



The City of Auburn Hills
City Council Meeting
Minutes

July 27, 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 Burmeister, Hammond, Knight, Mitchell, Verbeke
Absent: Mayor Pro Tem Kittle
Also Present: City Manager Tanghe, Police Chief Olko, City Clerk Kowal, City Assessor Lohmeier, DPW Director Melchert, Community Development Director Cohen, Manager of Roads and Fleet Brisson, City Attorney Beckerleg, City Engineer Juidici
7 Guests

4. APPROVAL OF MINUTES

4a. Regular City Council Meeting – July 13, 2015

Moved by Verbeke; Seconded by Mitchell.

RESOLVED: To approve the July 13, 2015 Regular City Council meeting minutes.

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

No: None

Resolution No. 15.07.134

Motion Carried (6 – 0)

4b. City Council Workshop – July 13, 2015

Moved by Burmeister; Seconded by Verbeke.

RESOLVED: To approve the July 13, 2015 City Council Workshop meeting minutes.

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

No: None

Resolution No. 15.07.135

Motion Carried (6 – 0)

6. PUBLIC COMMENT – None

7. CONSENT AGENDA

7a. Board and Commission Minutes

7a.1. Planning Commission – June 16, 2015

7a.2. Special Pension/Retiree Health Care – June 17, 2015

7a.3. Local Officials Compensation Committee – July 7, 2015

7a.4. Tax Increment Finance Authority – July 14, 2015

7a.5. Planning Commission – July 21, 2015

7b. Approve Local Officials Compensation Resolutions – Salary & Benefits

RESOLVED: To receive and file the Resolutions for Salary and Benefits as recommended by the Local Officials Compensation Commission at a meeting on July 8, 2015.

7c. Assign Wholesale Water Purchases to Great Lakes Water Authority

RESOLVED: To approve the Resolution Regarding Assignment Agreement with the City Of Detroit and the Great Lakes Water Authority

Moved by Verbeke; Seconded by Mitchell.

RESOLVED: To approve Consent Agenda items 7a., 7b., and 7c.

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

No: None

Resolution No. 15.07.136

Motion Carried (6 – 0)

8. OLD BUSINESS - None

9. NEW BUSINESS

9a. Approval of Site Plan, Special Land Use Permit, and Tree Removal Permit / RECARO Child Safety, LLC

Mr. Cohen presented a request to construct a new 90,000 square foot, North American headquarters and manufacturing facility for RECARO Child Safety, LLC; approximately an \$8 million investment. This construction is proposed across the street from the current facility and is nearly tripling the size.

A Special Land Use is being requested for the storage of the wood pallets which is used for both incoming product and outgoing finished product. The proposed storage area is near the loading dock.

Stacy Fields, Asset Manager for General Development Company, introduced herself.

Mr. Knight asked if RECARO is the current owner of the building they are occupying.

Ms. Fields stated General Development is the owner of that building and hopes to rent the building soon after RECARO moves out.

Mr. Knight asked if the new plant will be the major production plant or if there are other locations.

Ms. Fields explained this new facility will be the North American headquarters for RECARO Child Safety seats.

Mr. Burmeister asked if there is a storm sewer that runs behind the property to the north.

Mr. Juidici explained the drainage from the detention ponds runs south to Harmon Road and into the Vinewood Drain.

Moved by Mitchell; Seconded by Hammond.

RESOLVED: To accept the Planning Commission's recommendation and approve the Site Plan, Special Land Use Permit, and Tree Removal Permit for RECARO Child Safety, LLC subject to staff and consultants' conditions.

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

No: None

Resolution No. 15.07.137

Motion Carried (6-0)

9b. Approval of Site Plan / Pontiac Road Industrial North

Mr. Cohen noted this is a request from ARC Investment to build three speculative buildings on this five acre site. This is the former Sociedad Mutualista Mexicana site, whose building has been converted to an industrial building. The cost of this investment is approximately \$1.5 million and is located on the north side of Pontiac Road, just west of Opdyke Road.

Carl Messer, owner of ARC Investment introduced himself and confirmed for Mr. Knight there aren't any particular companies in mind at this time for occupying these speculative buildings.

Ms. Verbeke asked if these buildings are large enough for light industrial.

Mr. Messer explained these are slightly larger than his other light industrial buildings on the opposite side of Pontiac Road, focusing on a different market.

Responding to Ms. Hammond, Mr. Messer stated these building will be very similar to the other buildings; decorative brick with metal ribbed awnings.

Regarding the topography, Mr. Messer confirmed for Ms. Verbeke the driveway to the west is much steeper, the driveway to the east will be the main driveway. The eastern driveway will be lined and striped, the sign will be moved closer to the eastern driveway to encourage its use.

Mr. Knight is pleased with this property use, noting light industrial buildings of this size enable entrepreneurs the opportunity to start a business.

Moved by Knight, Seconded by Mitchell.

RESOLVED: To accept the Planning Commission's recommendation and approve the Site Plan for Pontiac Road Industrial North subject to staff and consultants' conditions.

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

No: None

Resolution No. 15.07.138

Motion Carried (6-0)

9c. Approval of Text Amendment to the Zoning Ordinance / Accessory Building Definition

Mr. Cohen explained this draft amendment is a response to an ordinance enforcement case that was recently addressed concerning a metal shipping container on a residential property being used as a shed. The City Attorney and the Planning Commission decided it is appropriate to clarify the Zoning Ordinance definition of an Accessory Building. The Planning Commission, in the definition, has made it clear that shipping containers, bus bodies, railroad cars and the like should not be stored on residential property. This provision will not prohibit the use of storage containers for temporary storage, such as PODS, which are quite popular.

Mr. Knight is concerned with the temporary storage only being allowed on the resident's driveway, which in some cases may be only wide enough for one car and could block the only entrance to a garage. He would like to see an exception in such a case, by allowing a storage unit in another area of a property as approved by the City.

Mr. Cohen stated the driveway provision is not part of the amendment, it will be at the discretion of the Building Official.

Ms. Verbeke asked if currently any restrictions apply for having a POD type storage container on a residential property.

Mr. Cohen explained a time limit is not being proposed, unless City Council sees a problem; Code Enforcement has not seen any problems with the PODS being left on properties for an extended period of time.

Mr. Cohen confirmed for Mayor McDaniel the cost is generally between \$100 and \$200 a month for rental, which can add up quite quickly. Mr. Spencer, the Building Official, has seen instances where an insurance company is paying for the cost of the POD for an extended period of time while a homeowner is cleaning up after a fire or flood.

Ms. Hammond is pleased with this ordinance, since a new fad of turning storage containers into small housing units is growing.

Moved by Hammond; Seconded by Verbeke.

RESOLVED: To accept the Planning Commission's recommendation and approve the attached text amendment to Article II. Definitions of the Zoning Ordinance clarifying the definition of an accessory building. The amended ordinance shall be referenced as Ordinance 15-869 (Attachment A).

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

No: None

Resolution No. 15.07.139

Motion Carried (6 – 0)

9d. Motion – Approve 2015 Asphalt Maintenance Program

Mr. Brisson explained the Asphalt Maintenance Program is for a slurry seal on Executive Hills Boulevard, a TIFA B District and from Local Streets Budget for the western portion of Chrysler Drive, from Featherstone to the I-75 ramp. When the bids came in, both were over budget. The traffic maintenance and control portion of the bid was the largest single line item price increase; doubled since last year and tripled since 2013. TIFA B approved the Executive Hills portion of the project and adequate funding is available in the Local Streets, for Chrysler Drive.

Mr. Knight asked that the Executive Hills businesses be made aware of the work being done. Last year he received complaints from quite a few people regarding all the dust on their vehicles.

Mr. Brisson stated with the slurry seal, there shouldn't be any dust.

Ms. Verbeke doesn't like the slurry seal, it isn't a nice smooth road. She noted the City began the slurry seal as a cost savings measure and asked if money is still being saved with the costs rising.

Mr. Brisson stated the slurry seal will extend road life if it's a new wear course; the last slurry seal done was in 2013 on Takata Drive. There should be a five to seven year life expectancy for the slurry seal on high traffic roads such as Executive Hills and Chrysler Drive. This is a fraction of the cost of replacing a road. Mr. Brisson noted cape seal is what was done on Phillips and Mattie Lu Streets.

Ms. Verbeke corrected her statement saying she isn't a fan of the cape seal. Mr. Burmeister agreed, the roads are rough.

Mayor McDaniel appreciates Mr. Brisson's presentation and the work that was done on this proposal. He has a concern with Chrysler Drive, asking what portion of the road is being considered for the slurry seal and who benefits from that portion of the road.

Mr. Brisson explained there are both City owned and private portions of Chrysler Drive; however, this portion does mainly service the Chrysler Corporation employees.

Mayor McDaniel asked for discussion from Council regarding this proposal. City Council is planning a future workshop regarding the creation of Special Assessment Districts (SAD). The reasoning is, the City is in a lawsuit with Fiat Chrysler Automobiles (FCA), who is arguing appealing their taxes. FCA wants the City to provide the same amount of services, i.e., great roads, police and fire protection, and yet is asking for reduced taxes.

Mayor McDaniel understands the cost is much higher than anticipated for the slurry seal. Depleting the Local Streets fund and using quite a bit of TIFA B's money doesn't seem to make sense; the residents of Auburn Hills pay their fair share of taxes and there are probably some of those residential roads that could benefit from those funds.

Mr. Beckerleg explained Chrysler Drive is a public road and a SAD could be used for the road, but suggested the City Council hold a workshop on SAD's and learn how they work and what legal standards must be met.

Mayor McDaniel felt that the slurry seal cost for Chrysler Drive, \$123,000, could be better utilized elsewhere at this time. He would prefer postponing this item until after holding a workshop discussing SAD's.

Ms. Verbeke asked if it would be possible to do a portion of this proposal.

Mr. Brisson stated the proposal is based on unit pricing and it would be possible to continue with Executive Hills.

Mr. Melchert suggested because of the pricing, to defer the entire project at this time.

Mayor McDaniel wanted to be clear, this has no reflection on the DPW staff and the proposal presented; it has everything to do with City policies.

Mr. Brisson confirmed for Ms. Hammond, the only bid received was from Highway Maintenance and Construction Company, who he believes is the only company in southeast Michigan, that does this type of work.

Ms. Mitchell stated she is in favor of postponing this item until City Council has a workshop to discuss and learn what options are available.

Ms. Verbeke asked if the condition of Executive Hills Boulevard is adequate to postpone the slurry seal.

Mr. Brisson explained this type of work is done before cooler weather sets in; some of the prep work, patched and crack filled, has been done and waiting until later this year or next year will not be a problem.

Mr. Knight doesn't want to see the road maintenance schedule fall too far behind, and questioned if detaining the work on Executive Hills Boulevard will compromise the schedule.

Mayor McDaniel explained it was suggested to defer the entire project for a year. A new bid can be let if it is decided to move forward with Executive Hills

No action was taken on this item.

10. COMMENTS AND MOTIONS FROM COUNCIL

Mr. Burmeister:

- Addressing Mr. Cohen, stated he was very pleased with the dealings he had with Building Official Spencer today.

Ms. Mitchell:

- Was pleased with the time she spent with Code Enforcement Officer Darge. He was very helpful, answered her questions and expanded her knowledge of what the Code Enforcement Officers manage on a daily basis. She asked Mr. Cohen to extend her appreciation.
- Addressing Police Chief Olko, noted she spent some time with Sgt. Eftink and Officer Hesse and got more of her questions answered. She understands the negative feedback towards police officers, but noted there are many positive things as well. She asked Police Chief Olko to extend her appreciation as well.
- Today Police Chief Olko's blog referenced the mission and values statement of the Auburn Hills Police Department. It is a very good blog and urged others to read and share the blog with others.

Ms. Hammond:

- While out gathering petition signatures, she spoke with some resident in the area of Oakknoll and Knollwood, and those residents were told by Mr. Melchert there would be a subdivision sign constructed in conjunction with street lighting being installed. Those residents asked when the sign would be installed.
Mr. Melchert stated he isn't aware of any subdivision name sign that was supposed to be posted; he isn't sure if there is a subdivision name for that area.
- Has received several complaints regarding the I-75 billboard signs being too brightly lit at night.
- State Crushing starts at 6:00 a.m. and continues working through 10:00 p.m., and sometimes later. Complaints have come from Sheffield Estate residents that the noise is disturbing their sleep.

Mr. Knight:

- Announced the downtown clock is now working and thanked those responsible for fixing it.
- Hopes the median of Squirrel Road is not being watered, because on either side of the road the weeds are quite tall. When mowing the sides of the road, there is one pass with a lawn mower and from there back the grass/weeds continue to grow. The City has an ordinance stating grass isn't to be any taller than eight inches, within 50 or 100 feet of the road.
- Asked if there is a deadline for the opening of Featherstone; everything appears to be done with the exception of grass growing.

Mr. Brisson explained the irrigation for the boulevard is currently being worked on, and once that is completed grading and grass seed can move forward. If the road is opened the striping must be complete; however, with the landscaping that needs to be completed there is the chance that the machinery will ruin the striping. The irrigation is about 40% complete, and attempts have been made to have the contractor get the project done. The problem with possibly finding a new contractor, is the contractors must be MDOT approved. He is hoping by mid-August the irrigation will be complete so the striping can be done and the road opened.

- Tonight he is wearing his Pontiac Promise Zone tee shirt, for which he is the treasurer. A fundraiser will be held for the Woodward Dream Cruise, Saturday, August 15th, allowing for a fee people to park at the Genisys Credit Union, across from St. Joe's hospital on Woodward. All are invited.
- Regarding the Water Quality Report, he asked if there is an explanation for the e-coli fluctuation on June 30th from the different locations. An immediate answer isn't necessary, but he would like an explanation.
- Noted the traffic signals on M-24 in front of the Palace were operating at 8:33 p.m., Thursday, during the middle of a concert and asked why because there wasn't any Palace traffic.

Police Chief Olko explained those lights are computerized, and it is possible the person that should have made the change got sidetracked. She apologized and will look into it.

Ms. Verbeke asked Police Chief Olko how the all day concert at the Palace went, if there were any incidents.

Police Chief Olko noted the all-day event was the Warped Tour, which ended about 9:30 p.m. There were no real incidents, only three medical calls related to heat exhaustion, and some traffic issues first thing in the morning.

Mayor McDaniel:

- He'd like to acknowledge and congratulate Council Member Mitchell, who attended the Harvard Kennedy Executive Education program, July 6-25, 2015. She has been awarded a certificate for Senior Executives in State and Local Government. This is a true testament to her commitment to local government and being involved in our community.
- National Night Out is Tuesday, August 4, 2015, at 6:00 p.m., at the Community Center, everyone is invited to attend.
- He, Mayor Pro Tem Kittle, Council Members Hammond and Verbeke have all filed petitions to seek re-election for City Council. He looks forward to working with everyone again and is proud of the accomplishments that Council has made.

Ms. Kowal reminded everyone there is an election for those in the Pontiac School District, Tuesday, August 4, 2015. The polls will be open from 7:00 a.m. until 8:00 p.m. The City has five precincts within the Pontiac School District; precincts 1, 4, 6, 8, and 9.

11. CITY ATTORNEY'S REPORT - none

12. CITY MANAGER'S REPORT

- The Tax Increment Finance Authority has under contract a piece of property located at the southwest corner of Auburn Road and South Squirrel Road. There are some soil conditions on the site, which has been challenging for the developer. Currently there are other options being investigated.
- There have been delays for the townhouse development on Primary Street; construction may begin this year or there might be a delay until next year. There have been minor soil concerns, but the Brownfield portion is moving forward.
- The Auburn Hills Community Foundation will be launching a campaign next month to raise funds for the Riverwalk project, specifically the amphitheater, splash pad and plaza areas in Riverside Park. The cost for this project is close to \$1 million, with the Tax Increment Finance Authority pledging a portion of the cost, but several thousands of dollars still needed. A \$125,000 gift was received last week, going towards that goal. The campaign will include corporate sponsors as well as individuals being able to purchase brick pavers; various giving levels will be available. The Auburn Hills Community Foundation's website will have more information and can be seen at www.auburnhillscf.org. If preferred, questions can be directed to the City Manager's Office at 248.370.9440.
- Wished Ms. Kowal a happy birthday.

Mr. Knight understands there is a general conception of what the Riverwalk will look like, but asked if there is a true rendering of what the amphitheater and other projects. He would like City council to have the opportunity to review the specifics.

13. EXECUTIVE SESSION

Fiat Chrysler Automotive vs Auburn Hills and an Attorney Opinion

Moved by Verbeke; Seconded by Hammond.

RESOLVED: To adjourn to Executive Session to discuss pending litigation FCA vs. Auburn Hills and an Attorney Opinion.

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

No: None

Resolution No. 15.07.140

Motion Carried (6 – 0)

Adjourned to Executive Session at 8:00 p.m. Reconvened the regular City Council meeting at 10:21 p.m.

14. ADJOURNMENT

The meeting adjourned at 10:22 p.m.

Kevin R. McDaniel, Mayor

Terri Kowal, City Clerk

Attachment A

**CITY OF AUBURN HILLS
COUNTY OF OAKLAND
STATE OF MICHIGAN
ORDINANCE NO. 15-869
TEXT AMENDMENT TO ZONING ORDINANCE
AN ORDINANCE TO AMEND
CERTAIN PORTIONS OF ARTICLE II. DEFINITIONS
OF THE AUBURN HILLS ZONING ORDINANCE NO. 372**

THE CITY OF AUBURN HILLS ORDAINS

Section 1.

Article II. Definitions of Auburn Hills Zoning Ordinance No. 372, as amended, is hereby amended to clarify the definition of an accessory building and shall read as follows:

Accessory Building: A subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land. For purposes of clarification, shipping/cargo containers, railroad cars, converted mobile homes, bus bodies, vehicle bodies and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not accessory buildings and are not accessory structures and are prohibited from being located on residential property and/or being utilized for storage on residential property unless specifically authorized in the Zoning Ordinance.

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.

The 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 27th day of July, 2015, and ordered to be given publication in a manner prescribed by the Charter of the City of Auburn Hills.

**AYES: Mayor McDaniel, Council Members Burmeister, Hammond, Knight, Mitchell, Verbeke
NAYES: None
ABSENT: Mayor Pro Tem Kittle**

RESOLUTION 15-869 Adopted (6-0)

STATE OF MICHIGAN)
) ss.
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. 15-869, adopted by the Auburn Hills City Council on the 27th day of July, 2015 the original of which is in my office.

Kevin R. McDaniel, Mayor

Terri Kowal, City Clerk