. 15.02.038

10. COMMENTS AND MOTIONS FROM COUNCIL

Ms. Verbeke:

- The LED lighting project was recently completed in her neighborhood and noted the lighting difference in the neighborhood and asked if the project was near completion.

Mr. Herczeg stated the project should be completed within the next three weeks, or so. The company is also investigating some opportunities for the library and Public Safety buildings.

Ms. Burmeister:

- Is appreciative for the pictures of the recent broken sprinkler line and asked Mr. Tanghe how this will affect the City's insurance rates.

Mr. Tanghe explained this break was caught quickly and the damage or cleanup costs weren't anywhere near what the Community Center experienced. Ongoing maintenance processes are being reviewed and stricter enforcement of draining and checking lines on a more regular basis.

Mr. Herczeg confirmed most of the water was confined to the kitchen with baseboard damage and limited drywall damage. It was not a fire line that broke, it was a domestic line. This damage will not be reported to insurance, the cleanup was done by staff as will the repairs needed.

Mr. Burmeister asked if a contractor is still be used to inspect the lines annually.

Mr. Herczeg stated yes, a contractor inspects the fire lines, but the process of maintenance inspections is being reviewed and changed; there may be a change in contractors.

- Asked about the new ambulance status.

Fire Chief Manning explained three quotes were needed as required by the insurance company and the third quote should be received within the next few days. The new chassis could be available as early as 90 days and as long as six months, depending on what the insurance company decides. As of now, things are looking positive for a quick turn-around.

Ms. Hammond:

- The downtown clock is not functioning correctly.
- South Squirrel Road has numerous potholes and some patching is needed.

- The Dollar General on Opdyke is now open and she was pleasantly surprised with all the items available. The store is open seven days a week until 10:00 p.m.

Mr. Knight:

- Noted the new Dollar General has a lot of items, but they are not just one-dollar items.
- Agrees with Ms. Hammond regarding Squirrel Road and hopes the road is on the list to be repaired.
- Would like the City to consider an e-cigarette ordinance, such as Rochester Hills, as opposed to waiting for State regulations. He would like an ordinance regulating age, similar to regular cigarette sales.
- Regarding the student numbers he supplied at the last meeting regarding Avondale Schools, there are just under 100 students that are Pontiac residents. Some of those attend the lower grades as open enrollment, but the majority take advantage of the alternate high school education.
- Has signed up to attend the Michigan Municipal League conference and asked if any other Council Members would like to join him.
- Asked about the Silverdome sign located at I-75 and Adams Road.

Mr. Cohen explained his department has been in communication with the sign owners, the same owners as the Silverdome, who are planning to work on the sign this spring.

- The Noon Optimists are meeting tomorrow for lunch, Tuesday, February 24th, at the Community Center to honor the Student of the Month; third grade students from Will Rogers School. Pizza will be served.
- Thanked Rochester Hills for lending the City an ambulance and asked if the City's ambulance was a total loss. Fire Chief Manning explained the chassis portion is a total loss, but the ambulance box portion is in good condition and will be remounted to a new chassis. Different options have been received of what type of chassis to remount the box to.

Mr. Kittle:

- Thought there was competition or a contest in the works for new ideas for repurposing the Silverdome.
 - Has noticed the Forestry Division of the City has been cutting trees along Squirrel Road and asked if the wood from the trees is offered to the residents.
- Mr. Herczeg stated the wood is typically left on the side of the road for 24 hours and is there for the taking. If after 24 hours there is still wood, the DPW picks it up; however, most of the wood is picked up by others.
- Was pleased to see the annual Traffic Crash report. He would like to see a Public Safety annual report; types of calls, types of crimes; prior year comparison and similar statistics.

Mayor McDaniel stated that information is supplied in the monthly reports.

Fire Chief Manning explained the numbers are available and a report can be compiled, including the breakdown of 911 calls. He will pass the request on to Police Chief Olko.

- He would also like to see a similar report from Fieldstone Golf Club; number of rounds budgeted/number of rounds played; a bell curve of the revenue stream and what successes were had with marketing and the plans for this year. He feels these reports would give the Council a better view if goals were being met.

Mr. Burmeister suggested including DPW in compiling reports, possibly all departments noting what goals have been achieved.

Mr. Tanghe explained the Goals and Objectives report that Council received is a big part of what is being suggested. The report on Fieldstone is currently underway.

Ms. Verbeke:

- Asked if or how the residents are advised of trees that are cut down.

Mr. Herczeg stated that information has not been communicated to residents, but can be posted on the website.

Mayor McDaniel:

- Save the date – Wednesday, April 22, 2015, the Boys and Girls Steak and Burger dinner. The dinner will be held at the Oakland Center at Oakland University.

11. CITY ATTORNEY'S REPORT – none

12. CITY MANAGER'S REPORT

- The Tech 248 event was held last Friday, with approximately 100 participants. The northeast Tech 248 district consists of Auburn Hills, Rochester Hills and Orion Township. There are over 2,000 tech companies within Oakland County; this event lets companies as well as individuals connect.
- SEMCOG released a population estimate and as of December 2014, Auburn Hills has 23,086 residents, up from the 2010 census of 21,412 residents. A 7.8% growth, one of the larger growths for the County. The estimated

population is based on housing plans being added in communities, whether apartments, condos or single family homes.

Mr. Cohen explained with the shrinking family size, the estimation is based on the number of people per household multiplied by the number of added units.

Mr. Knight noted that would be an additional 700 residential units.

Mr. Tanghe explained the downtown apartment building has 97 units and if there is only two people to a unit that would be almost 200 people. All of Auburn Hills' apartments are considered full occupancy; not only the Oakland University students, but Fiat Chrysler Automobiles has approximately 16,000 employees.

- Sent a report on the anticipated revenue increase for the 1% sales increase and how it will be distributed. The estimate by 2018, if approved, would give the City about an additional \$1 million annually for road repairs. Currently the City receives about \$1.4million and by 2018 it could be upwards of \$2.3 million.
- Thanked Mr. Knight for Saturday night's Cadillac LaSalle Club' dinner and the birthday celebration of an almost 105 year old club member.

13. EXECUTIVE SESSION – Evaluation of City Manager

Mayor McDaniel noted Mr. Tanghe now has six months under his belt as City Manager and extends his appreciation for a job well done.

Moved by Burmeister; Seconded by Verbeke.

RESOLVED: To adjourn to Executive Session.

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

No: None

Motion Carried (7-0)

Resolution No. 15.02.039

The regular City Council meeting adjourned at 8:24 p.m. and reconvened at 9:43 p.m.

14. ADJOURNMENT

Meeting adjourned at 9:44 p.m.

Kevin R. McDaniel, Mayor

Terri Kowal, City Clerk