



The City of Auburn Hills

City Council Meeting

Minutes

April 13, 2015

CALL TO ORDER: Mayor McDaniel at 7:03 p.m.

LOCATION: City Council Chamber, 1827 N. Squirrel Road, Auburn Hills, MI 48326

Present: Mayor McDaniel, Council Members Hammond, Knight, Mitchell, Verbeke

Absent: Mayor Pro Tem Kittle, Council Member Burmeister

Also Present: City Manager Tanghe, Assistant City Manager Grice, Police Chief Olko, City Clerk Kowal, DPW Director Melchert, Deputy DPW Director Herczeg, Manager of Municipal Properties King, Community Development Director Cohen, City Attorney Beckerleg, City Engineers Juidici and Stevens

18 Guests

4. APPROVAL OF MINUTES

4a. Regular Council Meeting – March 23, 2015

Moved by Knight; Seconded by Verbeke.

RESOLVED: To approve the March 23, 2015 City Council regular meeting minutes as amended.

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

No: None

Motion Carried (5– 0)

Resolution No. 15.04.058

4b. Council Workshop – March 23, 2015

Moved by Hammond; Seconded by Mitchell.

RESOLVED: To approve the March 23, 2015 Council Workshop meeting minutes.

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

No: None

Motion Carried (5– 0)

Resolution No. 15.04.059

5. APPOINTMENTS AND PRESENTATIONS

5a. Presentation to Commercial Contracting Corporation – Celebrating 15 Years in Business

Mayor McDaniel explained Commercial Contracting Corporation, is celebrating their 15th year in Auburn Hills, though founded in 1946. Milestones noted: April 1, 2000, the 78,000 square foot headquarters doors first opened in Auburn Hills on North Atlantic Boulevard; in 2003 the company completed its largest single major project to date, tooling and building expansion to support the Jeep Liberty program in Toledo, Ohio, at a cost of \$55 million; 2005 entered the Construction Management Market. Awarded a \$23 million expansion of the Warren Truck Assembly Plant; 2006 named GM Construction Supplier of the Year; 2007 saw their revenues exceed \$200 million; 2011 revenue exceeded \$250 million; 2012 revenue exceeded \$300 million; 2014 - after 68 years in the Pettibone Family, William Pettibone (Commercial Contracting Group - Chairman), named the internal management team of Steve Fragnoli, President and CEO, Steve Teper CFO, Joel Lewandowski EVP and Brad Kimmel EVP, to take ownership of the company and keep the operations and headquarters in Auburn Hills; 2015 leased a 35,000 sq. ft. facility on Brown Road to accommodate a major multiyear, multi-plant design/build equipment installation program at locations in the U.S. and Mexico.

5b. Motion – Appointment of Troy Leix to the Local Officials Compensation Commission

Mayor McDaniel noted Mr. Leix is the former City IT director, and appreciates Mr. Leix's willingness to serve on this Commission.

Mr. Leix stated he appreciates the opportunity to serve on the Commission. He hasn't been an Auburn Hills resident for very long, but has worked and spent quite a bit of time in Auburn Hills; 17 or so years.

Moved by Knight; Seconded by Mitchell.

RESOLVED: To confirm the Appointment of Troy Leix to the Local Official's Compensation Commission for a term ending July 31, 2021.

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

No: None

Motion Carried (5– 0)

Resolution No. 15.04.060

5c.1. Motion – Reappointment of Ilene Ingram to the Beautification Advisory Commission

Mayor McDaniel thanked Dr. Ingram for her service and her willingness to continue serving on the Commission.

Dr. Ingram thanked the Council for the opportunity to continue working with the Commission, which she has enjoyed very much. She noted the perennial exchange is taking place very soon.

Ms. Verbeke noted Dr. Ingram is a great asset to the Commission, she always brings an energy and has great ideas.

Moved by Verbeke; Seconded by Hammond.

RESOLVED: To Confirm the Reappointment of Ilene Ingram to the Beautification Advisory Commission for a term ending December 31, 2017.

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

No: None

Motion Carried (5– 0)

Resolution No. 15.04.061

5c.2. Motion – Reappointment of Celeste Yoskovich to the Beautification Advisory Commission

Mayor McDaniel explained he spoke with the staff liaison, Elizabeth Brennan, and was assured Ms. Yoskovich wishes to continue serving on the Beautification Advisory Commission.

Ms. Yoskovich arrived at 7:25 p.m.

Mayor McDaniel thanked Ms. Yoskovich for continuing her work with the Commission.

Ms. Yoskovich thanked the Mayor stating she enjoys working on the Commission; she apologized for being late to the meeting. She is pleased with work being done with other communities and enjoys new ideas with thinking outside the box. She is also looking forward to the perennial exchange as well as the beautification awards involving the residents.

Ms. Verbeke stated Ms. Yoskovich has been very involved in helping with the flag banners, she created the design. The new banners will be seen soon.

Moved by Verbeke; Seconded by Knight.

RESOLVED: To Confirm the Reappointment of Celeste Yoskovich to the Beautification Advisory Commission for a term ending December 31, 2017.

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

No: None

Motion Carried (5– 0)

Resolution No. 15.04.062

6. PUBLIC COMMENT

Annette McAvoy, 3841 N. Briarvale, stated Avondale High School's Avondale Theatre Company, has been selected to represent Michigan at the 2016 Edinburgh Fringe Festival, in Scotland. This is the largest high school arts festival in the world and the third time the Avondale Theatre Company has been asked to participate. This Theatre Company has also qualified for the Michigan Interscholastic Forensics Association Theatre Festival, for the 15th time and have taken home five first places. The group will be performing the Adams Family, a spring musical, and invited Council to attend one of the performances.

Ms. McAvoy noted through Council Member Mitchell a meeting was arranged with herself, Ms. Mitchell and American Axle on behalf of a special needs, post graduate high school student, who is now working at American Axle. This is an unpaid invaluable working experience for this individual who is learning manufacturing skills.

7. CONSENT AGENDA

Mr. Knight requested 7a.2. Board of Review Minutes and Ms. Mitchell requested 7b. Resolution Declaring April Child Abuse Awareness Month, be removed from the Consent Agenda.

7a. Board and Commission Minutes

7a.1. Beautification Advisory Commission – March 18, 2015

Moved by Verbeke; Seconded by Mitchell.

RESOLVED: To approve the Consent Agenda Item 7a.1.

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

No: None

Motion Carried (5-0)

Resolution No. 15.04.063

7a.2. Board of Review Minutes – March 2015

Mr. Knight stated he read the minutes and doesn't like having the initials used for the motion makers and seconders. Item 3 of the minutes indicates the motion maker and the seconder as the same person; that needs to be corrected.

Moved by Knight; Seconded by Verbeke.

RESOLVED: To receive the Board of Review minutes with the noted correction.

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

No: None

Motion Carried (5-0)

Resolution No. 15.04.064

7b. Resolution Declaring April Child Abuse Awareness Month

Ms. Mitchell stated this is an important issue and requested the the resolution be read aloud by the City Clerk.

Ms. Kowal complied and read the resolution.

Moved by Mitchell; Seconded by Verbeke.

RESOLVED: To approve the resolution, designating April as “Child Abuse Awareness Month” in the City of Auburn Hills.

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

No: None

Motion Carried (5-0)

Resolution No. 15.04.065

8. OLD BUSINESS

8a. Motion – Approval of Lawn Maintenance Agreement

Mr. King explained this Service Contract covers the grass and ornamental beds in the boulevards, right-of-ways, and guard rail maintenance throughout the City. There hasn't been much change in what the contract will cover over the last 15 years, only a few minor adjustments. Three bids were received and Green Meadows Lawnscape, Inc. was the lowest bid and has performed this service for the City in the past. A meeting was held with Green Meadows Lawnscape to discuss the expectations of the contract, and the City was assured Green Meadows Lawnscape understood and had a clear understanding of the scope of work.

Ms. Hammond noted in reviewing the contract, she saw no mention that all workers must be legal authorized workers, as stipulated in other City contracts.

Mr. Beckerleg stated that could be a condition of contract approval.

Ms. Hammond believes it is an important element that should be included in the contract.

Mr. Knight reiterated his concern with cutting grass too often and too short; he would like the watering of grass scaled back and not cutting the lawn weekly, unless necessary. The grass height should be three inches; this will also be a cost saving measure.

Responding to Ms. Hammond, Mr. Herczeg didn't think there would be a problem with this company satisfying her concern of having legal authorized workers.

Moved by Hammond; Seconded by Verbeke.

RESOLVED: To award the 2015-2017 Lawn and Ornamental Bed Maintenance Bid to Green Meadows Lawnscape, Inc., 47515 Ryan Road, Shelby Township, MI 48317, with the condition that all the company's employees are legal, authorized people permitted to work in the State of Michigan.

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

No: None

Motion Carried (5-0)

Resolution No. 15.04.066

9. NEW BUSINESS

9a. Motion – Consent to Allow AT&T to Replace Antennas and Equipment at Tower / 3303 Seyburn Drive

Mr. Cohen explained this is a request to allow AT&T to add new antennas and equipment at tower number one, located on the City's campus. The 150 foot tower was built in 1995; at the top of the tower is Verizon's antennas and 15 feet lower, at 135 feet is AT&T's antennas.

The request is a routine change, however, City Council approval is necessary per the lease agreement.

Mr. Cohen noted there is additional action Council may wish to act on, relating to future approvals for antennae or equipment replacements on the two towers located on the City's municipal campus. A motion could be made to allow staff to administratively approve such upgrades to both towers, since these are routine requests.

Mr. Cohen stated Dana L. Schmitt, Chief Strategy Officer / General Counsel for Big Green Group, LLC, is available for questions.

Dana Schmitt explained AT&T is upgrading the technology at this cell site, it is a necessary and routine upgrade. The new equipment will be replaced in the exact same location of the current equipment.

Mayor McDaniel asked when this policy or ordinance was established, if the intent was to have staff to routinely take care of such routine items.

Mr. Cohen explained all of the other cell towers in the City, staff administratively takes care of these types of requests. The two towers located on the City campus are different because the lease agreement requires Council approval.

Mr. Knight explained this was the first cell tower approved by City Council 20 plus years ago, and the agreement required Council approval because nobody had any idea of where this was headed or what may become of the tower. He doesn't see any reason that would prevent staff to administratively review these two towers as is done with other towers in the City.

Ms. Hammond noted in the past, changes with cell towers have gone through the Planning Commission and/or the Zoning Board of Appeals, and asked if that would remain the case with changes.

Mr. Cohen explained the ordinance allows colocations to be done administratively as well as these types of equipment changes. Over the past five years, the City has administratively approved 27 changes to cell towers, routine action. He confirmed for any tower height extensions or new towers, a Special Land Use permit would be required as well as City Council approval.

Ms. Verbeke asked Ms. Schmitt if AT&T is aware of the weak signal area near the Chrysler building on I-75.

Ms. Schmitt stated AT&T is aware of the weak signal areas and is trying to address those issues. This upgrade is part of an upgrade covering the entire State.

Moved by Mitchell; Seconded by Hammond.

RESOLVED: To direct the City Manager to sign the consent request from AT&T to replace antennas and equipment on the monopole tower and associated leased property located at 3303 Seyburn Drive.

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

No: None

Motion Carried (5-0)

Resolution No. 15.04.067

Motion for City campus administrative approvals.

Moved by Knight; Seconded by Verbeke.

RESOLVED: To grant authorization to the City Manager to sign future consent requests, after review by the City Attorney and Director of Community Development, related to antennas and equipment replacements and/or upgrades on the cell towers and associated leased property located on the Auburn Hills Municipal Campus at 3303 and 3311 Seyburn Drive.

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

No: None

Motion Carried (5-0)

Resolution No. 15.04.068

9b. Motion – Approve North Squirrel Road MDOT Contract

Mr. Melchert explained staff and OHM have been working on this project for the last several years and MDOT has provided nearly \$2 million towards this project. With those funds, MDOT takes control of the project and administers the contract. The bids were opened and the lowest bid came in 20% over the engineers estimated amount, reflecting the trend of prices rising. Staff has worked through the 2015 budget to make the necessary adjustments to cover the shortfall without impacting the current bottom lines and recommends moving forward with the bid.

Mr. Knight asked if the City shouldn't be in control of the project since the City is contributing more money to the project than the State.

Mr. Melchert explained when the bid was awarded, there was a limit and though the prices have gone up at the time of the grant it was a percentage of the engineer's estimate. The grant cannot be changed and since there is federal money involved, MDOT must administer the contract.

Moved by Knight; Seconded by Mitchell.

RESOLVED: To approve the resolution to enter into the Michigan Department of Transportation Contract No. 15-5091 for the Rehabilitation of North Squirrel Road.

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

No: None

Motion Carried (5-0)

Resolution No. 15.04.069

9c. Motion – Approve North Squirrel Road OHM Scope of Construction

Mr. Melchert noted this item goes hand-in-hand with the previous item.

Mr. Knight asked if this bid went up proportionately with the cost of the road bid or remained the same.

Mr. Melchert confirmed the amount remained the same as the original estimate.

Mr. Knight commended OHM for not increasing their cost with the cost of the project increasing.

Mr. Juidici explained the scope of engineering costs are based on the number of hours estimated for a project, not based on the project cost.

Moved by Verbeke; Seconded by Hammond.

RESOLVED: To approve the Scope of Construction Engineering Services provided by OHM Advisors for the not-to-exceed amount of \$395,000.00 and the material testing services estimate provided by Testing Engineering and Consultants, Inc. for \$95,000.00. Funding to be paid from the Street Improvement Fund account number 101-446-973.202SQL-WAL/DUT.

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

No: None

Motion Carried (5-0)

Resolution No. 15.04.070

10. COMMENTS AND MOTIONS FROM COUNCIL

Ms. Hammond:

- Was pleased someone reported the downtown clock wasn't working.
- Sending condolences to Council Member Burmeister and his wife Carrie, on the loss of her mother.

Mr. Knight:

- Reminded everyone April 22, 2015 is the Steak and Burger Dinner for the Boys and Girls Club. He hopes Council Members will be able to attend. There will also be a VIP reception at 5:30, prior to the dinner.

Ms. Mitchell:

- Congratulated Recreation Director Marzolf and the Parks and Recreation staff on another successful, well attended/well run Easter egg hunt.
- Commended the Community Development department on the thoroughness of the 2014 report provided to Council and is looking forward to reading the report she received earlier from the Police department.
- Thanked the Ahmadiyya Muslim Youth Association for the invitation to a symposium that is being held later this month, though it conflicts with Council meeting night.
- Congratulations to Oakland University on the Diversity, Inclusion and Equity conference held earlier this month. The attendance was very good and she got some great information.

Mayor McDaniel:

- Thanked Police Chief Olko and her team for the Police Department's annual report.
- Extended his condolences to Council Member Burmeister and his wife Carrie, on the loss of her mother, Christina Pace.

11. CITY ATTORNEY'S REPORT – none

12. CITY MANAGER'S REPORT

- The City has been working with the County for a number of months regarding the DDA and TIF capture plan and will be coming to an end soon, with final approval from the Board of Commissioners at their May 6, 2015 meeting. There are many meetings prior to the May 6th approval meeting and he, Ms. Mariuz, Mr. Cohen and Mr. Beckerleg will be attending those meetings.
- The search has been narrowed down to six candidates for the new executive assistant in the City manager's office; hopefully the position will be filled within a month.
- Mr. Grice will become the new TIFA Executive Director effective tomorrow, April 14, 2015.
- The Road Commission for Oakland County will be having its strategic planning meeting with the City, this Friday, April 17, 2015, in the Public Safety building. Some of the discussion items will include transportation funding, tri-party funds and safety efforts.
- Regarding the road projects throughout the City, up-to-date information can be found on the City's website. The information includes descriptions of the projects, detours, rolling closures and similar information. The City's website is www.auburnhills.org/community/2015roadprojects.

Mayor McDaniel asked Ms. Kowal for an update on the May 5, 2015 election.

Ms. Kowal stated there will be no combined precincts for this election because it is a State election. There have been 1,029 requests for an absentee ballot, with 377 returned thus far, 36%.

Mr. Knight was asked to mention the ballot question regarding the Pontiac Schools requesting a sinking fund milage, which is used strictly for the improvements of the school district buildings. The building are in need of updating and general maintenance. This milage request replaces a larger milage that has expired. This new milage will be one mil less than the expired milage.

Mayor McDaniel stated the Michigan Association of Municipal Clerk's has awarded for the first time ever a MAMC Lifetime Achievement Award to City Clerk Terri Kowal; he extended his congratulations. Mayor McDaniel thanked Mr. Tanghe for making the submission.

13. EXECUTIVE SESSION – Command Labor Negotiations and Continuation of Attorney Opinion

Moved by Verbeke; Seconded by Hammond.

RESOLVED: To adjourn to Executive Session for discussion of Command Labor Negotiations and a continuation of an Attorney's opinion.

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

No: None

Motion Carried (5-0)

Resolution No. 15.04.071

Adjourned to Executive Session at 8:12 pm. Returned from Executive Session at 10:04 pm.

13. Motion – Command Labor Negotiations

Moved by Mitchell; Seconded by Hammond:

RESOLVED: To ratify the collective bargaining agreement by and between the City of Auburn Hills and the Auburn Hills Command Officers represented by the Police Officers Labor Council of Michigan for the contract period of January 1, 2015 through December 31, 2018. Said approval includes retroactive pay to January 1, 2015; and subject to clarification that Appendix A, Section 2(a) applies to Defined Benefits Plan participants. Furthermore, authorize the Mayor, City Clerk, and City Manager to execute the agreement on behalf of the City.

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

No: None

Motion Carried (5-0)

Resolution No. 15.04.072

Meeting adjourned at 10:05 p.m.

Kevin R. McDaniel, Mayor

Terri Kowal, City Clerk