October 2013
(10-3-13)

01 Planning Commission, 7:00 p.m. Council Chamber ◆
01 Library Board, SPECIAL BUDGET MEETING, 4:30 PM, Library  ℹ️
01 Brownfield Redevelopment Authority, 6:00 p.m., Admin Conference Room ❖
07 City Council Workshop, 5:30 p.m., Council Chamber ◆
07 City Council, 7:00 p.m., Council Chamber ◆
08 Tax Increment Finance Authority, 4:00 p.m., Admin Conference Room  ❖ CANCELED
09 Election Commission, 10:00 a.m., Clerk’s office
10 Zoning Board of Appeals, 7:00 p.m., Council Chamber ◆ CANCELED
14 Tax Incentive Review Committee, 5:30 p.m., Admin Conference Room ❖
15 Public Safety Advisory Committee – 6:00 p.m., Public Safety Building ❖ SPECIAL MEETING
16 Beautification Advisory Commission, 6:00 p.m., Council Conf. Room ☀ LOCATION CHANGE
21 City Council, 7:00 p.m., Council Chamber ◆
22 Library Board, 4:30 p.m., Library ☁ LOCATION CHANGE
29 Planning Commission, 7:00 p.m. Council Chamber ◆

◆ City Council Chamber (Conf. Rm.) – 1827 N. Squirrel Road
❖ Administrative Conference Room – 1827 N. Squirrel Road
♦ Public Safety Building – 1899 N. Squirrel Road
☺ Community Center – 1827 N. Squirrel Road
● Department of Public Services (DPS) – 1500 Brown Road
vation Golf Course - 1984 Taylor Road
Library - 3400 Seyburn Drive
Downtown City Offices – 3395 Auburn Road, Suite A
1. MEETING CALLED TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL OF COUNCIL
4. APPROVAL OF MINUTES
   4a. Regular Minutes – September 23, 2013
   4b. Workshop Minutes – September 23, 2013
5. APPOINTMENTS AND PRESENTATIONS
   5a. Reappointment of Carolyn Shearer to the Planning Commission for a term ending July 31, 2016
   5b. Reappointment of Bob Pierce to the Planning Commission for a term ending July 31, 2016
6. PUBLIC COMMENT
7. CONSENT AGENDA
   All items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.
   7a. Board and Commission Minutes
      7a.1. Public Safety Advisory Committee – September 24, 2013
      7a.2. Planning Commission – October 1, 2013
   7b. Motion – Resolution to Revise 2013 Clinton Oakland Sewage Disposal System (COSDS) Inter-Municipal Contract
8. OLD BUSINESS – none.
9. NEW BUSINESS
   9a. Motion – Approve Recommendation Site Plan and Tree Removal Permit / Atlas Copco U.S. Headquarters
   9b. Public Hearing/Motion – Request to approve extension of IFEC 2003-505 for BorgWarner, Inc.
   9c. Public Hearing/Motion – Request to approve transfer of IFEC 2010-394 for Unwired Technology LLC
   9d. Public Hearing/Motion – Request to approve extension of IFEC 2010-394 for Unwired Technology LLC
   9e. Public Hearing/Motion – Request to approve IFEC for Unwired Technology LLC for real and personal property
   9f. Motion – Award of 2013 Sanitary Sewer Improvement Contract
10. COMMENTS AND MOTIONS FROM COUNCIL
11. CITY ATTORNEY’S REPORT
12. CITY MANAGER’S REPORT
13. EXECUTIVE SESSION – Discussion of Labor Negotiations
14. ADJOURNMENT

City Council meeting minutes are on file in the City Clerk’s office. NOTE: Anyone planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) is asked to contact the City Clerk’s Office at 370-9402 or the City Manager’s Office at 370-9440 48 hours prior to the meeting. Staff will be pleased to make the necessary arrangements.
CALL TO ORDER: by Mayor McDonald at 7:00 p.m.

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

Present: Mayor McDonald, Mayor Pro-Tem Hammond, Council Members Knight, McDaniel, Verbeke

Absent: Council Members Doyle, Kittle

Also Present: Community Development Director Cohen, Deputy Director/Police Hardesty, Assessor Lohmeier, DPW Director Melchert, City Clerk Kowal, City Attorney Beckerleg, City Engineer Juidici

14 Guests

4. APPROVAL OF MINUTES


Moved by Hammond, Seconded by Knight.

RESOLVED: To approve the September 9, 2013, meeting minutes.

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

No: None Motion Carried (5-0)

Resolution No. 13.09.167

4b. Workshop – September 9, 2013

Moved by Knight, Seconded by Verbeke.

RESOLVED: To approve the September 9, 2013, Workshop minutes.

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

No: None Motion Carried (5-0)

Resolution No. 13.09.168

5. APPOINTMENTS AND PRESENTATIONS

5a. Motion - Appointment of Susan Emery to the Planning Commission for a term to expire July 31, 2016

Ms. Emery stated she moved to the City in 2009 and works out of her home doing health insurance and benefits. She has worked with Oakland County and others and decided she would like to work in her own community on a smaller level and contributing any way she can.

Mr. Knight asked Ms. Emery if she owns or rents the condo she is currently living in, because he felt an owner may be tied to the community for a longer period of time.

Ms. Emery stated her fiancée owns the condo.

Moved by Verbeke; Seconded by Knight.

RESOLVED: To confirm the Appointment of Susan Emery to the Planning Commission for a term ending July 31, 2016.

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

No: None Motion Carried (5-0)

Resolution No. 13.09.169
Mr. Wyatt explained he has lived in Auburn Hills for 29 years and spent most of that time working for the Auburn Hills Fire Department. As of March 1, 2013, he retired as Assistant Fire Chief for the City. He was contacted by Mayor McDonald and asked if he would be willing to serve on this Board because of his experience with hazardous materials and environmental issues.

Mr. Knight thanked Mr. Wyatt for stepping forward and agreeing to work with the Brownfield Redevelopment Authority, and noted there will be a meeting the first of next month.

Moved by Knight; Seconded by McDaniel.

RESOLVED: To confirm the Appointment of Randy Wyatt to the Brownfield Redevelopment Authority for a term ending December 31, 2014.

VOTE: Yes: Hammond, Knight, McDaniel, McDonald, Verbeke
No: None

Motion Carried (5-0)

Resolution No. 13.09.170

6. PUBLIC COMMENT

Veronica Mitchell, 2701 Williamsburg Circle explained on September 9th, concerns were brought before Council, which pertains to the Library Board, and being the President of the Library Board, she personally followed up with the individual who raised those concerns. There was an extended conversation between her and the resident and she urged him to attend a Library Board meeting to discuss his issues. If the time of the meetings is not convenient, the third Tuesday of the month at 4:30 p.m. there is Conversations with the Board in December, the third Monday of the month at 5:00 p.m. If for some reason those times are not convenient, she can make herself available at another time if needed; her e-mail address is available on the website.

Ms. Verbeke asked if the Library Board had any available dates to meet with City Council.

Ms. V. Mitchell stated the Library has received a draft meeting agenda and she will be presenting the agenda at the next Board meeting. The discussion will include some possible dates for a joint meeting.

Janet Mitchell, 3907 Hillsdale Drive, is the President and founding member of the Friends of the Auburn Hills Public Library and wishes to make Council aware of recent developments that have affected the ability of the Friends of the Library to raise money for the library through the sale of donated books. The Friends of the Auburn Hills Public Library was formed in 2009 with the help of Karrie Waarala, the former Library Director. Ms. Waarala gave the friends a small room next to the fireplace room to use as a book store. The Friends have sold donated books to raise money for the Library until September 1, 2013. When present Director, Stephanie McCoy, told the Friends of the Library, that the Library would take over the operation of the room, no explanation was given. The Friends bookstore had been making about $250 a month. According to Paul Snyder, President of the Friends of Michigan Libraries, this type of action has never happened in any library in Michigan.

Continuing, Ms. J. Mitchell stated there are two large book sales held each year from books donated to the Friends throughout the year. Money made from the book sales, along with money made from the book store support library programs, equipment, and upholstery of the chairs in the Library. On July 20th, the Director posted a notice that the Library was suspending acceptance of donations. The reason given was the donation policy was being updated. The new policy was approved by the Library Board of Trustees at the end of August. Donations are still not being accepted. She was told the Library staff must be trained in the new policy. This severely affects the upcoming book sale as inventory is very low and low inventory affects future sales as well. She had cleared the dates of the book sale, October 9th, 10th, 11th, and 12th with the Director in August, and then placed an ad publicizing the dates. Shortly after, the Director e-mailed her that the Library would be closed for a staff in-service day on October 11th; which was not posted on the calendar; the dates had already been cleared with the Director. Also, there are no other events posted for any other Friday in October.

From the date of formation of the Auburn Hills Friends group, the donations thus far is $13,589.29, raised from the book store book sales, memberships and individual donations. The Friends is an incorporated 501-3c tax exempt organization, members of the Michigan Friends of Libraries, and attend the Michigan Friends workshops. The Friends board is disheartened by the recent development and lack of support by the Director. Although the Director is a member of Friends of the Library Board, she rarely attends meetings, but sends a representative requesting funds for equipment or programs. The Director receives copies of the Friends meetings. The Friends have appealed to the Board of Trustees with little evidence of any change. It is difficult for the Friends to stay motivated to do their work in the present environment.

She wanted to make Council aware of the how the Director and Board of Trustees has created a negative atmosphere and limited the ability of the Friends to raise funds through book sales and other activities.

Mayor McDonald thanked Ms. J. Mitchell, and explained City Council has no authority over the Library Board, but appreciates the information.

Continuing, Mayor McDonald asked Ms. V. Mitchell if she could address this issue at the next Board meeting.
Ms. V. Mitchell stated some of the topics brought up are on the next meeting agenda, noting the Library is accepting donations.

Mayor McDonald asked if the Board approved the taking back of the room and not accepting donations any longer.

Ms. V. Mitchell stated it was decided to suspend donations by the Director as part of the day-to-day operations, until the policy is up and running. The policy was approved by the Library Board.

Mr. Knight asked for clarification, that the policy is decided by the Board and whether to have the sale or not is up to the Director.

Ms. V. Mitchell explained the policy update is what the Board approved. The day-to-day operations of the Library are managed by the Library staff, done administratively. The policy amendments are investigating how to efficiently manage the book donation room, which will also be on the next Library Board agenda.

Ms. Verbeke asked if the book room was taken away from the Friends by the Library Board.

Ms. V. Mitchell stated the room wasn’t taken away from anyone, and suggested that this conversation be continued at the Library Board meeting.

7. CONSENT AGENDA

All items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

Ms. Verbeke requested Item 7b. be removed from the Consent Agenda.

7a. Board and Commission Minutes
7a.1. Beautification Advisory Commission – August 14, 2013
7a.3. Tax Incentive Review Committee – September 9, 2013
7a.2. Tax Increment Finance Authority – September 10, 2013

7c. Motion – Approve Contract for Light Pole Painting

RESOLVED: To concur with the approval of the TIFA Board of Directors for the painting of fifty-three light poles in the median on University Drive, from I-75 to N. Squirrel Road.

Moved by Verbeke; Seconded by Hammond.
RESOLVED: To approve the Consent Agenda Items 7a., and 7c.
VOTE: Yes: Hammond, Knight, McDaniel, McDonald, Verbeke
No: None
Motion Carried (5-0)

Resolution No. 13.09.171

THIS ITEM WAS REMOVED FROM CONSENT AGENDA BY COUNCIL MEMBER VERBEKE.

7b. Motion – Approve Federal Non-Discrimination Plans

Ms. Verbeke asked how the police and fire departments would handle a situation with someone that doesn’t speak English, the plan states for the City to be eligible for grants and federal funding, there must be an option for an interpreter.

Deputy Director/Police Hardesty stated the City employs a service, available 24 hours a day, seven days a week that connects a phone to the interpreter of most any language. The fee for the service is less than $30.00 per month.

Moved by Verbeke, Seconded by Knight.
RESOLVED: To approve the attached Title VI Non-Discrimination Plan and the Limited English Proficiency Plan as presented, and to appoint Assistant City Manager Tom Tanghe as the Coordinator of these plans.
VOTE: Yes: Hammond, Knight, McDaniel, McDonald, Verbeke
No: None
Motion Carried (5-0)

Resolution No. 13.09.172

8. OLD BUSINESS – None.

9. NEW BUSINESS

9a. Public Hearing/Motion – Request to Approve IFEC for PyeongHwa Automotive USA LLC for Personal Property

Mr. Lohmeier explained an application for an IFEC has been received from PyeongHwa Automotive USA LLC (PHA) for personal property on September 3, 2013, and as of this date a portion of the personal property has been purchased and installed. The personal property will be used at the leased facility located at 765 Standard Parkway. There is at least five years remaining on the building lease and PHA has applied for a three-year abatement which would require an additional two-year stay. The total project investment is $1,975,851, anticipating the retention of 20 jobs, as well as creating 10 new jobs. The company will save approximately $26,472 in taxes, with $12,780 of that being City revenues.
As asked by the Tax Incentive Review Committee, PHA has no tax delinquencies or tax appeals. It was also noted, the new personal property was purchased prior to requesting the tax incentive. The company needed the equipment immediately to fulfill a very aggressive timeline in supporting their customers, such as Chrysler and General Motors.

Mr. Lohmeier noted there is not a company representative in the audience, however, he noted the supplemental information included in the packet of information for Council, is more extensive than most companies provide. He also noted the deadline for filing exemptions is quickly approaching, October 31st, and there will be more filings at the next two Council meetings.

Mr. Knight asked if adequate notice was given to the company to be available for the Council meeting.

Mr. Lohmeier stated the company was notified to be available for the Council meeting; he isn’t sure why they aren’t present.

Mr. Knight suggested Mayor McDonald open the public hearing, but he doesn’t feel action should be taken by Council without the petitioner present.

Mr. Lohmeier stated if the company attends the next Council meeting, October 7th; that should be adequate time to forward all the necessary paperwork to the State.

Ms. Verbeke asked how much earlier had the property purchased prior to the request.

Mr. Lohmeier explained the personal property was purchased approximately five and a-half months prior to the exemption request and the State guidelines provide a six month window. It is the City’s policy that requires the company to ask for the incentive prior to the purchase of personal property.

Mr. Lohmeier introduced the late arriving President of PHA, Gene Paik.

Mayor McDonald opened the public hearing at 7:30 p.m.

Mr. Paik apologized for his late arrival. Continuing, he explained the company has been able to bring the assembly of the products back to Michigan. There has been a waiting game with Chrysler and GM on their orders, but once a decision was made to move forward, there was the immediate need for the equipment to be purchased. PHA didn’t want to appeal to City each time a piece of equipment was purchased, so they decided to wait until all the equipment that is needed was purchased and bring the request as one lump sum.

Continuing, Mr. Paik stated with phase one complete, he hopes to be back for another request in six months to a year with more personal property for components and parts being made here, in Michigan. The goal for the company is to localize in the State.

Ms. Hammond asked how involved has PHA become since settling in the City.

Mr. Paik admitted to lacking in that area; he had visions of doing community service in the area. He is the superintendent for the Sunday school program at his Troy based church and works with those youths. He hopes to become more involved with the City, but time has been limited with the growth of the company and continuing to hire employees. He noted, he did participate in the Chambers golf outing and promised to become more involved.

Mayor McDonald closed the public hearing at 7:35 p.m.

Moved by Knight; Seconded by McDaniel.

RESOLVED: To approve the request for a 3-year IFEC for new personal property for PyeongHwa Automotive USA, LLC for a total personal property investment of $1,975,851 by adopting the attached resolution (Attachment A).

Mr. Knight thanked Mr. Paik for arriving, noting what a fine project this is and is happy there will be more equipment added, and becoming stronger in the community.

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

No: None

Resolution No. 13.09.173

Motion Carried (5-0)

Items 9b., 9c., and 9d. were removed from the Agenda at the Petitioner’s request.

9b. Public Hearing/Motion – Request to Approve Transfer of IFEC 2010-394 for Unwired Technology LLC

9c. Public Hearing/Motion – Request to Approve Extension of IFEC 2010-394 for Unwired Technology LLC

9d. Public Hearing/Motion – Request to Approve IFEC for Unwired Technology LLC for Real and Personal Property
10. COMMENTS AND MOTIONS FROM COUNCIL

Mr. Knight:

- Suggested compiling a list of different activities and/or non-profits that a company could extend their goodwill towards, piggy-backing on Ms. Hammond’s general question to petitioners seeking tax relief. The list could also be posted on the City’s web-site for anyone looking to becoming more involved in the community.

- Questioned if the TIFA district extends to Auburn Road and Primary Road.
  Mr. Melchert stated he believes the district extends to Primary Road.
  Mr. Knight asked about the possibility of appointing people to the Downtown District Authority, who live within the DDA, but do not live in the TIFA district.
  Mayor McDonald stated the person must live within the DDA.

- The downtown parking is doing okay, but feels it can be further improved. He stated when turning properly onto Cherryland, in some cases there are vehicles that cut through the parking spaces. Another complaint, when heading eastbound on Auburn Road, approaching South Squirrel Road, there is sufficient room for traffic to be side-by-side, but the markings only indicate through traffic.
  He is in the process of making a list of trouble areas with suggestions and suggested other Council Members concerns can be included on his list.
  Mayor McDonald suggested Mr. Knight meet with DPS and Police to determine if his suggestions are possible.
  Mr. McDaniel asked if anything can be done to remove the old street markings, many drivers don’t realize the lane no longer exists, and they are driving through the angle parking spaces.
  Mr. Melchert noted the old markings have been ground somewhat, but grinding to deep into the road will create more problems. He stated he will see what can be done, but for the most part it will take time for the lines to fade. He noted the salting of the road will also help eliminate the markings.

11. CITY ATTORNEY’S REPORT – none.

12. CITY MANAGER’S REPORT – none.

13. ADJOURNMENT

The meeting adjourned at 7:44 p.m..

_________________________________________   ______________________________
James D. McDonald, Mayor      Terri Kowal, City Clerk
CITY OF AUBURN HILLS  
RESOLUTION 13.09.173  
APPROVING AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE  
FOR PYEONGHWA USA LLC

At a regular meeting of the City Council of the City of Auburn Hills, Oakland County, Michigan, held in the Council Chambers at 1827 N. Squirrel Road, Auburn Hills MI 48326 on the 23rd day of September, 2013.

The following resolution was offered by Councilperson Knight and supported by Councilperson McDaniel.

WHEREAS, pursuant to P.A. 198, 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on the 9th day of September, 2002, the City of Auburn Hills, established an Industrial Development District, commonly referred to as the Joslyn Commerce Park Industrial Development District; and

WHEREAS, PyeongHwa Automotive USA LLC has filed an application for an Industrial Facility Exemption Certificate with the Clerk of the City of Auburn Hills with respect to proposed personal property to be acquired and installed within the Joslyn Commerce Park Industrial Development District; and

WHEREAS, before acting on said application, the City Council of Auburn Hills held a hearing on the 23rd day of September, 2013 at a regularly scheduled meeting, at which time the applicant, the assessor, and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, construction and installation of the facility has not begun earlier than six (6) months before September 3, 2013, the date of the acceptance of the application for the Industrial Facility Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in Auburn Hills; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Auburn Hills after granting this certificate will exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of Auburn Hills that:

1. The City Council of Auburn Hills finds and determines that the granting of this Industrial Facilities Exemption Certificate, together with the aggregate amount of the certificates previously granted and currently in force, under PA 198 of 1974, and PA 225 of 1978, shall not have the effect of substantially impeding the operation of the City of Auburn Hills, or of impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Auburn Hills.

2. The application for an Industrial Facilities Exemption Certificate with respect to a New Facility on the following described parcel of real property situated within the Joslyn Commerce Park Industrial Development District; to wit;

   Legal Description:
   T3N, R10E, SEC 9 PART OF NW 1/4 BEG AT SLY COR OF LOT 3 OF 'SUPERVISOR'S PLAT NO 5',TH S 31-31-36 W 107.18 FT, TH S 00-00-28 W 445.97 FT, TH N 89-59-32 W 12.62 FT, TH ALG CURVE TO RIGHT, RAD 500 FT, CHORD BEARS N 82-55-56 W 122.91 FT, DIST OF 123.22 FT, TH N 75-52-20 W 149.91 FT, TH ALG CURVE TO LEFT, RAD 500 FT, CHORD BEARS N 84-14-03 W 145.43 FT, DIST OF 145.94 FT, TH S 88-03-37 W 169.05 FT, TH ALG CURVE TO RIGHT, RAD 80 FT, CHORD BEARS N 14-06-51 E 44.25 FT, DIST OF 44.83 FT, TH N 49-55-59 W 20.58 FT, TH N 00-46-45 W 440.94 FT, TH N 32-07-34 W 115.12 FT, TH N 00-46-45 W 85.16 FT, TH S 36-32-49 E 80.17 FT, TH S 80-59-24 E 99.53 FT, TH N 75-02-33 E 156.66 FT, TH S 67-51-10 E 91.13 FT, TH N 57-54-57 E 130.55 FT, TH S 49-57-47 E 303.91 FT TO BEG 8.97 A10-16-02 FR 003

This real property parcel is also identified as 02-14-09-126-006, having an address of 765 Standard Parkway, Auburn Hills, MI 48326

is hereby approved for Personal Property improvements only.

3. The Industrial Facilities Exemption Certificate shall remain in force and effect for a period of three (3) years, and the starting date for the certificate is December 31, 2013 and the ending date is December 30, 2016.

4. The total project investment approved is $1,975,851.

5. PyeongHwa Automotive USA LLC agrees to operate the facility for which the Industrial Facilities Exemption Certificate is granted for the term of the certificate, plus an additional two years after the date of the expiration.

   AYES: Mayor McDonald, Mayor Pro Tem Hammond, Council Members Knight, McDaniel, Verbeke
   NAYS: None
   ABSENT: Council Members Doyle, Kittle
   ABSTENTIONS: None

RESOLUTION 13.09.173 ADOPTED (5-0)
STATE OF MICHIGAN)
COUNTY OF OAKLAND)

I, the undersigned, the duly appointed City Clerk for the City of Auburn Hills, Oakland County, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the Auburn Hills City Council held on the 23rd day of September, 2013.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this 24th day of September, 2013.

________________________________
Terri Kowal, City Clerk
CALL TO ORDER: by Mayor McDonald at 5:32 pm.
LOCATION: City Council Chambers, 1827 N. Squirrel Road, Auburn Hills, MI 48326
Present: Mayor McDonald, Mayor Pro Tem Hammond, Council Members Knight (arrived at 6:30) McDaniel, and Verbeke (arrived at 6:25 p.m.) Absent: Council Members Doyle, Kittle Also Present: Finance Director Barnes, Director of Community Development Cohen, Deputy Finance Director Schulz, Management Assistant Guest, City Clerk Kowal, Senior Director Adcock, Recreation Director Marzolf, DPW Director Melchert, Assessor Lohmeier and Deputy Assessor Blinkilde.

Discussion of 2014 Budget

Mayor McDonald opened the meeting, at which time there was not a quorum present. It was determined to have the information given to the public, with no decisions being made.

Finance Director Barnes discussed the five year projections for both revenue and appropriations. In 2014, expenditures are greater than revenue, due to the Capital Projects on the books. The Squirrel Road Improvement is scheduled to take place, which along with a few other items will raise the Capital Expenses to about $2.4 million for 2014. In 2015, funds are appropriated for the reconstruction of the University Bridge Project, again putting the Capital Expenses high. The City has a good fund balance, and will continue to have a sufficient balance after these major projects are completed.

The fleet budget has a large balance, due in part to large equipment purchases not being made in 2013. Sometimes the vehicles have to be ordered months in advance, so even though the expense is approved in 2013 the funds will not actually be spent until 2014. This can make the balance appear larger than it is with the funds that have not yet been paid but are committed to a specific purchase.

The Capital budgets for local roads, CDBG, water and sewer, Fieldstone, fleet, and Public Safety were reviewed.

Budgets for TIFA A, B, and D were discussed. Revenue is projected to be down until around 2018, when it should start to rebound.

Metro Act funds can be used for any Right of Way expenses, including trail expenses. Expenses will be lower in the next budget due to the parking garage downtown being completed.

Workshop adjourned at 6:5 p.m.

Mayor James McDonald
Terri Kowal, City Clerk
October 7, 2013

To: City Council
From: Mayor James McDonald
Submitted: October 3, 2013
Subject: Motion – Confirming Reappointment of Carolyn Shearer to the Planning Commission for a term ending July 31, 2016.

INTRODUCTION AND HISTORY

Please consider confirming the following appointment/reappointment:

<table>
<thead>
<tr>
<th>Name</th>
<th>Board</th>
<th>Term Ending Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carolyn Shearer</td>
<td>Planning Commission</td>
<td>July 31, 2016</td>
</tr>
</tbody>
</table>

MOTION

Move to confirm the Reappointment of Carolyn Shearer for a term ending July 31, 2016.
RESUME FOR APPOINTMENT TO
CITY BOARDS AND COMMISSIONS

I AM INTERESTED IN: 

NAME: SHEARER Carolyn DEAN 
(Please Print) (Last) (First) (Middle) (Maiden)

HOME ADDRESS: 583 SOUTH GREY ROAD Auburn Hills MI 
(Number/Street) (City/Zip) (Telephone)

BUSINESS ADDRESS: 
(Number/Street) (City/Zip) (Telephone)

PLACE OF BIRTH: Auburn Hills DATE OF BIRTH: 

E-MAIL ADDRESS: 

ARE YOU A CITIZEN OF THE UNITED STATES? YES I HAVE LIVED IN AUBURN HILLS 54 YEARS

MILITARY HISTORY (include honors received): 

CIVIC ACTIVITIES (offices held, honors, etc.): 

LIST NAME, ADDRESSES AND PHONE NUMBERS OF THREE REFERENCES NOT RELATED TO YOU: 

Janie Saltarelli 573 S Grey Road Auburn Hills 
Chris & Ron Rooney 599 S Grey Road Auburn Hills 
Tina & Brian Marzoff 574 S Grey Road Auburn Hills 

EDUCATION: 
High School Avondale High School

Business or Vocational 

College or Technical SEE ATTACHED CV 

Graduate or Professional 

EMPLOYMENT:

Current Position of Employment: [Handwritten: Hardlands Cancer Center]

Name of employing firm/owner

(Number/Street) [Handwritten: 4100 John R]

City/State [Handwritten: Detroit, MI]

Zip Code [Handwritten: 48201]

Title of Position [Handwritten: Physician Assistant]

Type of Business/Organization

Your Duties and Responsibilities: [Handwritten: Phase 1 Clinical Trials]

Dates of Employment:

Previous Positions of Employment:

Company/Organization: [Handwritten: SEE ATTACHED CV]

City/State

Dates of Employment

ADDITIONAL INFORMATION YOU WISH TO INCLUDE (use separate sheet if necessary):

IF APPOINTED, DO YOU PREFER YOUR MAIL SENT TO: Business [Blank] Residence [Handwritten: X]

I HEREBY CERTIFY THAT THIS FORM IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

(Signature) [Blank] (Date) [Blank]
Summary

Twenty plus years of clinical experience as a Physician Assistant including concentration in lymphoma, bone marrow transplant, infectious disease and phase 1 clinical trials. Excellent communication skills, passionate about quality of work and patient care.

Certifications/Licenses

- Controlled Substance Registration Certification (DEA) MS1309839 expires 2/28/2014
  Board Certification # 860474
- State of Michigan License 5601001685 expires 8/31/2012
- MT (ASCP) American Society of Clinical Pathologist Board of Registry: 1980
  Registry # 133132

Academic Accomplishments

- George Washington University, Washington, D.C.
  Bachelor Science: School of Medicine & Health 1983-1985
  Major: Physician Assistant
- Harris County Hospital District, Houston, Texas
  Internship Medical Technology 1979-1980
- Michigan State University, East Lansing, Michigan
  Bachelor Science: College of Human Medicine 1974-1978
  Major: Medical Technology-clinical emphasis

Experience

Karmanos Cancer Center, Detroit, Michigan: Physician Assistant
(May 2005-Present)

Phase 1 Clinic Trials: (September 2007-Present) Obtain and record patient medical history; perform physical exam; orders, evaluate and monitor medical and laboratory diagnostic test and treatment plans. Prepare, develop and initiate treatment plans in consultation with attending physician in patients under consideration for phase 1 clinical trials.

Bone Marrow Transplant: (May 2005-August 2007) Outpatient clinic: responsibilities include follow up on bone marrow transplant patients, history & physicals, assessment of needs, diagnosis and treatment of transplant related problems. Planning for care including interpreting results for laboratory and radiological procedures. Perform specified diagnostic/therapeutic procedures as necessary such as skin punch biopsy, bone marrow biopsy, and lumbar puncture with intrathecal chemotherapy.

University of Michigan, Ann Arbor, Michigan: Physician Assistant
(October 1999-April 2005)

University of Michigan Comprehensive Cancer Center: Outpatient clinics: responsibilities include outpatient history & physicals, assessment of needs, diagnosis and treatment of health problems; planning for care including interpreting results for laboratory and radiological test, writing orders for chemotherapy,
supportive care and same day urgent care access for patients, Perform specified diagnostic/therapeutic procedures as necessary such as skin punch biopsy, bone marrow biopsy, and lumbar puncture with intrathecal chemotherapy. Staff weekly Multidisciplinary Lymphoma Clinic providing comprehensive review of cases, procedures and case presentations at conference. Provide procedure support for inpatient service when needed.

**Detroit Medical Center, Detroit, Michigan: Physician Assistant**  
(May 1986-October 1999)

**Rehabilitation Institute of Michigan** (1997-1999): Responsibilities included history & physicals, daily rounds and progress notes for internal medicine. Ancillary support for consult service and inpatient units.  
**Bone Marrow Transplant** (1995-1997): Responsible for admission history & physicals, discharge summaries, review of chemotherapy orders, daily rounds with progress notes and liaison for consult services. Technical duties included lumbar puncture, bone marrows, skin punch biopsy and bone marrow harvest.  
**Infectious Disease** (1991-1994): Consultation service responsible for initial review and presentation of cases to attending staff. Participation in clinical research, lectures and writing of abstracts/articles for presentation and publication.  
To: City Council  
From: Mayor James McDonald  
Submitted: October 3, 2013  
Subject: Motion – Confirming Reappointment of Bob Pierce to the Planning Commission for a term ending July 31, 2016.

INTRODUCTION AND HISTORY

Please consider confirming the following appointment/reappointment:

<table>
<thead>
<tr>
<th>Name</th>
<th>Board</th>
<th>Term Ending Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bob Pierce</td>
<td>Planning Commission</td>
<td>July 31, 2016</td>
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</tbody>
</table>

MOTION

Move to confirm the Reappointment of Bob Pierce for a term ending July 31, 2016.
The City of Auburn Hills
1827 N. Squirrel Road • Auburn Hills MI 48326
Phone: 248-370-9400 • Fax: 248-370-9348
www.auburnhills.org

RESUME FOR APPOINTMENT TO
CITY BOARDS AND COMMISSIONS

I AM INTERESTED IN: Planning Commission

NAME: Pierce Robert
(Please Print) (Last) (First) (Middle) (Maiden)

HOME ADDRESS: 3659 Fairgrove Lane 48326
(Number/Street) (City/Zip) (Telephone)

BUSINESS ADDRESS: (Retired)
(Number/Street) (City/Zip) (Telephone)

PLACE OF BIRTH: Cape Girardeau MO. DATE OF BIRTH: 

E-MAIL ADDRESS: sharonbobpierce@gmail.com

ARE YOU A CITIZEN OF THE UNITED STATES? Yes I HAVE LIVED IN AUBURN HILLS 12 1/2 YEARS

MILITARY HISTORY (include honors received): N.A.

CIVIC ACTIVITIES (offices held, honors, etc.): At Planning Commission 9(?) years
City Council, Cape Girardeau, MO - 4 yrs (Mayor - 1 year)
State Legislature - Missouri - 4 yrs
Public Service Commission - Missouri - 4 years (Chairman - 2 yrs)

LIST NAME, ADDRESSES AND PHONE NUMBERS OF THREE REFERENCES NOT RELATED TO YOU:
Tom Russell
Pat Cassidy
Bob Dona

EDUCATION:
High School Central H.S. Cape Girardeau, MO
Business or Vocational Attorney of Detroit Edison 1977-2007
College or Technical Washington University, St. Louis
Graduate or Professional Washington University, St. Louis (law)
EMPLOYMENT:

Current Position of Employment: Retired

Name of employing firm/owner

(Number/Street) __________________________ City/State __________________________ Zip Code __________________________

Title of Position __________________________ Type of Business/Organization __________________________

Your Duties and Responsibilities: __________________________

Dates of Employment: __________________________

Previous Positions of Employment:

<table>
<thead>
<tr>
<th>Company/Organization</th>
<th>City/State</th>
<th>Dates of Employment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detroit Edison (Now DTE Energy)</td>
<td>Detroit, MI</td>
<td>5/77 - 8/00</td>
</tr>
<tr>
<td>Private Law Practice</td>
<td>Cape Girardeau, MO</td>
<td>5/63 - 9/72</td>
</tr>
</tbody>
</table>

ADDITIONAL INFORMATION YOU WISH TO INCLUDE (use separate sheet if necessary):

I appreciate the reappointment.

________________________________________

IF APPOINTED, DO YOU PREFER YOUR MAIL SENT TO: Business _____ Residence X

I HEREBY CERTIFY THAT THIS FORM IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

(Signature) __________________________

(Date) 10/3/2013
DATE: OCTOBER 7, 2013

CITY OF AUBURN HILLS
PUBLIC SAFETY ADVISORY COMMITTEE MEETING

September 24, 2013

CALL TO ORDER: Chair Sendegas at 6:00 p.m.

ROLL CALL:
Present: Members Sendegas, Coolman
Absent: Members Boelter, Doyle, McFadden
Also Present: Deputy Director/Police Hardesty, Deputy Director/Fire Manning,
Fire Lt. Milks, Fire Lt. Herring

LOCATION: Grusnick Public Safety Building, 1899 N. Squirrel Road, Auburn Hills MI 48326

Lack of a Quorum – No Action Taken

3. APPROVAL OF MINUTES – July 29, 2013
Postponed until next meeting when a quorum is present.

4. PERSONS WISHING TO BE HEARD – none.

5. NEW BUSINESS

5a. 2014 Proposed Budget
Deputy Director/Police Hardesty noted the packet includes a short summary of the proposed budget,
outlining the anticipated expenditures for the year. The projected expenses include the expected EMS
costs, which will increase approximately 0.2% for next year, with expected revenues increasing by 1.32%
for the emergency services.

Mr. Coolman asked if the assumption is the City taking over the EMS services.
Deputy Director/Police Hardesty stated yes, the figures used were the most expensive costs; it is easier
to allocate a higher amount and not use it than estimate too low.

Continuing, Deputy Director/Police Hardesty explained for the Police portion of the budget, there is an
11th communications person. An 11th person would allow two dispatchers on staff 24 hours a day, seven
days a week. Routinely there may be only one dispatcher on weekend days and midnights during the
week. With the possibility of medical dispatching, there will be the need for an additional dispatcher.
Once the additional dispatcher is hired, then a current dispatcher will become a ‘technician’. There are
now licensing requirements that must be reviewed weekly regarding the technical aspects - computer
aided dispatch, the radios, and emergency management software. The intent is for the technician to
continue dispatching, but also to be the technician.

There is also an analyst, not just for crime, who will compile much of the data for both police and fire use.

In January, there will be an Officer dedicated to the county wide Narcotics Enforcement Team. There has
been much success with the multi-jurisdictional crash team and believes this will also be beneficial.
There has been an increase in heroin related deaths throughout the nation, as well as the state and the
purity of the heroin is twice of what it used to be.

Mr. Coolman asked if the drug use has stabilized from the past.
Deputy Director/Police Hardesty explained crack and cocaine is still being used, homicides and other
problems associated crack is not being seen as much. The designer drugs are much more common,
such as the bath salts, coming from China, that are chemically produced. Another common drug is
methamphetamine, and since the TV show Breaking Bad has been on, there has been approximately a 20% increase in the drug.

Continuing, Deputy Director/Police Hardesty explained with the Narcotics Enforcement Team, the City contributes one officer, but reaps the benefits of an entire team. Currently the Department doesn’t have the extra body to send, but the 2014 budget allows for that extra person.

The only real capital purchases being proposed are EMD - Emergency Medical Dispatch, EPD - Emergency Police Dispatch and EFD - Emergency Fire Dispatch software; computerized programs recognized nationwide. The cost is approximately $92,000, which includes installation, training, and maintenance.

Deputy Director/Fire Manning stated regarding personnel, in 2013 a Safer grant was received to replace a vacant position. The two year grant expires mid-way through 2015, so the budget reflects the cost of that employee beyond that point. There is currently a conditional offer for another vacancy, which once a test is completed should be filled. Personnel numbers are back to where they should be.

No major capital items are being proposed, there is some minor equipment purchases anticipated. There is new apparatus being considered for purchase; however, that will come from the fleet budget.

Continuing, Deputy Director/Fire Manning stated if there are changes to the EMS operations, then there will be changes to the operation, and have been reflected in the budget. The costs would generally include supplies that STAR has provided in the past; the Department already owns the infrastructure and significant equipment necessary.

Deputy Director/Police Hardesty explained to Mr. Coolman the general budget reflects many capital improvement projects, but not all those projects may necessarily be completed. The numbers are shown to reflect the impact those projects could have on the general budget.

Ms. Sendegas asked if both Departments had an adequate number of staff.

Deputy Director/Fire Manning explained there are a few on-call firefighters who are off on medical, and the new lieutenants have been busy learning their new positions, which will slow down. The first priority is handling calls and some days when they are minus a person, it does have an impact.

Deputy Director/Police Hardesty stated the Police Department can’t afford to lose a body, and that is why for the narcotics team, there had to be a new hire. He has wanted an analyst to really take a look at the department and see if the department is doing the best with what they have, before requesting any new personnel.

Responding to Mr. Coolman, Deputy Director/Police Hardesty stated hiring more officers will not impact increasing or decreasing crime; the extra officers would allow free time for police to be involved in the community.

6. OLD BUSINESS

6a. EMS Report

Tabled to Tuesday, October 15, 2013 at 6:00 p.m.

7. REPORT FROM THE DEPARTMENTS

7a. Fire Department

Deputy Director/Fire Manning stated the three new lieutenants are being trained and all is going well. As mentioned earlier, there is the one open position, with a conditional offer to a paid on-call firefighter. The Department feels he will be an asset, but it is now required new hires have their paramedic’s license and the grades from the class have not yet been available.

Five new on-call personnel started in June, and are currently going through the EMT program, which is required. Once completed, in December, and after a month off, they will begin the Fire Academy in January.
The City owned property next to Hawk Woods has a house on the site, and there will be fire training with controlled burns within the house. The entire house will not be burned down. This will allow new firefighters to see the different stages of a fire and to feel the heat. They will also be working as a team to advance the hose lines to the different areas.

Two weeks ago there was flash fire training at the CREST center, teaching the signs of when a fire will flash and how to interrupt the fire so a safe exit can be made.

All the capital purchases have been completed for the year. The fleet is being reviewed for equipment that isn't working or isn't needed on the trucks and being removed or repaired.

The majority of repairs needed must be done outside the department.

7b. Police Department

Deputy Director/Police Hardesty explained the Department is in the hiring process for one retired officer and one who resigned. There are also more retirements expected; three in the next couple of months. There will be promotions within the Department; a sergeant’s written test in October and assessment in November.

Capital purchases are complete and the budget is being reviewed for next year and beyond.

There have been a lot of requests for tabletop exercise - role playing for active shooter type incidents. These exercises have been conducted at Chrysler, Avondale High School, Comerica, with quite a few different businesses requesting them. The Department goes out and participates with the businesses. There is an exercise plan with Great Lakes Crossing which is occasionally conducted on Sunday mornings before open to the public. The exercise depicts a shooter situation and how the Police Department works with Great Lakes security to address the situation.

There is a County wide active shooter training program that has trained nearly 500 officers in one consistent way of handling the situation. If an incident should occur, there would be other departments helping out, so everyone is trained the same way. The hope is to have over 1,000 officers trained by next year.

Responding to Ms. Sendegas, Deputy Director/Police Hardesty explained the Department is down three officers and two on light duty for medical reasons; a total of five uniformed officers.

8. ADJOURNMENT

The meeting adjourned at 6:32 p.m.

Respectfully Submitted,

Kathleen Novak
Records Retention Clerk
CALL TO ORDER: Chairperson Ouellette called the meeting to order at 7:03 p.m.

ROLL CALL: Present: Beidoun, Emery, Mendieta, Ouellette, Pierce, Shearer, Spurlin
Absent: Hitchcock, Verbeke
Also Present: Water Resource Coordinator Keenan
Guests: 5

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

Mr. Ouellette welcomed Susan Emery to the Planning Commission. Mr. Ouellette noted how much he appreciated Ms. Mitchell’s time on the Planning Commission.

3. PERSONS WISHING TO BE HEARD – None

4. APPROVAL OF MINUTES

Moved by Mr. Beidoun to approve the minutes of August 27, 2013.
Supported by Mr. Spurlin.
VOTE: Yes: All
No: None
Motion Carried (7-0)

5. PETITIONERS

Mr. Ouellette noted this item will be placed on the October 7, 2013 City Council agenda for approval.

5a. Atlas Copco – United States Headquarters for the Tools and Assembly Division (7:05 p.m.)

Public Hearing/Motion – Recommend to City Council for Site Plan and Tree Removal Permit approval to construct 120,000 sq. ft. research and technology facility.

Mr. Keenan presented the request for approval to construct a 120,000 sq. ft., United States Headquarters, which will include room for future expansion. Atlas Copco has been in Auburn Hills since 2004, building their first facility in Dutton Tech Park.

The proposed location of the United States Headquarters for the Tools and Assembly Division on Cross Creek Parkway, within Oakland Technology Park, across the street from the City’s multi-sports field.

The estimated $15 million investment is expected to create a modern facility that will employ an estimated 225 people.

Some of the developments more noted green elements include; six parking spaces identified for future EV parking needs; habitat protection; water quality protection; optimize energy performance; indoor environmental quality; and additional room within the dumpster enclosure for recycling containers.

The plans have been reviewed by the City’s Administrative Review Team who recommends approval.

The City is extremely grateful that Atlas Copco chose to remain in Auburn Hills.

Dennis McCarthy, Atlas Copco Business Controller thanked the City, noting how pleased Atlas Copco is for being able to remain in the City. He felt Mr. Keenan explained the project well, and would answer any questions.

Mr. Ouellette opened the public hearing at 7:10 p.m.
Mr. Ouellette closed the public hearing at 7:10 p.m.

Moved by Mr. Spurlin to recommend to City Council approval of the Site Plan and Tree Removal Permit for Atlas Copco subject to staff and consultant conditions.
Supported by Mr. Pierce.

VOTE: Yes: Beidoun, Emery, Mendieta, Ouellette, Pierce, Shearer, Spurlin
No: None

Motion Carried (6-0)

6. OLD BUSINESS

6a. Update on Keeping of Chickens Ordinance (7:13 p.m.)
Mr. Keenan noted six residents have applied for a permit to house chickens. The permit fee is $31.00 and good for one year. The maximum number of chickens allowed per resident is six; no roosters are allowed in the City.
Mr. Spurlin is one of the permitted residents to have chickens and he stated what a good experience it has been. He has had no complaints from neighbors. Responding to questions, Mr. Spurlin explained the more daylight the more eggs a chicken will lay. Currently, he is getting an egg a day from each chicken. He confirmed, yes, the chickens do become like pets, including naming each. He is anxious to see how the cold winter weather and the chickens will fare. He also noted the chickens have not been bothered by any wild or domestic animals.

7. NEW BUSINESS

7a. Potential Planning Commission Meeting Date Change for Y2014 (7:21 p.m.)
Mr. Keenan noted as previously discussed, staff has recommended the meeting date be changed to allow the City Clerk’s office more time to complete the minutes prior to the City Council meeting.
Moved by Mr. Spurlin to amend Article IV. Meetings, Section 1 of the City of Auburn Hills Planning Commission By-Laws to state “Regular meetings of the Planning Commission will be held on the Monday preceding the 1st City Council meeting of the month at 7:00 p.m., at the City Council Chamber at 1827 N. Squirrel Road, Auburn Hills, MI 48326, unless otherwise stipulated’’.

VOTE: Yes: Beidoun, Emery, Mendieta, Ouellette, Pierce, Shearer, Spurlin
No: None

Motion Carried (7-0)

8. COMMUNICATIONS

Mr. Ouellette noted the Faurecia sign at I-75.
Mr. Pierce asked if the Dutton Road soccer fields had been seeded.
Mr. Keenan stated he wasn’t sure, but would e-mail all the Commissioners an answer in the next few days.
While attending the One Stop Ready meeting, Mr. Pierce heard of a community having a perpetual update of new site plans, the status of construction, expired site plans, or anything pertinent to a specific project.
Mr. Keenan stated he would speak with Mr. Cohen, and maybe a similar document could be compiled and included in the packets.
Mr. Pierce noted, there is a neighboring community who also posts a similar list on their website.

9. ANNOUNCEMENT OF NEXT MEETING

The next scheduled meeting is October 29, 2013 at 7:00 p.m. in the City Council Chamber.

10. ADJOURNMENT

The meeting was adjourned at 7:24 p.m.

Respectfully Submitted,

Kathleen Novak
Records Retention Clerk
DATE: OCTOBER 7, 2013

To: Mayor and City Council
From: Peter E. Auger, City Manager; and Jeff Herczeg, Manager of Public Utilities
Submitted: October 3, 2013
Subject: Resolution to revise the 2013 Clinton Oakland Sewage Disposal System Inter-Municipal Contract

INTRODUCTION AND HISTORY

In May of 2013 Auburn Hills City Council approved the 2013 Clinton Oakland Sewage Disposal System (COSDS) Inter-Municipal Contract. Since then, there have been two minor changes to the initial proposal.

First, the City of Rochester opted not to participate in the Inter-Municipal Contract. The City of Rochester has a separate agreement with the Oakland County Water Resource Commission (OCWRC) for sanitary sewer service. It is not a member of the COSDS. The Inter-municipal Contract proposed to include Rochester as a member of the COSDS, and they chose not to participate.

Second, On July 24, 2013, the WRC received construction bids for the Perry Street Diversion project that were much lower than the original estimate. Perry Street Diversion is one part of the Oakland-Macomb Interceptor Drain rehabilitation project that is necessary for the COSDS communities, and was part of the original inter-municipal agreement.

Based on the reduced Perry Street Diversion project cost estimate, the OCWRC has determined that funding the project with existing reserve funds is the best option. The OCWRC originally planned to issue $24.4 million in bonds to be repaid over a 20-year period with at 2% interest rate. Instead, it will fund $18 million from COSDS reserve balances. The rate increases for replenishing reserves is close to what the communities would have paid for bonding the project over a 20-year period. However, after 10 years the reserves will be replenished and this rate component can be reduced. In short, communities pay less for the project over a shorter period of time.

STAFF RECOMMENDATION

Considering the need for Auburn Hills to secure current and future capacities, and the limited impact of the above changes to the original COSDS Inter-Municipal contract, staff recommends to approve the revised contract as proposed, which excludes references to the City of Rochester and the Perry Street Diversion Project. A letter from WRC Commissioner Nash, a revised contract, new resolution, and fact sheets on both changes outlined above are included in the packet for additional review.

MOTION

Move to approve the revised 2013 Clinton Oakland Sewage Disposal System Inter-Municipal Contract.

I CONCUR: 

PETER E. AUGER, CITY MANAGER
RESOLUTION APPROVING
CLINTON-OAKLAND SEWAGE DISPOSAL SYSTEM
2013 INTER-MUNICIPAL CONTRACT

At a regular meeting of the ____________ (Commission/Council/Board) of the ____________ (Municipality), Oakland County, Michigan, held on the ___ day of ___________, 2013.

PRESENT: _____________________________________________________________
_____________________________________________________________
_____________________________________________________________

ABSENT: _____________________________________________________________

The Clerk presented to the Commission/Council/Board a form of contract between the County of Oakland (the "County") and the Charter Township of West Bloomfield, the City of Auburn Hills, the Charter Township of Independence, the Village of Lake Orion, the Charter Township of Oakland, the Charter Township of Orion, the Charter Township of Oxford, the Village of Oxford, the City of Rochester Hills, and the Charter Township of Waterford (the Township, the City of Auburn Hills, the Charter Township of Independence, the Village of Lake Orion, the Charter Township of Oakland, the Charter Township of Orion, the Charter Township of Oxford, the Village of Oxford, the City of Rochester Hills, the Charter Township of Waterford, and City of Lake Angelus collectively, the "Municipalities") to replace and supersede the 1967 COSDS Contract and the capacity allocations set forth therein; the COSDS Paint Creek Interceptor Contract, and the capacities set forth therein; the COSDS Gibson-Avon Arm and the capacities set forth therein; the Rochester Connection contract; and the COSDS Management Agreement dated January 1, 1996; establish allocations of contract capacities, provide for method of cost allocation and/or reallocation of capital and interest charges on existing and
future System and Oakland-Macomb Interceptor Drain Drainage District (OMIDDD) facilities; and provide for the imposition of charges for sewage treatment services, and costs associated with administration, operation and maintenance.

The following resolution was offered by _________________________ and seconded by __________________________:

BE IT RESOLVED by the ________________ (Commission/Council/Board) of the ________________ (Municipality), Oakland County, Michigan, that:

1. The ________________ (Commission/Council/Board) hereby approves, in the substantial form as presented, the “Clinton-Oakland Sewage Disposal System 2013 Inter-Municipal Contract” between the County and the Municipalities to, among other things, replace and supersede the 1967 COSDS Contract and the capacity allocations set forth therein; the COSDS Paint Creek Interceptor Contract, and the capacities set forth therein; the COSDS Gibson-Avon Arm and the capacities set forth therein; the Rochester Connection contract; and the COSDS Management Agreement dated January 1, 1996; establish allocations of contract capacities, provide for the method of cost allocation and/or reallocation of capital and interest charges on existing and future System and OMIDDD facilities; and provide for the imposition of charges for sewage treatment services, and costs associated with administration, operation and maintenance.

RESOLUTION DECLARED ADOPTED.

YEAS:

NAYS:

ABSTENTIONS:

STATE OF MICHIGAN )
)ss
COUNTY OF OAKLAND

I, the undersigned Clerk of the ______________________ (Municipality), Oakland County, Michigan, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the ___________________ (Commission / Council / Board) at a regular meeting duly called and held on the ____ day of ________, 2013, the original of which resolution is on file in my office.

__________________________________
Clerk
THIS CONTRACT, made and entered into as of the 1st day of October, 2013, by and among the COUNTY OF OAKLAND, a Michigan constitutional corporation (hereinafter sometimes referred to as the "County"), by and through its Water Resources Commissioner, County Agency, and the CITY OF AUBURN HILLS, a Michigan home rule city, the CHARTER TOWNSHIP OF INDEPENDENCE, a Michigan charter township, the VILLAGE OF LAKE ORION, a Michigan home rule village, the CHARTER TOWNSHIP OF OAKLAND, a Michigan charter township, the CHARTER TOWNSHIP OF ORION, a Michigan charter township, the CHARTER TOWNSHIP OF OXFORD, a Michigan charter township, the VILLAGE OF OXFORD, a Michigan home rule village, the CITY OF ROCHESTER HILLS, a Michigan home rule city, the CHARTER TOWNSHIP OF WATERFORD, a Michigan charter township, the CHARTER TOWNSHIP OF WEST BLOOMFIELD, a Michigan charter township, and the CITY OF LAKE ANGELUS, a Michigan home rule city, all located in the County of Oakland, State of Michigan, (collectively, the "Municipalities" or individually, a "Municipality").

W I T N E S S E T H:

WHEREAS, pursuant to the provisions of Act 185, Public Acts of Michigan, 1957, as amended ("Act 185"), the Board of Supervisors of the County of Oakland (now known as the Board of Commissioners of the County of Oakland), by Miscellaneous Resolution No. 4342, adopted June 22, 1964, established the Clinton-Oakland Sewage Disposal System (herein sometimes referred to as "COSDS" or "System"), to serve certain Oakland County communities
within the Clinton-Oakland Sewage Disposal System District (herein sometimes referred to as the "COSDS District") and which initially provided for construction of certain trunk sewers and pumping facilities and the connection thereof to the interceptors and treatment facilities of other systems in the County and/or of the City of Detroit; and,

WHEREAS, pursuant to the provisions of Act 185, the Board of Commissioners of the County of Oakland, by Miscellaneous Resolution No. 4690, adopted March 9, 1967, authorized the County of Oakland to enter into the Amended Clinton-Oakland Sewage Disposal System Contract, dated January 11, 1967, (herein referred to as "1967 COSDS Contract") for the establishment of the COSDS for the purpose of disposing wastewater from the Charter Township of Waterford, Township of Avon, Township of West Bloomfield, Township of Independence, Township of Orion, and the Township of Pontiac located in Oakland County, Michigan; and,

WHEREAS, pursuant to the provisions of Act 185, the Board of Commissioners of the County of Oakland, by Miscellaneous Resolution No. 5215, adopted November 6, 1969 authorized the County of Oakland to enter in the COSDS Paint Creek Interceptor Contract dated January 15, 1969 for the purpose of disposing wastewater from the Township of Oxford, the Township of Orion, the Township of Avon, the Township of Oakland, the Village of Oxford, and the Village of Lake Orion, located in the Oakland County, Michigan; and,

WHEREAS, pursuant to the provisions of Act 185, the Board of Commissioners of the County of Oakland, by Miscellaneous Resolution No. 6033, adopted June 1, 1972 authorized the County of Oakland to enter into the COSDS Gibson-Avon Arm Contract dated May 1, 1972, for the purpose of disposing wastewater from the Township of Avon; and,
WHEREAS, pursuant to Act 342, Public Acts of Michigan, 1939, as amended, the Board of Commissioners of the County of Oakland, by Miscellaneous Resolution No. 94144, adopted May 12, 1994 authorized the County of Oakland to enter into the City of Rochester Sewage Disposal System Contract, dated March 1, 1994, (hereinafter referred to as the "Rochester Connection Contract") whereby the City of Rochester agreed to certain conditions set forth in the COSDS 1967 Contract; and,

WHEREAS, since the date of the 1967 COSDS Contract, the Township of West Bloomfield, the Township of Independence, the Township of Orion, the Township of Oxford, and the Township of Oakland have become Michigan charter townships; the Township of Avon has become the City of Rochester Hills and the City of Rochester; the Township of Pontiac has become the City of Auburn Hills; and the City of Lake Angelus has become subject to the provisions of the 1967 COSDS Base Contract pursuant to its purchase of flow capacity in the System; and,

WHEREAS, since the date of the 1967 COSDS Contract through mutual resolutions and various agreements and amendments thereto, which included the acquisition, and in some instances, construction of sewage disposal facilities and extensions of trunk sewers, interceptors, and pumping facilities, the COSDS has come to include all of the Municipalities identified herein with the exception of the City of Rochester which has a separate contract with the County (i.e. the Rochester Connection Contract); and,

designated the Oakland County Drain Commissioner (now known as the Oakland County Water Resources Commissioner) as the county agency responsible for administering, operating and maintaining the "Clinton-Oakland Sewage Disposal System" with all powers and duties with respect thereto as are provided by Act 342 (said Water Resources Commissioner being hereinafter sometimes referred to as the "County Agency"); and,

WHEREAS, pursuant to Chapter 21 of Act 40, Public Acts of Michigan, 1956, as amended, the Oakland-Macomb Interceptor Drain Drainage District ("OMIDDD"), a Michigan statutory public corporation, was established July 14, 2009, to acquire from the City of Detroit the Oakland-Macomb Interceptor, a 21-mile-long interceptor sewer serving both the COSDS District and certain communities located in Macomb County and further to undertake extensive sewer rehabilitation repairs to the system to prevent catastrophic system failure and interruption in service; and,

WHEREAS, OMIDDD through its Drainage Board entered into a wastewater services contract with the City of Detroit, dated October 22, 2009 whereby the City of Detroit agreed to provide wastewater transportation, treatment and disposal services to the OMIDDD with a maximum flow limit from the System of 140 cubic feet per second (i.e. "cfs") and, among other things, with the stipulation that the City of Detroit agrees to accept no less than 70% of all Instantaneous Flow (which is defined by the wastewater services contract with the City of Detroit, as Flow that is calculated and registered by a metering device designed to measure wastewater flow at specified intervals over a specified period in accordance with the Greater Detroit Regional Sewer System flow metering standards) from the COSDS District area as existed in 2009; and,
WHEREAS, the County Agency, on behalf of the System, entered into a contract with
the OMIDDD dated September 1, 2009 whereby the OMIDDD agreed to provide wastewater
transportation and disposal services to the County to transport sewage from the System to the
City of Detroit for treatment and disposal sufficient to meet the Total Maximum Allowable Flow
Limit of the Municipalities served by the System, currently established at 140 cfs; and,

WHEREAS, in September 2009, the County Agency, on behalf of the COSDS entered
into a District Compliance Agreement (DCA) with the Michigan Department of Environmental
Quality (MDEQ) whereby the County Agency agreed to eliminate sanitary sewer overflows
(SSOs) and to provide System capacity by developing a COSDS Master Plan that would identify
long-range capacity needs of the COSDS and potential projects; and

WHEREAS, based on the COSDS Master Plan and approval by the MDEQ, Oakland
County negotiated with the City of Pontiac to form a new drainage district to acquire the City of
Pontiac Wastewater Treatment Plant enabling the diversion of COSDS flow to the Pontiac
Wastewater Treatment Plant; and,

WHEREAS, pursuant to Chapter 20 of Act 40, Public Acts of Michigan, 1956, as
amended, the City of Pontiac Wastewater Treatment Facility Drainage District ("COPWTFDD"),
a Michigan statutory public corporation, was established on May 15, 2012 to acquire from the
City of Pontiac the City of Pontiac Wastewater Treatment Plant, a wastewater treatment plant
that serves the City of Pontiac through the City of Pontiac-Oakland County Sewage Disposal
System, a separate Act 342 sewage disposal system operated and maintained by the County, and
which is also intended and available to serve the COSDS; and,
WHEREAS, in June of 2012, pursuant to the DCA and in accordance with the COSDS Master Plan, a project plan was submitted and approved by the MDEQ to design and construct two projects: the Pontiac wastewater treatment plant diversion facilities (a pump station and force main); and a sewage retention tank downstream of the COSDS Elizabeth Lake Pump Station or alternate project (the “SRT Project”); and,

WHEREAS, the County Agency, on behalf of the COSDS, pursuant to a contract with the COPWTFDD dated April 1, 2013, to provide wastewater transportation and disposal services to the County for the transportation of wastewater from the COSDS to the COPWTFDD wastewater treatment plant for treatment and disposal sufficient to meet, but not to exceed, 30% of the instantaneous flow (which is defined by the wastewater services contract with the City of Detroit, as Flow that is calculated and registered by a metering device designed to measure wastewater flow at specified intervals over a specified period in accordance with the Greater Detroit Regional Sewer System flow metering standards) from the COSDS District area as existed in 2009 as established by contract with the City of Detroit; and,

WHEREAS, the County, through its County Agency, and in consultation with the Municipalities has undertaken to prepare descriptions of the additional facilities for relief, rehabilitation, pollution control and abatement of pollution, allocations of capacities and cost estimates for proposed additional facilities and rehabilitation of facilities necessary to adequately serve the Municipalities or portions thereof located within the COSDS District; and,

WHEREAS, this contract is intended to replace and supersede the 1967 COSDS Contract and the capacity allocations set forth therein; the COSDS Paint Creek Interceptor Contract, and the capacities set forth therein; the COSDS Gibson-Avon Arm and the capacities set forth
therein; and the COSDS Management Agreement dated January 1, 1996; establish allocations of contract capacities, provide for method of cost allocation and/or re-allocation of capital and interest charges on existing and future System and OMIDDD facilities; and provide for the imposition of charges for sewage treatment services, and costs associated with administration, operation and maintenance; and,

WHEREAS, as a means to maximize the ability of the System to efficiently transport sewage flows from the Municipalities for treatment and disposal, the Municipalities and the County desire to enter into this contract designated as the "Clinton-Oakland Sewage Disposal System 2013 Inter-Municipal Contract" for the assignment of capacity in the System as hereinafter set forth;

WHEREAS, this contract is necessary in order to promote the health and welfare of the residents of the Municipalities, which services and improvements would likewise benefit the County and its residents, and the parties hereto have concluded that the System and improvements can be provided and financed most economically and efficiently by the County through the exercise of the powers conferred by Act 342; and

THERFORE, IN CONSIDERATION OF THE PREMISES AND THE COVENANTS OF EACH OTHER, THE PARTIES HERETO AGREE as follows:

1. **COSDS.** The County and the Municipalities reaffirm and approve the establishment of the Clinton-Oakland Sewage Disposal System in the County of Oakland, under provisions of Act 342, which will be available to transport sewage originating in the COSDS District as described in Exhibit A attached hereto, to the extent of the contract capacities purchased hereunder and as set forth in Exhibit B by each of the Municipalities to treatment
facilities of the City of Detroit (including its successors and assigns), the COPWTFDD (including its successors and assigns) or other systems. The Municipalities by way of compliance with Section 29, Article VII, Michigan Constitution of 1963, consent and agree to the establishment and location of the System within their corporate boundaries and to the use by the County of its streets, highways, alleys, lands, rights-of-way or other public places for the purpose and facilities of the System and any improvements, enlargements or extensions thereof, and the Municipalities further agree that, in order to evidence and effectuate the foregoing agreement and consent, they will execute and deliver to the County such grants of easement, right-of-way, license, permit or consent as may be requested by the County.

2. **Provision of Services.** The County and the Municipalities understand and agree, subject to the terms of this contract, that the County will hold legal title to and be responsible for the administration, operation and maintenance of the COSDS facilities, and further, will accept for transportation and disposal the sewage from the COSDS District (hereinafter referred to as "wastewater services"). It is understood that the System is designed to accept a maximum rate of flow from each of the Municipalities and therefore each Municipality shall be limited in the use of the System to the specific contract capacity of as specified in Exhibit B. The Municipalities expressly accept and hereby approve the capacities as set forth in Exhibit B. Each Municipality shall have the right to use the capacity in the System allocated to it under this contract within its respective corporate limits. Maximum Rate of Flow is the Municipalities' contract capacity and shall mean the maximum allowable flow that a Municipality may deliver to the COSDS. This limit shall be expressed in units of cubic feet per second (i.e. cfs). The County and the Municipalities acknowledge that deviations over the Maximum Rate of Flow assigned to the Municipality may occur. If a Municipality exceeds its Maximum Rate of Flow more than three
(3) times in a one (1) year period, the County shall give written notice to the Municipality to reduce or eliminate the problem causing the Municipality to exceed its Maximum Rate of Flow. Thereafter, the County and Municipality shall meet and develop a plan for reducing or eliminating the problem causing the Municipality to exceed its Maximum Rate of Flow. The County may require the Municipality to acquire additional capacity or undertake measures within the Municipality, such as, but not limited to, infiltration and inflow storm water removal or constructing appropriate storage. If the problem causing the Municipality to exceed its Maximum Rate of Flow is not corrected, the County Agency, in its sole discretion, shall permit no new lateral sewers in the offending Municipality to be connected to the sanitary sewers of the System, or to any sewer connected directly or indirectly to the sanitary sewers of the System. The County Agency shall have the authority to oversee and regulate the discharge of wastewater from each of the Municipalities and may take appropriate actions to protect the rights of all Municipalities. This authority may entail flow monitoring and flow regulation, if needed, to protect the rights of Municipalities in the COSDS District under this contract. The parties agree that in the event that it becomes necessary to install meters to monitor flow of wastewater in the System, the costs for installation and operation of such meters shall be borne by all Municipalities as a general system cost. In addition, should it become necessary to construct or install restrictive devices to limit such wastewater flow, the County shall, to the extent permitted by law, require the cost of such construction or installation be borne by the Municipality or Municipalities whose excess flow requires such construction and installation.

3. **Service Area.** The service area of the COSDS District is shown in Exhibit A. Subject to the terms and conditions set forth in this contract, the service area may be amended by the County Agency. It is understood and agreed between the County and Municipalities, that in
accordance with the contract between the County and the OMIDDD, the County agency will transport for treatment and disposal, sewage from the COSDS District to the OMIDDD with a maximum flow limit from the System of 140 cfs and, with the requirement that the County will transport not less than 70% of all Instantaneous Flow, (which is defined by the wastewater services contract with the City of Detroit, as Flow that is calculated and registered by a metering device designed to measure wastewater flow at specified intervals over a specified period in accordance with the Greater Detroit Regional Sewer System flow metering standards) from the COSDS District area as existed in 2009 to the OMID System. In addition, it is anticipated with the construction of the COSDS Perry Street Diversion Project, an Act 342 project designed to permit the transportation and treatment of flow by the COPWTFDD wastewater treatment plant, that a portion of the sewage flow which shall not exceed 30% of the instantaneous flow from the COSDS District area as existed in 2009, will be treated at the COPWTFDD wastewater treatment plant.

4.  **Cost Reallocation Based on Flow and Annual Flow-Based "True-up" for SRT Project and OMID Rehabilitation Projects.** The Municipalities agree to reallocate capital costs and interest on the outstanding indebtedness (principal and interest) for the SRT Project and all OMIDDD Bond Series, Series 2010, 2010B and 2011 and future OMIDDD Bond issuances (e.g. financing for OMIDDD Segments 3 and 4) based on a three-year rolling average flow volume from each of the Municipalities and the City of Rochester. It is understood that a Municipality may receive a credit or charge based on this methodology on its sewage disposal invoice from the County. The County shall adjust its calculation and implementation of this reallocation of costs (associated with financing of the projects identified herein), for the cash contributions made by a Municipality toward those projects (that is, the County will account for and adjust its billing
based on volume, taking into consideration any Municipality that paid cash to avoid interest on bonds associated with projects identified herein). This paragraph shall be implemented beginning on July 1, 2013, based on three-year average flow calculated from October 1, 2009 through September 30, 2012, and take into consideration only the bond and interest payments for the July 1, 2013 through June 30, 2014 rate year (thus, not retroactive for bond and interest payments paid prior to that rate year). Thereafter, the County will utilize a three-year rolling average of flow calculated annually by the County, and will reallocate the principal and interest charges based on the principal and interest paid during the rate year being reallocated for the projects identified herein. The Municipalities understand, for billing purposes, there will be two-year lag for the County to re-allocate bond and interest charges identified herein and "true-up" costs based on this methodology. By way of example, the rate year beginning July 1, 2013 through June 30, 2014, will be reallocated in rate year July 1, 2015 through June 30, 2016. Attached hereto, is Exhibit C which provides an example of the methodology to be employed by the County for reallocation and Annual Flow-based "True-up" of all COSDS common-to-all projects. The County Agency shall be responsible for administering the intent of this paragraph.

5. **Utilization of Services.** The Municipalities understand and agree that the County will be responsible for the operation of the COSDS on a non-profit basis for the benefit of the users and further, that the County is without funds to finance, operate and maintain the COSDS except as to those funds that are obtained from grants or from the beneficial users of the COSDS, namely, the Municipalities. Therefore, in no event shall the County or its general fund be charged with or be liable for the cost of administering, operating, and maintaining the COSDS. Subject to the conditions and terms set forth in this contract, each Municipality shall pay to the County such charges for the use of the COSDS and shall be sufficient to provide payment of all
costs for wastewater transportation and sewage disposal services (hereinafter referred to as "wastewater services") as established by the County Agency from time to time, which charges shall be sufficient to provide:

(a) For all costs of operating and maintaining the System, including the cost of sewage disposal services through and by any connection to the OMID System, City of Detroit sewage disposal system, connection to City of Pontiac Wastewater Treatment Facility Drainage District, and/or connection to the City of Pontiac-Oakland County Sewage Disposal System.

(b) For the establishment and maintenance of reserve funds in such amounts as shall be determined by the County Agency, for the repair, replacement of equipment, accessories, or appurtenances and/or other improvements of the System as are necessary to maintain the capacity and performance of the System.

(c) For such amounts in the judgment of the County are necessary to pay for any losses or legal expenses arising from the operation and maintenance of the System.

(d) For all costs necessary for compliance with federal and state law and regulations.

(e) For any other proper expenses relating to the System or the financing thereof.

6. **Ratemaking.** The Municipalities shall pay the County for wastewater services at such rates as the County may establish from time to time, it being mutually agreed and understood that such rates shall be based upon rates charged by OMIDDD to the County (based upon its contract with the City of Detroit) for wastewater transportation, treatment and disposal, plus costs and charges incurred by the County and the OMIDDD for providing transportation services; and, further based upon rates charged by the COPWTFDD to the County for wastewater treatment plus costs and charges incurred by the County. Except as provided in paragraph 4 regarding "Cost Reallocation Based on Flow and Annual Flow-Based "True-up" for SRT Project and OMID Rehabilitation Projects," all funds collected by the County from the
Municipalities shall be utilized exclusively for the administration, operation, maintenance, reserves and benefit of the System. Service charges by the County for wastewater services shall be made to each Municipality upon a schedule of rates and charges promulgated from time to time by the County Agency. Any rates and charges specified in any such schedule shall be subject to increase by the County Agency at any time if necessary to provide funds to meet existing or future obligations associated with capital and interest on system bonds or other financing, or maintenance improvements of the System. Each of the Municipalities reserves the right to establish rates to be collected from its individual users (i.e. ratepayers) in an amount sufficient to pay its wastewater services charges or other charges as specified in this contract, to the County when due. Such rates may be fixed and established in such amounts as will produce additional funds for such Municipality to be used for any lawful purpose, pertaining to wastewater services charges and water supply in the event there is a joint municipal system.

7. Proportional User Charges. Each of the Municipalities agrees that it shall adopt and enforce ordinances, and any rules and regulations, to implement and maintain a revenue system that, at a minimum, provides that the operation, maintenance and replacement charges and costs identified herein are distributed proportionately to each user or user class that is tributary to COSDS, OMID System, City of Detroit system and COPWTFDD. In particular, such ordinance, rules and regulations shall provide that surcharges established by the City of Detroit, OMIDDD, COPWTFDD or the County for the recovery of incremental operation, maintenance and replacement costs of treating extraordinary concentrations of sewage, shall be billed to and collected from individual firms as identified by the City of Detroit, OMIDDD, COPWTFDD or the County in its billings to the Municipalities. These rules and regulations shall conform to Section 204(b) (1)(A) of Public Law 92-500, as amended, and regulations of the
United States Environmental Protection Agency (hereinafter referred to as the U.S. EPA), being 40 CFR, 35.929 through 35.929-3, and shall achieve a proportionate User Charge System which is effective throughout the COSDS District. The rules and regulations shall provide for monitoring of commercial, governmental and industrial users and shall be consistent with the monitoring rules and regulations of the City of Detroit, OMIDDD, COPWTFDD and the County. The County shall have the right under said rules and regulations to audit all monitoring activities including the right to perform monitoring tests itself to verify the accuracy of monitoring results.

8. Charges to be Based on Flow. The charges for such wastewater services, except as hereinafter provided, shall be on the basis of the aggregate quantity of wastewater (including sanitary flow, dry weather infiltration and inflow, and a wet weather component) entering the COSDS from the Municipalities or other method as determined by the County Agency. Included in the computation of charges for wastewater services are all applicable costs and expenses associated with financing, administration, operation and maintenance, sewage disposal charges or other applicable expenses as determined by the County Agency. In the event that the County is billed directly by the City of Detroit or COPWTFDD for charges associated with high strength and industrial wastewater flows, such charges may be invoiced directly to the responsible Municipality or Municipalities as determined by the County Agency.

9. Billing. The wastewater services charges as herein provided shall be billed on either a monthly or quarterly basis by the County to the Municipalities. Any portion of the charges not related to accuracy or rates that are not paid by a Municipality to the County on the due date shall be subject to a finance charge at a rate of 1.5% per month for each month that they remain unpaid. Any portion of the total bill, plus any finance charges applied to the bill which are not paid by the next billing date, shall be shown on the next bill as arrears. If the accuracy of
a bill is in dispute, a Municipality agrees to place the disputed amount of the bill in an interest bearing escrow account maintained by the County Treasurer pending resolution of the dispute and the finance charge shall thereupon cease. Accrued interest on the escrow account shall be allocated between the County and Municipality directly proportional with the resolution of the dispute. The cost, if any, of maintaining the escrow account shall be allocated between the County and Municipality inversely proportional with the resolution of the dispute. Disputes related to raises for wastewater services charged by the County are specifically excluded from the application of this paragraph. Claims for interest in any other billing dispute shall be resolved by a court of competent jurisdiction. It is understood and agreed, that the payment of wastewater services charges for each Municipality shall be the general obligation of such Municipality, and the County Agency shall have the right to utilize any method permitted by law for the collection of such charges due to the County under this contract.

10. **Municipal Collection System.** It shall be the obligation of each of the Municipalities to provide the necessary sanitary sewers to transport its sewage from the area served by the System or to cause the same to be provided by agreement with the County. All connections to the sanitary sewer interceptors of the System shall be made by the Municipality so connecting, at the Municipality's expense, after first securing a permit from the County Agency. Any such permit may be made conditional upon inspection and approval of new construction by the County. No Municipality, that is a party to this contract, shall divert flow that is presently tributary to the COSDS to another sewage treatment plant or facility or construct, or permit the construction of, any new sewage treatment plant or facility within the COSDS District without the approval of the County Agency. This prohibition shall not apply to
the area served by the City of Pontiac-Oakland County Sewage Disposal System, a separate Act 342 system administered by the County Agency.

11. **Prohibition of Storm Water Connections.** The County Agency shall establish and promulgate general rules and regulations controlling the discharge of sanitary sewage into the COSDS. Each of the Municipalities expressly understands and agrees that, except as provided by the County Agency's regulations, no storm water sewers shall be connected directly to the sanitary sewers of the System, or to any sanitary sewers connected, directly or indirectly, to the sanitary sewers of the System and as a condition of this contract, each Municipality shall adopt an ordinance in a form approved by the County Agency, prohibiting the entry of storm water into the System from any area served thereby in the Municipality. The County Agency agrees that it will take appropriate steps and actions to prohibit the entry of storm water into the System coming from sewers or other systems under the control of any public corporation or agency thereof.

12. **Public Purpose.** The County and the Municipalities enter into this contract to serve the public health and welfare of the people of the State of Michigan, especially in the COSDS District.

13. **Engineering Standards.** The Municipalities agree to conform to generally acceptable standards and specifications established by the County Agency for the installation of wastewater collection, pumping, and transportation facilities which the Municipality will cause to have constructed within its corporate limits. The Municipalities shall submit plans for new sewers directly to the County Agency for review and approval.
14. **Violations of Flow Standards.** Each Municipality understands and agrees that it shall be responsible for the character of the wastewater originating therein and shall comply with the County Agency's standards and regulations controlling the discharge of industrial and/or commercial types of wastes into the System. Accordingly, in cases where the character of wastewater from Municipalities, or any portions thereof, or from any commercial manufacturing or industrial plant, building or premises within the corporate limits of any Municipality or Municipalities is such that it imposes an additional burden upon the facilities of, or services provided, by the County or the facilities of the OMIDDD, City of Detroit, and/or COPWTFDD above that which would be imposed through adherence to standard limitations, as established from time to time by the County Agency, OMIDDD, City of Detroit, COPWTFDD, or agencies of the state or federal governments, for wastewater permitted to enter the COSDS and tributary systems, any additional costs necessitated thereby shall be an additional charge over the rates herein provided. The Municipalities shall refuse any person, firm, or corporation the right to discharge its wastewater into its wastewater system if such wastewater violates the standards or limitations established or to be established. The County also reserves the right to deny a Municipality's discharge into the System, if necessary, to protect the System or the public health or safety.

15. **Compliance with Laws and Regulations.** The Municipalities agree to comply with all laws, ordinances, rules, regulations, and orders of the County, State of Michigan and United States of America applicable to the service area of the COSDS District, OMIDDD, City of Detroit's wastewater disposal system within the County, and the COPWTFDD, with reference to wastewater characteristics, collection and disposal, and water pollution control. The Municipalities further agree to ascertain the party or parties at fault and require same to pay the
reasonable cost for repair of any damage resulting to the interceptors serving the COSDS District whether or not owned by the County (including the OMID System, the City of Detroit System, and/or COPWTFDD System) for the violation of any of the aforesaid laws, ordinances, orders, rules and regulations.

16. **Industrial Wastewater Control.** Each of the Municipalities agrees that it shall adopt and enforce rules and regulations pertaining to the use, design and construction of sewers, and the discharge of industrial or commercial wastes into sewers, where such sewers are tributary to OMID System, City of Detroit and/or COPWTFDD. Such rules and regulations shall be consistent with and at least as stringent as all applicable provisions of the pertinent ordinances adopted by the City of Detroit, these being the 1979 amendments to Chapter 56, Article 1, and Chapter 56, Article 6, of the Municipal Code of the City of Detroit as they may be adopted and amended from time to time; and the pertinent ordinances adopted by the City of Pontiac, these being Ordinance No. 2267, Chapter 18, amending the Code of Ordinances to comply with State and Federal regulations concerning sewerage. In the event any Municipality shall fail to adopt an ordinance as required herein, or shall fail to diligently enforce the same, the County, the City of Detroit (its successors and assigns), the COPWTFDD and/or the City of Pontiac (its successors and assigns) shall have authority to take appropriate action which may include suit in an appropriate court of general jurisdiction alleging such Municipality's failure to adopt or enforce an ordinance, and following a hearing on the merits, should the court find that the allegations are true, it is agreed that such court may, in such instance, grant appropriate injunctive relief against said Municipality or any individual discharger there; terminate the Municipality's contractual right to discharge wastewaters into the County system and/or to grant the City of Detroit and/or grant COPWTFDD/City of Pontiac such other relief as may be appropriate under the
circumstances. These actions shall enable the County, City of Detroit, COPWTFDD and/or City of Pontiac to:

(a) Deny or impose conditions on new or increased contributions of pollutants or changes in the nature of pollutants, to the waste collection system by Industrial and Commercial Users. The terms "Industrial and Commercial" user shall mean those users defined in Section 56-6-3(11) and (P) of Detroit Ordinance No. 353-H of Chapter 56 of Article 6 passed on November 7, 1979 and as may be amended from time to time; and/or defined in Chapter 118 of the City of Pontiac Code of Ordinances, and as amended from time to time.

(b) Require compliance with applicable current and future National Pretreatment Standards and other more restrictive requirements as may be imposed by the County, the City of Detroit, or COPWTFDD promulgated by the U.S. EPA under the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq.

(c) Control, through permit, contract, order, or similar means, the contribution to the waste collection system by Industrial and Commercial Users to ensure compliance with subparagraph (b) above.

(d) Require the development of compliance schedules by Industrial and Commercial Users for the installation and facilities required to meet applicable National Pretreatment Standards and other more restrictive requirements as may be imposed by the County, City of Detroit or COPWTFDD.

(e) Require the submission of notices and self-monitoring reports from Industrial and Commercial Users to assess and assure compliance with National Pretreatment Standards and other more restrictive requirements as may be imposed by the County, City of Detroit or COPWTFDD.

(f) Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by Industrial and Commercial Users, compliance or noncompliance with applicable National Pretreatment Standards and other more restrictive requirements as may be imposed by the County, City of Detroit or COPWTFDD. It being further understood that the County, City of Detroit or COPWTFDD may contract with qualified parties to carry out the inspection, surveillance and monitoring procedures of this paragraph.

(g) Seek injunctive relief for noncompliance with National Pretreatment Standards and other more restrictive requirements as may be imposed by the County, City of Detroit or COPWTFDD.
(h) Require Industrial and Commercial Users to install containment facilities to protect the treatment works from accidental spills of critical or hazardous materials.

17. The County and the Municipalities each recognize that the County and various drainage districts have issued and will issue bonds to finance capital improvements to serve the COSDS District, which bonds are secured by the full faith and credit pledge of the Municipalities to the making of their proportionate payments either by separate contract or under the Michigan Drain Code (Act 40), and it is therefore covenanted and agreed by the County and the Municipalities that, so long as any such bonds remain outstanding and unpaid, the provisions of this contract shall not impair the security for the bonds or the prompt payment of principal or interest thereon. The Municipalities and the County Agency further covenant and agree that they will comply with their respective duties and obligations under the terms of this contract promptly, and will not suffer to be done any act which would in any way impair bonds, the security therefor, or the prompt payment of interest thereon.

18. The County Agency is hereby authorized, but not required, to utilize County personnel for the administration of the COSDS. The Municipalities agree that the costs of contract administration, auditing and financial services shall be part of the costs of the System, whether such services are provided by County personnel or third parties. In the case of County personnel, the costs attributed to the System shall include the allocable share of such personnel's salary and fringe benefits to the System as determined by the County Agency.

19. No change in the jurisdiction over any territory in any of the Municipalities shall impair in any manner the obligations of this contract or affect the obligations of the Municipalities hereunder. In the event that all or any part of the territory of any Municipality is incorporated as a new city or village or is annexed to or becomes a part of the territory of another
municipality, the municipality into which such territory is incorporated or to which such territory is annexed shall assume the proper proportionate share of the contractual obligations (including the pledge full faith and credit) and Maximum Rate of Flow of such Municipality, which proper proportionate share shall be fixed and determined by the County Agency and shall be binding upon all parties concerned unless, within sixty (60) days after such incorporation or annexation becomes effective, the governing body of the municipality into which such territory is incorporated or to which such territory is annexed and the governing body of such Municipality shall, by mutual agreement and with the written approval of the County Agency, fix and determine such proper proportionate share. The County Agency, prior to making such determination, shall receive a written recommendation as to the proper proportionate share from a committee composed of one representative designated by the governing body of such Municipality, one designated by the governing body of the new municipality or the municipality incorporating or annexing such territory and one independent registered engineer appointed by the County Agency. Each governmental unit shall appoint its representative within fifteen (15) days after being notified to do so by the County Agency and within a like time the County Agency shall appoint the engineer third member. If any such representative (other than the appointee of the County Agency) is not appointed within the time above provided, then the County Agency may proceed without said recommendation. If the committee shall not make the recommendation within forty-five (45) days after its appointment or within any extension thereof by the County Agency, then the County Agency may proceed without such recommendation.

20. It is understood and agreed by the parties hereto that the System is to serve the Municipalities and not the individual property owners and users thereof, unless by special arrangement between the County Agency and the Municipalities. The responsibility of requiring
connection to and use of the System and/or providing such additional facilities as may be needed shall be that of the Municipality wherein such property is located and such Municipality shall cause to be constructed and maintained, directly or through the County, any such necessary additional facilities.

21. The parties hereto agree that the costs and expenses of any lawsuits or Claims (as hereinafter defined) arising directly or indirectly out of this contract to the extent that such costs and expenses are chargeable against the County or the County Agency, shall be deemed to constitute a part of the cost of the COSDS and shall be paid by the Municipalities in the same manner as herein provided with respect to other costs of the System. In this contract, "Claims" means any alleged losses, claims, complaints, demands for relief or damages, liability, penalties, costs, and expenses, including, but not limited to, reimbursement for reasonable attorney fees, witness fees, court costs, investigation expenses, litigation expenses, amounts paid in settlement, and/or other amounts or liabilities of any kind which are imposed on, incurred by, or assessed against the County, County Agency or Municipalities, or for which the County, County Agency or Municipalities may become legally and/or contractually obligated to pay or defend against, whether direct, indirect or consequential, whether based upon any alleged violation of the Federal or the State constitution, any Federal or State statute, rule, regulation, or any alleged violation of Federal or State common law, whether any such claims are brought in law or equity, tort, contract, or otherwise, and/or whether commenced or threatened. This paragraph shall not apply to a lawsuit instituted by any of the Municipalities to enforce their respective rights under this contract.
22. **County Agency.** All powers, duties and functions vested by this contract in the County shall be exercised and performed by the County Agency, for and on behalf of the County, unless otherwise provided by law or in this contract.

23. **Third Party Beneficiaries.** The City of Detroit and the COPWTFDD are intended third party beneficiaries of Paragraphs 14, 15 and 16 of this contract.

24. **Notices.** Notices of a legal nature shall be sent by certified first-class mail, postage prepaid, return receipt requested, as follows:

   If to the County Agency:
   
   Oakland County Water Resources Commissioner  
   One Public Works Drive, Building 95-West  
   Waterford, MI 48328

   If to the Municipality:
   
   Authorized representative of such Municipality.

All Notices shall be deemed given on the day of post-marked mailing. Any Notice given by a party hereunder must be signed by an authorized representative of such party.

25. **Amendments.** The Agreement may be amended only in writing executed by persons with legal authority to bind the respective parties to this contract.

26. **Enforceability.** In the event that any one or more of the provisions of this contract for any reason shall be held to be invalid, illegal or unenforceable shall not affect any other provisions hereof, but this contract shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.
27. **Integration.** This contract contains the entire agreement between the County and Municipalities, and all prior negotiations and agreements are merged into this contract. Neither party to this contract has made any representations except those expressly set forth in this contract, and no rights or remedies are, or shall be, acquired by either party by implication or otherwise unless expressly set forth in this contract.

28. **Headings.** The headings of the paragraphs of this contract are for convenience only and shall not be used to construe or interpret the scope or intent of this contract or in any way affect the same.

29. **Jurisdiction.** The rights and remedies set forth in this agreement are not exclusive and are in addition to any of the rights or remedies provided by law or equity. This contract and all actions arising under it shall be governed by, subject to, and construed according to the law of the State of Michigan. Each party to this contract agrees, consents and submits to the personal jurisdiction of any state or federal court of competent jurisdiction in Michigan, for any action arising out of this contract.

30. **Term.** This contract shall become effective after its execution by each party hereto. This contract shall terminate on a date which is thirty (30) years from October 22, 2009 more specifically October 22, 2039, unless automatically renewed as provided in Paragraph 31 or until such time that all debt obligations pursuant to this contract or future contracts related to the improvements with the COSDS are paid in full, whichever is later. It is understood that October 22, 2009, corresponds to the date of the Wastewater Disposal Services Contract between the City of Detroit and the OMIDDD which is a thirty (30) year contract with a ten (10) year automatic renewal period. This contract replaces and supersedes the 1967 COSDS Contract; the
COSDS Paint Creek Interceptor Contract; the COSDS Gibson-Avon Arm Contract, and the COSDS 1996 Management Agreement. This contract shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. This contract may be executed in any number of counterparts.

31. **Contract Term Renewal.** This contract shall automatically renew at the conclusion of the initial term ending on October 22, 2039 for an additional ten (10) year term, unless a Municipality provides written notification in accordance with Paragraph 24 to the County Agency on or before October 22, 2033 stating its intent not to renew this contract. Thereafter, this contract shall automatically renew every ten (10) years for an additional ten (10) year term, unless a Municipality provides written notification in accordance with Paragraph 24 to the County on or before the conclusion of the fourth year of the then current ten (10) year term stating its intent not to renew this contract. The automatic renewals of this contract shall not preclude a review of its terms and the parties are encouraged to reaffirm or amend its terms as necessary. The parties may, in writing, mutually agree upon a longer renewal term.
IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed and delivered by the undersigned, being duly authorized by their respective governing bodies.

COUNTY OF OAKLAND

Executed on _____________, 2013
By:__________________________
  County Water Resources Commissioner
  (County Agency)

CITY OF AUBURN HILLS

By:__________________________
  Mayor

Executed on _____________, 2013
And:__________________________
  Clerk

CHARTER TOWNSHIP OF INDEPENDENCE

By:__________________________
  Supervisor

Executed on _____________, 2013
And:__________________________
  Clerk

VILLAGE OF LAKE ORION

By:__________________________
  President

Executed on _____________, 2013
And:__________________________
  Clerk
CHARTER TOWNSHIP OF OAKLAND

By:____________________________________
    Supervisor

Executed on _____________, 2013

And:___________________________________
    Clerk

CHARTER TOWNSHIP OF ORION

By:____________________________________
    Supervisor

Executed on _____________, 2013

And:___________________________________
    Clerk

CHARTER TOWNSHIP OF OXFORD

By:____________________________________
    Supervisor

Executed on _____________, 2013

And:___________________________________
    Clerk

VILLAGE OF OXFORD

By:____________________________________
    President

Executed on _____________, 2013

And:___________________________________
    Clerk
CITY OF ROCHESTER HILLS

By: _______________________________
    Mayor

Executed on _____________, 2013

And: _______________________________
    Clerk

CHARTER TOWNSHIP OF WATERFORD

By: _______________________________
    Supervisor

Executed on _____________, 2013

And: _______________________________
    Clerk

CHARTER TOWNSHIP OF WEST BLOOMFIELD

By: _______________________________
    Supervisor

Executed on _____________, 2013

And: _______________________________
    Clerk
CITY OF LAKE ANGELUS

By: ____________________________
    Mayor

Executed on ____________, 2013

And: ____________________________
    Clerk

BLOOMFIELD 9007-398 1321622v2
September 26, 2013

Mr. Peter Auger  
City of Auburn Hills  
1827 N Squirrel Rd  
Auburn Hills, MI 48326  

Dear Mr. Auger:

As you may recall, in the spring of this year, two Clinton Oakland Sewage Disposal System (COSDS) contracts were provided to the COSDS communities for approval. The first was a new Inter-municipal contract to replace existing COSDS contracts currently in place. The second was a bond contract for the Perry Street Diversion Project.

My staff provided an update regarding both contracts at the July COSDS Technical Committee Meeting. During the meeting, it was suggested by community representatives that “fact sheets” be prepared to summarize recent WRC activity regarding these contracts. As a result, I have attached two, somewhat similar “fact sheets” about the proposed Clinton-Oakland Sewage Disposal System (COSDS) Inter-municipal contract and the Perry Street diversion project. Each of these documents contains important information about where we’ve been with respect to these issues and where we’re going in the near future.

I encourage you to share this material with your engineering and public works staff. They can offer insight about the technical considerations and likely can serve as a valuable resource for additional background information.

As you review the COSDS Inter-municipal fact sheet, you will see that the proposed contract has been revised and is being resubmitted to the COSDS communities for approval (copy attached). Noting that only minor revisions have been made, a COSDS member community suggested that communities may be able to approve the revised contract at their next board or council meeting.

An electronic version of the revised contract will be posted on the COSDS basecamp. Also, an electronic version of the revised sample resolution (copy attached) will be posted on basecamp for your use. Please email a copy of your board or council resolution, indicating approval of the contract, to Chip Tischer (tischerc@oakgov.com). Assuming all communities approve the revised contract, and once all community resolutions are received, a final version of the contract will be hand-delivered to each community for their signature. Once all signatures are secured on one document, copies of the executed contract will then be distributed to the COSDS communities.

If you have questions, please feel free to contact me directly or one of the following WRC staff members for assistance: Tim Prince prince@oakgov.com, 248-858-1069 or Sue Coffey, coffeysu@oakgov.com, 248-858-0937.

Sincerely,

Jim Nash
The original deadline for approval of the COSDS Inter-municipal Contract was May 2013. What has been happening over the past several of months?

1. Ongoing discussions, including multiple council meetings were held with the City of Rochester to clarify questions and attempt to alleviate concerns regarding the COSDS Inter-municipal Contract.
2. The Oakland County Water Resources Commissioner’s office updated the COSDS communities regarding the status of the COSDS Inter-municipal Contract on July 31, 2013.
3. The proposed contract has been amended as outlined in further detail below.

What is the current status of this proposed contract?
Eleven of the 12 communities approved the contract. The contract was not approved by the City of Rochester.

Why didn’t Rochester approve the contract?
The City of Rochester has a separate agreement with the WRC for sanitary sewer service. It is not a member of the COSDS. That agreement is set to expire in 2034. The Inter-municipal Contract proposed to include Rochester as a member of the COSDS. Rochester had concerns regarding the new Inter-municipal Contract and decided to continue under its existing sanitary sewer contract with the WRC.

How does that affect the contract?
The contract requires approval by all communities listed in the contract, so the proposed contract is not valid. In other words, there is no contract.

What other options does the WRC have?
One of the goals, when the proposed Inter-municipal contract was developed, was to eliminate multiple contracts with different expiration dates. As noted above, the City of Rochester has an independent contract with the WRC that expires in 2034, thus the proposed contract can be modified to exclude the City of Rochester and resubmitted to COSDS communities for approval.

Is this how the WRC plans to proceed?
Yes. A significant amount of community collaboration was dedicated to creating the proposed contract. The WRC sees no reason to defer resubmittal to the COSDS communities and request their approval.

Does this mean Rochester will be treated differently than the COSDS communities?
No. Consistent with past practices and its existing contract with the WRC, Rochester will be treated the same as the COSDS communities. Its existing contract states that “the rates and charges to the City (of Rochester) shall be the same as the rates and charges to the Clinton-Oakland Municipalities.”
Does anything else need changed in the contract?
Yes. The other necessary change to the contract is to exclude references to the Perry Street Diversion project (see Perry Street Diversion Project Fact Sheet).

What is the timetable for resubmitting the revised contract to the COSDS communities?
The revised contract is being resubmitted with this fact sheet.

What do the COSDS communities need to do next?
The WRC is asking communities to approve the revised contract as originally proposed, but modified to exclude references to the City of Rochester and the Perry Street Diversion Project, at their next council or board meeting.
Clinton Oakland Sewage Disposal System (COSDS)
Perry Street Diversion Project
Fact Sheet

The original deadline for approval of the Perry Street Bond Contract was May 2013. What has been happening over the past several months?

1. The Oakland County Water Resources Commissioner’s office worked with the Michigan Department of Environmental Quality for an extension on the deadline for submittal of the Perry Street Bond Contract resolutions.
2. Ongoing discussions, including multiple council meetings, were held with the City of Rochester to clarify questions and attempt to resolve concerns regarding the Perry Street Bond Contract.
3. Design for the Perry Street Diversion Project was finalized and construction bids were received on July 24, 2013.
4. The WRC updated the COSDS communities regarding the status of the Perry Street Diversion Project on July 31, 2013.
5. Bids have been awarded for construction of the project.

What is the current status of this proposed Perry Street contract?
Ten of the 11 communities approved the contract. The contract was not approved by the City of Rochester.

Why didn’t Rochester approve the contract?
The City of Rochester has a separate agreement with the WRC for sanitary sewer service. It is not a member of the COSDS. That agreement is set to expire in 2034. The Perry Street Diversion Bond Contract proposed to include Rochester as a member of the COSDS. Rochester had concerns regarding the contract and decided to continue under its existing sanitary sewer contract with the WRC.

How does that affect the Perry Street Bond Contract?
The proposed contract requires approval by all communities, so the contract is not valid. In other words there is no contract.

What other options does the WRC have?
Another option for funding this project is through a combination of sewage disposal rates and existing reserve funds. However, until recently, this has not appeared to be a cost-effective option.

What has changed?
On July 24, 2013, the WRC received construction bids for the project that were much lower than the original estimate. A portion of the savings was due to the avoidance of labor requirements imposed by the State of Michigan for State Revolving Funds (SRF). Based on the lower bid, the revised project estimate is approximately $18 million which is $6.4 million lower than the original estimate.
How is WRC moving forward?
Based on the reduced project cost estimate, the WRC has determined that funding the project with existing reserve funds is the best option. The WRC originally planned to issue $24.4 million in bonds to be repaid over a 20-year period with at 2% interest rate. Instead, it will fund $18 million from COSDS reserve balances.

How much of an impact will this have on COSDS reserve funds?
The COSDS has four reserve funds. Based on the estimated project cost and current COSDS financial projections, upon completion of the project, approximately $7.3 million of major maintenance reserves, emergency repair reserves and undesignated retained earnings will be available. However, capital improvement reserves will be depleted. As a result, the WRC intends to replenish the reserves to a desirable level over a 10-year period through sewage disposal rates. This level is based on a Plante and Moran study that was competed several years ago.

How does this impact future sewage disposal rates?
The rate increases for replenishing reserves is close to what the communities would have paid for bonding the project over a 20-year period. The WRC is anticipating that rate increases will be similar to the original proposal which included debt service. However, after 10 years, the WRC anticipates reserves will be replenished and this rate component can be reduced.

What’s the downside to this option?
The downside is that the WRC will not be able to replenish approximately $7.5 million of Oakland-Macomb Interceptor Drainage District reserves that had been previously collected. However, instead of replenishing the entire $18 million in reserves, the WRC will be collecting $11 million over 10 years.

What do the communities need to do next?
There is increased risk with using reserve funds to fund this project, particularly when the existing COSDS base contract expires in January of 2017. Therefore, the WRC is asking the communities to approve the Inter-municipal Contract, as originally proposed, but modified to exclude references to the City of Rochester and the Perry Street Diversion Project (see Inter-municipal Contract Fact Sheet).
INTRODUCTION
This is a request for approval to construct a 120,000 sq. ft. United States Headquarters for the tools and assembly division for Atlas Copco, which consists of a customer center and an application center, on a 14.63 acre site zoned T&R, Technology and Research district. The property is located at the southeast corner of Cross Creek Parkway and Deepwood Drive, across the street from Marposs Corporation headquarters. Approximately 53,000 sq. ft. of the building will be utilized for office space, 45,000 sq. ft. for shop space, and 22,000 sq. ft. for warehouse space.

Atlas Copco has been a world-leading provider of industrial productivity solutions for more than a century. Founded in 1873, Atlas Copco’s business has evolved into four distinct business areas. Their products and services range from compressed air and gas equipment, to construction and mining equipment, and industrial tools and assembly systems.

The company moved to their current 58,748 sq. ft. Auburn Hills facility, located on Dutton Road, in 2004. The proposed new building will provide the company an additional 61,252 sq. ft of space for future growth needs.

General Development will be Developer and the General Contractor for the project. The ground breaking is anticipated to take place in October 2013. Atlas Copco intends to lease the facility from General Development for a minimum period of 11 years.

The total investment of the project is estimated at $15 million. Atlas Copco intends to relocate their existing operations in Auburn Hills to the proposed new facility in the Oakland Technology Park, which will employ approximately 225 people.
KEY ISSUES

1. **Green Building**
   The City’s Green Building Policy encourages the use and incorporation of green/sustainable design elements in developments, using the USGBC’s LEED rating system as its standard. At this time the project is not proposed to pursue LEED certification. However, the applicant has identified a number of green/sustainable elements that will be incorporated into the development. Some of the more noted elements include the following:

   **Sustainable Sites**
   - Alternate Transportation – Low Emitting and Fuel Efficient Vehicles
   - Alternate Transportation – Parking Capacity
   - Site Development – Protect or Restore Habitat
   - Stormwater Design – Quantity & Quality Control

   **Energy and Atmosphere**
   - Optimize Energy Performance

   **Materials and Resources**
   - Construction Waste Management

   **Indoor Environmental Quality**
   - Outdoor Air Delivery Monitoring
   - Low Emitting Materials – Adhesives and Sealants
   - Low Emitting Materials – Paints and Coatings
   - Controllability of Systems – Thermal Comfort

STAFF RECOMMENDATION

Please be advised that this project has been reviewed by the city’s Administrative Site Plan Review Team (consisting of the City Manager, Police Department, Fire Department, Community Development Department, Department of Public Services, Engineering Consultant, and Woodlands Consultant) and has received a recommendation for approval.

We recommend Conditional Approval of the Site Plan and Tree Removal Permit and offer the following discretionary findings of fact:

1) The Site Plan contains sufficient basic information required by the Zoning Ordinance for a recommendation.
2) The requirements of Section 1815, Items 7A-7E of the Zoning Ordinance can be met as follows:
   a) All requirements and standards of the Zoning Ordinance, and other city Ordinances, can be met.
   b) Safe, convenient vehicular and pedestrian ingress/egress has been depicted; primary access will be to High Meadow.
   c) Traffic circulation features within the site and the location of parking areas avoid common traffic problems and can promote safety.
   d) A satisfactory and harmonious relationship will exist between the proposed development and surrounding area.
   e) The proposed use will not have an unreasonable, detrimental or injurious effect upon the natural characteristics of the subject parcel, or the adjacent area.
3) Based upon the project’s total square footage, 287 parking spaces are required and 289 parking spaces are depicted.
4) The parking layout meets minimum requirements and parking spaces are provided for the handicapped (7 are required and 8 are provided). 1 space is van accessible.
5) Building and parking setback requirements will be met.
6) Greenbelts will be provided.
7) Landscape requirements will be met and calculations have been submitted.
8) A note indicates that exterior lighting shall meet the requirements of the Zoning Ordinance. Pole and wall-mounted lighting shall be shielded and directed downward. Lamp bulbs and lens shall not extend below the light fixture shields. Light poles shall not be taller than the proposed height of 18 ft. from grade.

9) A note indicates that signs shall meet the requirements of the Zoning Ordinance.

10) A note indicates that parking spaces shall be double striped.

11) Ground-mounted mechanical equipment will be screened.

12) A note indicates that there will be no pallet storage, overnight vehicles, or trailer storage.

13) 8 ft. pathway is proposed along Cross Creek Parkway.

14) A Tree Removal Permit is required - 213 replacement trees are required and 213 replacement trees are proposed.

Conditions:
1) The developer shall obtain land division approval from the Community Development Department to formally create the parcel and then finalize the land division application with the Oakland County Register of Deeds and Assessing Department to formally create the parcel.

2) The developer has agreed to prep the parking lot with the installation of electrical stubs at planned electric vehicle charging station locations and run conduit from the power source to the stubs to support future installation, when needed.

PLANNING COMMISSION RECOMMENDATION
Recommended Approval on October 1, 2013 (7-0 vote).

MOTION
"Move to accept the Planning Commission’s recommendation and approve the Site Plan and Tree Removal Permit for Atlas Copco’s – United States Headquarters for their Tools and Assembly Division subject to staff and consultants’ conditions."

I CONCUR: 

PETER E. AUGER, CITY MANAGER
CALL TO ORDER:  Chairperson Ouellette called the meeting to order at 7:03 p.m.

ROLL CALL:  Present:  Beidoun, Emery, Mendieta, Ouellette, Pierce, Shearer, Spurlin
Absent: Hitchcock, Verbeke
Also Present: Water Resource Coordinator Keenan
Guests:  5

5a. Atlas Copco – United States Headquarters for the Tools and Assembly Division (7:05 p.m.)
Public Hearing/Motion – Recommend to City Council for Site Plan and Tree Removal Permit approval to construct 120,000 sq. ft. research and technology facility.

Mr. Keenan presented the request for approval to construct a 120,000 sq. ft., United States Headquarters, which will include room for future expansion. Atlas Copco has been in Auburn Hills since 2004, building their first facility in Dutton Tech Park.

The proposed location of the United States Headquarters for the Tools and Assembly Division on Cross Creek Parkway, within Oakland Technology Park, across the street from the City’s multi-sports field.

The estimated $15 million investment is expected to create a modern facility that will employ an estimated 225 people.

Some of the developments more noted green elements include; six parking spaces identified for future EV parking needs; habitat protection; water quality protection; optimize energy performance; indoor environmental quality; and additional room within the dumpster enclosure for recycling containers

The plans have been reviewed by the City’s Administrative Review Team who recommends approval.

The City is extremely grateful that Atlas Copco chose to remain in Auburn Hills.

Dennis McCarthy, Atlas Copco Business Controller thanked the City, noting how pleased Atlas Copco is for being able to remain in the City. He felt Mr. Keenan explained the project well, and would answer any questions.

Mr. Ouellette opened the public hearing at 7:10 p.m.

Mr. Ouellette closed the public hearing at 7:10 p.m.

Moved by Mr. Spurlin to recommend to City Council approval of the Site Plan and Tree Removal Permit for Atlas Copco subject to staff and consultant conditions.
Supported by Mr. Pierce.

VOTE:  Yes:  Beidoun, Emery, Mendieta, Ouellette, Pierce, Shearer, Spurlin
No:  None

Motion Carried (6-0)
Development Application

Project Name: AT125 Copco

General Project Location: Oakland Technology Park

Parcel Size: 14.63 Acres Zoning: TR

Sidewell Number(s): Part of 02-14-23-200-010

Project Description: AT125 Copco North American Offices

Building Size (sq. ft.): 120,000 S.F.

City Use Only

Address: 

Date Received: 9-6-13

Fees Paid: $915 + $640 = $1555

Sign(s) Escrow:

SP #: 130011

SLU # (s):

LD/LE/SUB #:

RZ #:

PUD #:

ZBA #:

Check requested review(s)

☐ Site Plan

☐ Tree Removal Permit

☐ Special Land Use Permit(s)

☐ Land Division

☐ Land Exchange

☐ Subdivision

☐ Planned Unit Development - Step 1/Step 2/Combined

☐ Rezoning ____________ to ____________

☐ ZBA Variance or Interpretation

☐ Other ____________

(See supplemental application)

Applicant

Name: Oakland Technology Park Associates LLC

Signature:

Business Name and Address: Two Towne Square Suite 850

City: Southfield State: MI Zip Code: 48076 Phone Number: 248-357-3777

Fax Number: 248-357-1929 Alt. Phone Number(s): 248-514-7111

Owner(s)

Name: Oakland Technology Park

Signature:

Business Name and Address: Same

City: State: Zip Code: Phone Number:

(Provide additional sheet if necessary for multiple property owners)

Please contact the City of Auburn Hills Community Development Department, 1827 N. Squirrel Road, Auburn Hills, MI 48326 / Phone: 248-364-6900 Fax: 248-364-6939

Home Page Address: http://www.auburnhills.org

I 30232 $4175

2-01-10 Version
September 27, 2013

Steve Cohen
Community Development Director
CITY OF AUBURN HILLS
1827 Squirrel Road
Auburn Hills, Michigan 48326

RE: Atlas Copco

Dear Mr. Cohen:

We have completed the site plan review for the above referenced project with respect to grading, paving, storm drainage/detention, and availability of municipal utilities to serve the site. The site plan, received by this office on September 26, 2013 was prepared by Nowak and Fraus Engineers. The review comments are noted below.

PERMITS:
Various permits will be required for this site, including but not limited to the following:

- Soil erosion permit from O.C.W.R.C.
- Water main extension permit from M.D.E.Q.

GENERAL:
The site is located on the southeast side of Cross Creek Parkway and Deepwood Drive, between Squirrel Road and High Meadow Circle. The applicant is proposing to construct a 120,000 sq. ft., operations workshop facility to include 2-story regional administrative offices, lab space, accompanying parking lot, and site improvements. Galloway Creek runs through the eastern portion of the vacant parcel. The proposed parcel including the adjacent parcels is zoned T&R, Technology and Research. The City of Auburn Hills Standard Notes and Fire Department Notes are included on the plans. A landscape plan was included in the plan set and appears to be acceptable. The Auburn Hills Standard Details were not included in the plan set and will need to be in the engineering review submittal. Furthermore, a soil erosion and sedimentation control plan will be required during the engineering review.

MUNICIPAL UTILITIES:
An existing 8” water main extends along the north side of Cross Creek Parkway and west side of Deepwood Drive. The existing water main includes two extensions with gate valve dead ends along Cross Creek Parkway and Deepwood Drive right-of-way. The applicant is proposing to extend the water main from the existing gate valves including tapping the existing water main extension along Deepwood Drive. Fire hydrant assemblies and gate valves are proposed and appear to provide coverage for all areas of the proposed building. The applicant proposes 6” fire suppression and 2” domestic lines extending from the building. Water main easements are shown on the plans but shall be labeled in detailed engineering plans.

A 10” sanitary sewer main extends along northbound Deepwood Drive. The applicant is proposing to extend a 6” service lead from the west portion of the proposed building to an existing manhole. Additional details, including pipe type and slope, for the proposed sanitary lead will be needed for the engineering review.
STORM SEWER AND DETENTION:
Storm runoff for the site will be collected via catch basins and storm sewer and routed to an existing regional detention pond at the southwest portion of the site. The existing 10-year storm event detention pond was designed for a site impervious factor of 0.75. Site impervious factor calculations were provided on the plan and appear to meet the existing detention pond requirements. Furthermore, a mechanical forebay structure is proposed prior to treat storm water prior to outletting into the detention pond. Additional details of the storm water management system will be needed for the engineering review including storm sewer calculations, profiles, hydraulic grade lines, details for the basin outlet control, etc.

Furthermore, the applicant proposes to sheet flow runoff towards two catch basins located at the south side of the northeastern parking lot. It appears the proposed parking lot slopes are within acceptable limits. However, high storm water sheet flow velocities may occur based on the proposed elevation change over the lengthy distance in the parking lot. It is our opinion the possible high velocities may cause storm water to overtop the proposed curb and result in potential soil erosion issues. We recommend the applicant provides additional catch basins in the parking lot to limit the distance traveled and elevation dropped for runoff.

PAVING:
The proposed pavement slopes on the site appear to be consistent with the City of Auburn Hills standards between 1% and 6% for drive areas and between 1% and 4% for parking areas. Multiple pavement cross-sections are provided on the plans and are as follows: 1) Asphalt Pavement in ROW – 9" HMA on 6" aggregate base, 2) Asphalt Pavement in Parking Lot – 4” HMA on 8” aggregate base, 3) Asphalt Pathway – 4” HMA on 4” aggregate base, 4) Concrete Pavement – 8” concrete on 8” sand base, and 5) Sidewalk – 4” concrete on 4” sand base. The proposed concrete sections are proposed in the truck bay and dumpster pad areas. Sidewalk ramps are shown on the plans and must comply with ADA requirements. The plans should reference the R-28 Series MDOT standard details for the construction of ramps.

GRADING:
Existing and proposed grades are shown via contours and spot elevations. The proposed grading does not substantially alter the existing drainage pattern. Areas outside the proposed improvements will remain undisturbed. The drainage pattern in these locations will remain the same as existing. The applicant proposes 1:3 slopes near the detention pond and south and west to the northeast parking lot. Guardrails are proposed along the parking lot near the detention pond to protect vehicles from sliding down to the detention pond. Although the City’s maximum allowable slope is 1:4, we take no objection to 1:3 slopes in the areas indicated on the plans due to site constraints and proposed guardrails.

TRAFFIC:
Access to the site is proposed with driveways along Cross Creek Parkway and Deepwood Drive. Internal movement within the parking lot appears to be two-way. The truck bay areas are proposed large enough for truck circulation. The applicant is proposing 289 parking spaces which include 8 barrier-free spaces and 6 designated for future electric vehicle charging stations. The applicant notes 1 van assessable spaces however it appears 3 are proposed. The applicant shall review and revised if necessary. Furthermore, the parking spaces are dimensioned on the plan and appear to be in acceptable limits.

An 8 ft wide asphalt pathway is proposed to extend the length of the property frontage along Cross Creek Parkway. A concrete walk is proposed to extend from the pathway to the building adjacent to the Cross Creek Parkway approach. Additional sidewalks are proposed to extend from the parking areas towards the building entrances.
RECOMMENDATIONS:
The site plan is in substantial compliance with City of Auburn Hills requirements, and has been stamped “Approved” by our office. We ask that the site plan approval acknowledge the following:

1. The site improvement plan, designed in accordance with Ordinance No. 806, shall be submitted to the City for review and approval prior to construction. A detailed cost estimate for the improvements shall be submitted with the plans signed and sealed by the design engineer.

If you have any questions or are in need of any further information, please feel free to contact our office.

Sincerely,
OHM Advisors

Nicholas A. Brass for Timothy J. Juidici, P.E.

Transmitted via e-mail to Steve Cohen: September 27, 2013

ce:     File

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# LEED 2009 for New Construction and Major Renovations

**Project Name:** Atlas Copco  
**Project Checklist Date:** September 26, 2013

## Sustainable Sites  
**Possible Points:** 26

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<td>Development Density and Community Connectivity</td>
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<td>Alternative Transportation—Public Transportation Access</td>
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<td>Alternative Transportation—Bicycle Storage and Changing Rooms</td>
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<td>Alternative Transportation—Low-Emitting and Fuel-Efficient Vehicles</td>
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<td>Site Development—Protect or Restore Habitat</td>
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## Water Efficiency  
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## Materials and Resources  
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<td>1.2</td>
<td>Y</td>
<td>Building Reuse—Maintain 50% of Interior Non-Structural Elements</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Y</td>
<td>Construction Waste Management</td>
<td>1 to 2</td>
</tr>
<tr>
<td>3</td>
<td>Y</td>
<td>Materials Reuse</td>
<td>1 to 2</td>
</tr>
</tbody>
</table>

## Materials and Resources, Continued

<table>
<thead>
<tr>
<th>Credit</th>
<th>Prereq</th>
<th>Description</th>
<th>Possible Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Y</td>
<td>Recycled Content</td>
<td>1 to 2</td>
</tr>
<tr>
<td>5</td>
<td>Y</td>
<td>Regional Materials</td>
<td>1 to 2</td>
</tr>
<tr>
<td>6</td>
<td>Y</td>
<td>Rapidly Renewable Materials</td>
<td>1</td>
</tr>
<tr>
<td>7</td>
<td>Y</td>
<td>Certified Wood</td>
<td>1</td>
</tr>
</tbody>
</table>

## Indoor Environmental Quality  
**Possible Points:** 15

<table>
<thead>
<tr>
<th>Credit</th>
<th>Prereq</th>
<th>Description</th>
<th>Possible Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Y</td>
<td>Minimum Indoor Air Quality Performance</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Y</td>
<td>Environmental Tobacco Smoke (ETS) Control</td>
<td>1</td>
</tr>
<tr>
<td>3</td>
<td>Y</td>
<td>Outdoor Air Delivery Monitoring</td>
<td>1</td>
</tr>
<tr>
<td>4</td>
<td>Y</td>
<td>Increased Ventilation</td>
<td>1</td>
</tr>
<tr>
<td>5</td>
<td>Y</td>
<td>Construction IAQ Management Plan—During Construction</td>
<td>1</td>
</tr>
<tr>
<td>6</td>
<td>Y</td>
<td>Construction IAQ Management Plan—Before Occupancy</td>
<td>1</td>
</tr>
<tr>
<td>7</td>
<td>Y</td>
<td>Low-Emitting Materials—Adhesives and Sealants</td>
<td>1</td>
</tr>
<tr>
<td>8</td>
<td>Y</td>
<td>Low-Emitting Materials—Pants and Coatings</td>
<td>1</td>
</tr>
<tr>
<td>9</td>
<td>Y</td>
<td>Low-Emitting Materials—Flooring Systems</td>
<td>1</td>
</tr>
<tr>
<td>10</td>
<td>Y</td>
<td>Low-Emitting Materials—Composite Wood and Agrifiber Products</td>
<td>1</td>
</tr>
<tr>
<td>11</td>
<td>Y</td>
<td>Indoor Chemical and Pollutant Source Control</td>
<td>1</td>
</tr>
<tr>
<td>12</td>
<td>Y</td>
<td>Controllability of Systems—Lighting</td>
<td>1</td>
</tr>
<tr>
<td>13</td>
<td>Y</td>
<td>Controllability of Systems—Thermal Comfort</td>
<td>1</td>
</tr>
<tr>
<td>14</td>
<td>Y</td>
<td>Thermal Comfort—Design</td>
<td>1</td>
</tr>
<tr>
<td>15</td>
<td>Y</td>
<td>Thermal Comfort—Verification</td>
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</tr>
<tr>
<td>16</td>
<td>Y</td>
<td>Daylight and Views—Daylight</td>
<td>1</td>
</tr>
<tr>
<td>17</td>
<td>Y</td>
<td>Daylight and Views—Views</td>
<td>1</td>
</tr>
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## Innovation and Design Process  
**Possible Points:** 6

<table>
<thead>
<tr>
<th>Credit</th>
<th>Prereq</th>
<th>Description</th>
<th>Possible Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Y</td>
<td>Innovation in Design: Specific Title</td>
<td>1</td>
</tr>
<tr>
<td>1.2</td>
<td>Y</td>
<td>Innovation in Design: Specific Title</td>
<td>1</td>
</tr>
<tr>
<td>1.3</td>
<td>Y</td>
<td>Innovation in Design: Specific Title</td>
<td>1</td>
</tr>
<tr>
<td>1.4</td>
<td>Y</td>
<td>Innovation in Design: Specific Title</td>
<td>1</td>
</tr>
<tr>
<td>1.5</td>
<td>Y</td>
<td>Innovation in Design: Specific Title</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Y</td>
<td>LEED Accredited Professional</td>
<td>1</td>
</tr>
</tbody>
</table>

## Regional Priority Credits  
**Possible Points:** 4

<table>
<thead>
<tr>
<th>Credit</th>
<th>Prereq</th>
<th>Description</th>
<th>Possible Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Y</td>
<td>Regional Priority: Specific Credit</td>
<td>1</td>
</tr>
<tr>
<td>1.2</td>
<td>Y</td>
<td>Regional Priority: Specific Credit</td>
<td>1</td>
</tr>
<tr>
<td>1.3</td>
<td>Y</td>
<td>Regional Priority: Specific Credit</td>
<td>1</td>
</tr>
<tr>
<td>1.4</td>
<td>Y</td>
<td>Regional Priority: Specific Credit</td>
<td>1</td>
</tr>
</tbody>
</table>

## Total  
**Possible Points:** 110

Certified 40 to 49 points  | Silver 50 to 59 points  | Gold 60 to 79 points  | Platinum 80 to 110
CHECK LIST

PROJECT NAME

Atlas Copco

(check all that apply)

✓ SITE PLAN

SPECIAL LAND USE

REZONING

PUD

The following items have not been included in your packet of information since they are either common non-controversial items or the recommendations have been noted in the project’s cover letter. However, if you wish to see a copy they are on file in the Community Development Department.

(check all that apply)

✓ Public Notice
✓ Police Department Approval Letter
✓ Fire Department Approval Letter
✓ Woodlands Consultant Approval Letter
To: Mayor and City Council
From: Peter E. Auger, City Manager and Micheal R. Lohmeier, City Assessor
Submitted: October 1, 2013
Subject: Public Hearing and Request to Approve Extension of IFEC 2003-505 for BorgWarner Inc.

INTRODUCTION AND HISTORY
A request for an extension of IFEC 2003-505 has been received for real property and personal property from BorgWarner Inc. for a facility located at 3850 Hamlin.

Existing Certificate
IFEC 2003-505 was approved for 8 years, after construction, with an expiration of December 30, 2013. It includes both real property and personal property. The certificate was for the following amounts:
- Real property component: $5,179,000
- Personal property component: $1,075,000
- Total investment $6,254,000

Under Public Act 198, as amended, if an Industrial Facility Exemption Certificate was issued for less than 12 years;

(a) The owner or lessee of the replacement facility, new facility, or speculative building may, within the final year in which the certificate is effective, within 12 months after the certificate expires, or, as permitted by the local governmental unit, at any other time in which the certificate is in effect apply for another certificate under this act. If the legislative body of a local governmental unit disapproves an application submitted under this subdivision, then the applicant has no right of appeal of that decision as described in section 6.

(b) The legislative body of a local governmental unit shall not approve applications for certificates the sum of whose periods exceeds the maximum permitted under section 16 for the user or lessee of a replacement facility, new facility, or speculative building. (Amended in 2008, Act 306, Imd. Eff. Dec 18, 2008).

The decision to approve or disapprove an application for an additional certificate to extend the benefit of the abatement is strictly discretionary by the legislative body of the local governmental unit, and there is no right to appeal.
Extension of Certificate
Section VI of the Property Tax Incentive Policy\(^1\) provides:

“Applicants requesting Tax Incentives for a facility under a lease must provide a lease that includes an initial length of lease equal to the length of the incentive plus the additional two or four years as required in A. or B. above. Options to extend a lease will not be counted as part of the initial term of the lease.”

OWNERSHIP AND TERM OF ABATEMENT
IFEC 2003-505 was issued to BorgWarner Inc. for real and personal property, beginning December 31, 2003 and ending December 30, 2013. BorgWarner Inc. has requested the city council approve extending the abatement an additional 2 years.

Unwired Technology LLC has signed the city's Tax Abatement Agreement Extension of Exemption Period. This requires business residence for an additional 4 years beyond the term of this certificate, if the request is approved.

BorgWarner Inc. has requested City Council approve extending the abatement for another 2 years which would provide for the maximum based on its current lease expiration.

- Lease commenced May 2005.
- Lease duration 15 years.

The 15-year lease duration provided above does NOT include any options to re-lease.

BorgWarner Inc. has agreed to remain in the facility for an additional 4 years after the expiration of the certificate. The lease provides for the certificate and business residence periods.

TAX SAVINGS
If the abatement is extended by an additional 2 years the taxes that will be generated by the investment during the additional 2 years will be approximately $110,898, including $29,390 in city revenues.

PROPERTY TAX DELIQUENCIES
To the best of staff’s knowledge, the applicant is not delinquent in any of its property taxes for any of its parcels with the City of Auburn Hills.

OTHER ABATEMENTS IN CITY
- None.

PROPERTY TAX APPEALS
To the best of staff’s knowledge:
- There is no outstanding and/or pending appeal(s) involving the property that is the subject of this application.
- There is no outstanding and/or pending appeal(s) involving the applicant filing for this tax incentive within the City of Auburn Hills.

\(^1\) Approved March 19, 2012.
TAX INCENTIVE REVIEW COMMITTEE RECOMMENDATION (TIRC)
Not applicable for transfers and extensions of existing abatement certificates.

STAFF RECOMMENDATION
Approval of extension is recommended.

MOTION
Move to approve the request for an additional two (2) years of abatement for BorgWarner Inc. and IFEC 2003-505 by adopting the attached resolution.

I CONCUR:  
PETER E. AUGER, CITY MANAGER
RESOLUTION
APPROVING ADDITIONAL YEARS
FOR THE FACILITY
UNDER INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
2003-505 for BORGWARNER INC.

At a regular meeting of the City Council of the City of Auburn Hills, Oakland County, Michigan, held in the Council Chambers at 1827 N. Squirrel Road, Auburn Hills MI 48326 at 7:00 p.m. on the 7th day of October, 2013.

The following resolution was offered by Councilperson ____________ and supported by Councilperson _______________

WHEREAS, the City of Auburn Hills and the State Tax Commission approved an Industrial Facility Exemption Certificate in the year 2003 for BorgWarner Inc. for a facility located at 3850 Hamlin Road, and

WHEREAS, the certificate, known as Industrial Facility Exemption Certificate 2003-505, was approved for 8 years for real property and personal property after construction, and

WHEREAS, BorgWarner Inc. completed construction of the real estate on March 7, 2005 and completed installation of personal property on March 7, 2005, and

WHEREAS, BorgWarner Inc. has requested that another certificate be granted for additional years for the facility under Industrial Facility Exemption Certificate 2003-505 as provided by Public Act 198, of 1974, Sec 16a, and

WHEREAS, the Clerk has notified in writing the Assessor of the City of Auburn Hills and the legislative body of each taxing unit which levies ad valorem property tax within the City of Auburn Hills and given notice to the general public so that they shall be afforded an opportunity to be heard at this public hearing to determine whether the extension of the Industrial Facilities Exemption Certificate shall be approved or disapproved; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the city of Auburn Hills after granting this certificate will exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property exempted.

WHEREAS, it is hereby found and determined by the City of Auburn Hills Council that the granting of another certificate for the facility previously approved under Industrial Facility Exemption Certificate 2003-505 is reasonable and proper, and

NOW, THEREFORE, BE IT RESOLVED that the request for another certificate to extend the years approved under Industrial Facilities Exemption Certificate 2003-505 for
real property and personal property for the facility located at 3850 Hamlin Road is hereby approved, and

The City Council of Auburn Hills finds and determines that granting of this Industrial Facilities Exemption Certificate, together with the aggregate amount of the certificates previously granted and currently in force, under PA 198 of 1974 and PA 255 of 1978, shall not have the affect of substantially impeding the operating of the City of Auburn Hills, or of impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Auburn Hills.

That another certificate be granted to extend the years approved under Industrial Facility Exemption Certificate 2003-505 for an additional two (2) years for real property and personal property, and

That BorgWarner Inc. hereby agrees to occupy and operate the facility approved for the Industrial Facility Exemption Certificate and located at 3850 Hamlin Road for an additional four (4) years beginning on 12/31/2015.

The Clerk shall send an original copy of this resolution to the State Tax Commission.

AYES:

NAYS:

ABSENT:

ABSTENTIONS:

RESOLUTION

STATE OF MICHIGAN) )SS
COUNTY OF OAKLAND)

I, the undersigned, the duly qualified and appointed Clerk of the City of Auburn Hills, Oakland County, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council held on the 7th day of October, 2013 the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this XXth day of October, 2013.

______________________________
Terri Kowal, City Clerk
Application for Industrial Facilities Tax Exemption Certificate
Issued under authority of P.A. 196 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

To be completed by Clerk of Local Government Unit

<table>
<thead>
<tr>
<th>Signature of Clerk</th>
<th>Date received by Local Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>9/30/13</td>
</tr>
</tbody>
</table>

STC Use Only

| Application Number | Date Received by STC |

APPLICANT INFORMATION
All boxes must be completed.

1a. Company Name (Applicant must be the occupant/operator of the facility)
BorgWarner Inc.

1c. Address of Facility (real property or personal property location)
3850 Hamlin Road

1d. City/Township/Village (indicate which)
Auburn Hills

1e. County
Oakland

2. Type of Approval Requested

<table>
<thead>
<tr>
<th>Extension</th>
<th>New (Sec. 2(4))</th>
<th>Transfer (1 copy only)</th>
<th>Speculative Building (Sec. 3(B))</th>
<th>Rehabilitation (Sec. 3(1))</th>
</tr>
</thead>
</table>

3a. School District where facility is located
Avondale

3b. School Code
63070

4. Amount of years requested for exemption (1-12 Years)
2-year Extension

5. Thoroughly describe the project for which exemption is sought: Real Property (Type of Improvements to Land, Building, Size of Addition); Personal Property (Explain New, Used, Transferred from Out-of-State, etc.) and Proposed Use of Facility. (Please attach additional page(s) if more room is needed).

See Attached Explanation

6a. Cost of land and building improvements (excluding cost of land), Real Property Costs $5,179,000.00

- Attach list of improvements and associated costs.
- Also attach a copy of building permit if project has already begun.

6b. Cost of machinery, equipment, furniture and fixtures, Personal Property Costs $1,075,000.00

- Attach itemized listing with month, day and year of beginning of installation plus total costs

6c. Total Project Costs, Total of Real & Personal Costs $6,254,000.00

- Round Costs to Nearest Dollar

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

<table>
<thead>
<tr>
<th>Real Property Improvements</th>
<th>Begin Date (M/D/Y)</th>
<th>End Date (M/D/Y)</th>
<th>Owned</th>
<th>Leased</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4/1/04</td>
<td>3/7/05</td>
<td></td>
<td>x</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Personal Property improvements</th>
<th>Begin Date (M/D/Y)</th>
<th>End Date (M/D/Y)</th>
<th>Owned</th>
<th>Leased</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4/1/04</td>
<td>3/7/05</td>
<td>x</td>
<td></td>
</tr>
</tbody>
</table>

8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption.

- Yes  x  No

9. No. of existing jobs at this facility that will be retained as a result of this project.

- 200

10. No. of new jobs at this facility expected to create within 2 years of completion.

- 0

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor’s statement of valuation for the entire plant rehabilitation district and obsolescence statement for property. The SEV data below must be as of December 31 of the year prior to the rehabilitation.

a. SEV of Real Property (excluding land) U/A
b. SEV of Personal Property (excluding inventory) U/A
c. Total SEV U/A

12a. Check the type of District the facility is located in:

- x Industrial Development District
-  Plant Rehabilitation District

12b. Date district was established by local government unit (contact local unit)

- 2/19/01

12c. Is this application for a speculative building (Sec. 3(B))?

- x Yes  No
APPLICANT CERTIFICATION - complete all boxes.

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

<table>
<thead>
<tr>
<th>13a. Preparer Name</th>
<th>13b. Telephone Number</th>
<th>13c. Fax Number</th>
<th>13d. E-mail Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leslie Hosinski</td>
<td>(248) 754-0817</td>
<td>(248) 754-9058</td>
<td><a href="mailto:lhosinski@borgwarner.com">lhosinski@borgwarner.com</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>14a. Name of Contact Person</th>
<th>14b. Telephone Number</th>
<th>14c. Fax Number</th>
<th>14d. E-mail Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leslie Hosinski</td>
<td>(248) 754-0817</td>
<td>(248) 754-9058</td>
<td><a href="mailto:lhosinski@borgwarner.com">lhosinski@borgwarner.com</a></td>
</tr>
</tbody>
</table>

Name of Company Officer (No Authorized Agents)

<table>
<thead>
<tr>
<th>15a. Name of Company Officer (No Authorized Agents)</th>
<th>15b. Signature of Company Officer (No Authorized Agents)</th>
<th>15c. Fax Number</th>
<th>15d. Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alan Maken</td>
<td>Signature</td>
<td>(248) 754-9271</td>
<td>09/30/13</td>
</tr>
</tbody>
</table>

15e. Mailing Address (Street, City, State, ZIP Code)

3850 Hamlin Road, Auburn Hills, MI 48326

15f. Telephone Number

(248) 754-0819

15g. E-mail Address

amcmaken@borgwarner.com

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

<table>
<thead>
<tr>
<th>16. Action taken by local government unit</th>
<th>16a. Documents Required to be on file with the Local Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Abatement Approved for ___ Years (1-12)</td>
<td>Check or Indicate N/A If Not Applicable</td>
</tr>
<tr>
<td>□ Derelict (Include Resolution Denying)</td>
<td>1. Notice to the public prior to hearing establishing a district.</td>
</tr>
<tr>
<td></td>
<td>2. Notice to taxing authorities of opportunity for a hearing.</td>
</tr>
<tr>
<td></td>
<td>3. List of taxing authorities notified for district and application action.</td>
</tr>
<tr>
<td></td>
<td>4. Lease Agreement showing applicants tax liability.</td>
</tr>
</tbody>
</table>

16b. The State Tax Commission Requires the following documents be filed for an administratively complete application:

Check or Indicate N/A If Not Applicable

1. Original Application plus attachments, and one complete copy
2. Resolution establishing district
3. Resolution approving/denying application.
4. Letter of Agreement (Signed by local unit and applicant)
5. Affidavit of Fees (Signed by local unit and applicant)
6. Building Permit for real improvements if project has already begun
7. Equipment List with dates of beginning of installation
8. Form 3222 (if applicable)
9. Speculative building resolution and affidavits (if applicable)

16c. LUCI Code

16d. School Code

17. Name of Local Government Body

18. Date of Resolution Approving/Denying this Application

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

<table>
<thead>
<tr>
<th>19a. Signature of Clerk</th>
<th>19b. Name of Clerk</th>
<th>19c. E-mail Address</th>
</tr>
</thead>
</table>

19d. Clerk's Mailing Address (Street, City, State, ZIP Code)

19e. Telephone Number

19f. Fax Number

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

STC USE ONLY

LUCI Code Start Date Real Start Date Personal End Date Real End Date Personal
Application for Industrial Facilities Tax Exemption Certificate

Question 5 Answer: BorgWarner Inc. relocated its world headquarters from Chicago, Illinois to Auburn Hills, MI in 2005. At that time, there were site improvements, including parking, drainage and utilities, and construction of a 40,000 square foot of new building area for applicant’s new machinery, equipment, furniture and fixtures. The facility currently houses applicant’s technical use and headquarters. There was some used equipment that was transferred from Illinois.
INDUSTRIAL FACILITIES EXEMPTION APPLICATION
AFFIDAVIT OF FEES

In accordance with State Tax Commission Bulletin No. 3 dated January 1998, the City of Auburn Hills and the Applicant for Industrial Facilities Exemption Certificate do hereby swear and affirm, by our signatures below, that no payments of any kind, whether they be referred to as “fees,” “payments in lieu of taxes,” “donations,” or by other like terms, in excess of the fees allowed by PA 198, of 1974, as amended by Public Act 323 of 1996, has been made or promised in exchange for favorable consideration of an exemption certificate application.”

City of Auburn Hills

Signed: ____________________________

Name: James McDonald
Title: Mayor
Dated: ________

Applicant/Company

Signed: ____________________________

Name: Alan McMaken
Title: Assistant Treasurer
Dated: 9/22/13
TAX ABATEMENT AGREEMENT
Extension of Exemption Period

BorgWarner Inc., hereinafter referred to as the "Company" has submitted an application to City Council for a New Industrial Facility Exemption Certificate (New IFEC) to extend the exemption period of existing Industrial Facility Exemption Certificate 2003-505 pursuant to section 16a(a) of Public Act 198, (1974), MCL 207.566a(a).

In recognition of the granting of the New IFEC by City Council and the benefit of the tax savings for the Company, and the economic growth of the City, the Company hereby agrees to do the following:

1. As a condition of receiving an extension of Industrial Facilities Exemption Certificate 2003-505, the Company agrees to operate the facility for which the New IFEC is granted for the term of the New IFEC, plus an additional term after the date of expiration of the New IFEC according to the following schedule:
   A. Tax abatement of up to eight (8) years (including extensions) = Length of the abatement plus two years.
   B. Tax abatement over eight (8) years = (including extensions) = Length of the abatement plus four years.

2. The Company further understands that if it vacates or fails to operate the facility for which the New IFEC is granted for the period of time as outlined in Section 1 of this agreement, that the Company is liable for repayment of any property tax savings benefiting the Company due to the existence of the New IFEC, beginning with the initial effective year of the New IFEC. In addition, the Company will be liable for repayment of future tax savings if there are any remaining years in the term of the New IFEC, under the provisions of Section 21(2) of Public Act 198, 1974 as amended.

3. The Company further agrees to pay it's abated real and personal property taxes on time and without penalty. In addition, the Company agrees to inform the City Assessor and the City Treasurer of any decision to relocate the Company to any location outside the City 30 days prior to the relocation.

4. The Company agrees to notify the City Assessor and City Treasurer of any change in the ownership of a majority of the Company's real and personal property assets or a majority share of the Company's stock. For the purposes of this agreement, a new owner or lessee shall be defined as follows:

   i. For a New IFEC that pertains to real property improvements, the term "new owner or lessee" shall be defined as follows:
1.) A new entity that acquires, owns and occupies or leases and occupies the facility after the existing certificate holder has physically moved from or vacated the facility;

or

2.) An entity which is not (or would not otherwise be) an affiliate of the Company that acquires an ownership interest of more than 50% in the existing certificate holder entity that owns and occupies or leases and occupies that facility.

ii. For a New IFEC pertaining to personal property, the term “new owner or lessee” shall be defined as follows:

1.) A new entity that acquires from the existing certificate holder entity the ownership of the facility or leasehold interest in the facility and which keeps the facility at its current location;

or

2.) An entity which is not (or would not otherwise be) an affiliate of the Company that acquires an ownership interest of more than 50% in the existing certificate holder entity that owns or leases the facility.

5. Whenever there is a new owner or lessee, as defined above, of a majority of the real or personal property for which a New IFEC has been granted, the new owner or lessee shall make application for a transfer of the certificate to the new owner or lessee immediately, but no longer than six (6) months after such change in ownership occurs. The City Council may grant requests to transfer existing certificates, provided requests are consistent with the City’s adopted Tax Abatement Policy, or any amendments made to the policy, that is in effect at the time a request for a transfer is made. An updated tax abatement development agreement shall accompany any request for a transfer of a certificate to a new owner or lessee.

6. The Company further agrees to abide by all other city ordinances, building and zoning codes in all material respects during the operation of the facility.

[Signature Page to Follow]
By the signatures of representatives of both the Company and the City below, it is understood that both the Company's investment in the project and the City's investment through the granting of the New IFEC is to encourage the economic growth of all parties.

WITNESS: EVA THOMAS
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
ACTING IN COUNTY OF Oakland

DATED: September 26, 2013

COMPANY: BorgWarner Inc.

BY: Allen McMenamin

ITS: Director, TCO and Assistant Treasurer

ACKNOWLEDGED BY THE CITY OF AUBURN HILLS

BY:

ITS: MAYOR

DATED: ________________

BY:

ITS: CITY CLERK

DATED: ________________
CITY OF AUBURN HILLS
RESOLUTION
ESTABLISHING AN INDUSTRIAL DEVELOPMENT DISTRICT
FOR AUBURN RIDGE OFFICE, L.L.C.

At a meeting of the City Council held on the 19th day of February, 2001 at the City Council Chambers at 1827 N. Squirrel Rd., Auburn Hills MI 48326

It was moved by Councilperson Cooper and supported by Councilperson Sendegas:

WHEREAS, Act 198 of the Public Acts of 1974, as amended, authorizes the City of Auburn Hills to create by resolution of the City Council an "Industrial Development District," and

WHEREAS, the City of Auburn Hills has been requested by Auburn Ridge Office, L.L.C. to establish an Industrial Development District on property owned by Auburn Ridge Office, L.L.C., located in the City of Auburn Hills; and

WHEREAS, the City Council of the City of Auburn Hills has given written notice by certified mail to the owners of real property within the proposed Industrial Development District of the fact that a public hearing was to be held upon the petition of Auburn Ridge Office, L.L.C. and such public hearing has been held on the day and time provided in the written notice and all those who appeared were given an opportunity to be heard, and the City Council of the City of Auburn Hills has duly considered the petition and all evidence brought before it.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Auburn Hills does hereby establish an Industrial Development District pursuant to Act 198 of the Public Acts of 1974 for property described as follows:

Land situated in the City of Auburn Hills, County of Oakland, State of Michigan described as follows:

A part of the Northeast ¼ of Section 25, Town 3 North, Range 10 East, City of Auburn Hills, Oakland County, Michigan, being more particularly described as: Commencing at the Northeast corner of said Section 25; thence S02°32'57" E., 1410.77 feet along the East line of said Section 25, City of Auburn Hills, said line also being the West line of Section 30, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, to the point of beginning on the Southern right-of-way line of Hamlin Road, (150 feet wide); thence continuing along said line S02°32'57" E., 594.55 feet to a point on the Northerly line of the M-59 Freeway, 300 feet wide, the following two courses being along said Northerly line: (1) S83°23'12" W., 195.89 feet; and (2) along a curve to the left 697.38 feet, said curve having a radius of 23,115.32 feet, central angle of 01°43'43" and long chord bearing of S82°31'21" W., 697.35 feet to a traverse point "A"; thence continuing along said curve to the left 45.26 feet, said curve having a radius of 23,115.32 feet, central angle of 00°68'44" and long chord bearing of S81°38'01" W., 45.26 feet to a point "B" in the approximate centerline of the Clinton River; thence N20°00'00" E., 790.34 feet along the approximate centerline of the Clinton River to a point "C" located on the Southern right-of-way line of Hamlin Road (150 feet wide); thence N84°46'11" E., 43.96 feet along said line to a traverse point "D", the Clinton River being traversed by the following described line, beginning at the above mentioned traverse point "A"; thence N20°00'00" E., 787.43 feet to the point of ending at the above mentioned traverse point "D"; thence the following four courses along the Southern right-of-way line of said Hamlin Road: (1) N64°56'11" E., 113.77 feet; and (2) along a curve to the right 177.11 feet, said curve having a radius of 811.81 feet, central angle of 12°30'01" and long chord bearing of S88°48'48" W., 176.76 feet; and (3) S82°33'48" E., 277.91 feet; and (4) along a curve to the left 24.81 feet, said curve having a radius of 2.3288.3 feet, central angle of 00°36'37" and long chord bearing of S82°42'06" E., 24.81 feet to the point of beginning.

Being also known as Tax Parcel Number: 14-25-226-013

AYES: Mayor Pro Tem Cooper, Councilpersons Knight, McDonald, Sendegas
NAYS: Mayor McMillin, Councilpersons Harvey-Edwards, Pittsbur
ABSENT: None
ABSTENTIONS: None

RESOLUTION ADOPTED
STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

I, the undersigned, the duly qualified and appointed City Clerk of the City of Auburn Hills, Oakland County, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council held on the 19th day of February, 2001, the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this 20th day of February, 2001.

Helen R. Venos, City Clerk
CITY OF AUBURN HILLS
RESOLUTION
APPROVING AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
FOR BORGWARNER INCORPORATED

At a regular meeting of the City Council of the City of Auburn Hills, Oakland County, Michigan, held in the Council Chambers at 1827 N. Squirrel Road, Auburn Hills MI 48326 at 7:30 p.m. on the 8th day of September, 2003

The following resolution was offered by Councilperson Knight and supported by Councilperson Pillsbury:

WHEREAS, the City of Auburn Hills has established an Industrial Development District on the 21 day of February, 2001 commonly referred to as the Auburn Ridge Office LLC Industrial Development District; and

WHEREAS, a lessee of property within said Industrial Development Districts has made application for an Exemption Certificate with the Clerk of the City of Auburn Hills pursuant to the requirements of Act No. 198, Public Acts of 1974, as amended, and

WHEREAS, the Clerk has notified in writing the Assessor of the City of Auburn Hills and the legislative body of each taxing unit which levies ad valorem property tax within the City of Auburn Hills and given notice to the general public so that they shall be afforded an opportunity to be heard at this public hearing to determine whether the Industrial Facilities Exemption Certificate shall be approved or disapproved; and

WHEREAS, said public hearing having been held on the 8th day of September, 2003 at a regularly scheduled meeting; and

WHEREAS, comments on granting of the Industrial Facilities Exemption Certificate were heard and considered; and

WHEREAS, it is hereby found and determined by the City of Auburn Hills Council that the granting of this Industrial Facilities Exemption Certificate, together with the aggregate amount of the Industrial Facilities Exemption Certificates previously granted and currently in force, shall not have the effect of substantially impeding the operation of the City of Auburn Hills, or of impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Auburn Hills, though it is further found and determined by the City Council that the granting of this Industrial Facilities Exemption Certificate considered with the aggregate amount of the Industrial Facilities Exemption Certificates previously granted and currently in force, exceeds five (5%) per cent of the State Equalized Valuation of properties within the City of Auburn Hills.

NOW, THEREFORE, BE IT RESOLVED that the application for an Industrial Facilities Exemption Certificate for BorgWarner Incorporated is hereby approved with the following conditions:

That the period of time for which the Industrial Facilities Exemption Certificate shall remain in force and effect shall be 8 years after completion at fifty (50%) percent.
And that the starting date for the certificate is December 30, 2003 and the ending date is December 30, 2013.
And that the estimated project costs for the facility are $6,254,000 including real property costs of $5,175,000 and personal property costs of $1,075,000.

AYES: Mayor Harvey-Edwards, Mayor Pro-Tem Pillsbury, Council Members Knight, McDonald, Newkirk, Sendagias
NAYS: None
ABSENT: Council Member Kittie
ABSTENTIONS: None

RESOLUTION ADOPTED
STATE OF MICHIGAN

COUNTY OF OAKLAND

I, the undersigned, the duly appointed City Clerk for the City of Auburn Hills, Oakland County, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the Auburn Hills City Council held on the 9th day of September, 2003.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this 9th day of September, 2003.

[Signature]
Linda F. Shannon, City Clerk

O:\clerk\Industrial Facilities Exemption Certificates\Resolutions\2003 IFEC BorgWarner.DOC
Pursuant to the provisions of Sections 207.551 to 207.571, inclusive, the State Tax Commission hereby finds that the industrial facility owned by BORG WARNER INC, and located at 3850 HAMLIN RD, CITY OF AUBURN HILLS, OAKLAND County, Michigan, within an Industrial Development District which industrial facility is more particularly described in Industrial Facilities Exemption Application No. 2003-505, is designed and acquired primarily for the purpose of restoration or replacement of obsolete industrial property or the construction of new industrial property and otherwise complies with Section 9 and with other provisions of the Act.

Therefore, as provided by Sections 207.551 to 207.571, inclusive, M.C.L., the State Tax Commission hereby certifies as an industrial facility the property.

THIS CERTIFICATE IS ISSUED FOR A NEW FACILITY PROJECT.

THE STATE EDUCATION TAX TO BE LEVIED FOR THIS CERTIFICATE IS 6 MILLS.

This certificate unless revoked as provided by Act 198, P.A. 1974, as amended, shall remain in force for the period stated.

Real property component:
Beginning December 31, 2003 and ending December 30, 2013.

Personal property component:
Beginning December 31, 2003 and ending December 30, 2013.

The state equalized value of the existing obsolete industrial property covered by this certificate is as follows: (applies to a replacement or restoration facility only).

State equalized value of real property (excluding land) is ......NOT APPLICABLE
State equalized value of personal property (excluding inventory) . . . NOT APPLICABLE
Total state equalized value included in this certificate is ......NOT APPLICABLE

This industrial facilities exemption certificate is issued on 11/13/2003

CERTIFICATE NUMBER 2003-505

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE ORIGINAL CERTIFICATE ISSUED BY THE STATE TAX COMMISSION AS PROVIDED BY ACT 198, P.A. 1974, AS AMENDED.

[Signature]
Executive Secretary, State Tax Commission
11/29/2005

DANIEL LAMBLE
805 E. MAPLE ROAD #100
BIRMINGHAM MI 48009

This is to certify that the occupant of the structure under the Certificate of Occupancy application number:

O8850369

For:       BUILDING   P8040462       3850 HAMLIN

Issued by the Building Department, City of Auburn Hills and having complied with the requirements of the ordinance, permission is hereby granted to occupy the said premises as set forth in the corresponding application under which the permits were granted, so far as completed.

AUBURN RIDGE OFFICE LLC
29100 NORTHWESTERN HWY STE 200
SOUTHFIELD MI 48034-1022

______________________________
Building Official/Building Inspector

NON-TRANSFERABLE

cc:    Assessor
      File

Community Development Department
1827 N. Squirrel Rd., Auburn Hills, MI 48326-2753
Phone: (248) 364-6900           Fax: (248) 364-6939
www.auburnhills.org
Industrial Facility Application
PA 198, 1974

City of Auburn Hills

Supplemental Information
To Be Provided by Applicant/Company

Name of Company: BorgWarner Inc.

Company Profile: Provide a brief description of the company including its history, type of incorporation, corporate headquarters location, parent corporation, previous corporate names. Describe the type of products produced, principal markets, and the activity to be carried out at the proposed or existing facility in Auburn Hills.

BorgWarner Inc. is a global technology leader in powertrain solutions. BorgWarner focuses on developing leading powertrain technologies that improve fuel economy, emissions and performance. BorgWarner has facilities located across the globe to provide local support for its diverse customer base.

BorgWarner Inc. is incorporated in the State of Delaware and is headquartered in Auburn Hills, Michigan. The existing facility for which this Industrial Facilities Application applies is the world headquarters where various administrative and technical roles are administered and managed.
Please respond to the following questions or state if not applicable:

1. If presently located in Auburn Hills, how long have you been in business here?
   
   BorgWarner has been located in Auburn Hills since 2001. BorgWarner Inc. moved its world headquarters here in March 2005.

2. Has a site plan for the facility requested for tax abatement been submitted and approved?
   
   The site already exists. The site was newly constructed. The building was occupied in early 2005. BorgWarner Inc. initially received a 10 year abatement. It is requesting an extension of two additional years.

3. Will development of the site require a change in zoning or a request for special land use or other variances?
   
   No, nothing will require a site change in zoning or a request for special land use or other variances.

4. What will be required to develop the site? Do water, sewer, and other utilities exist presently at the site? Will any new access roads need to be constructed or upgraded?
   
   This is an existing site. There is nothing required to develop the site.

5. Will the company request that the City of Auburn Hills assist in paying any costs related to providing infrastructure for this facility?
   
   No, BorgWarner Inc. is not requesting any assistance in paying any costs related to its world headquarters building.

6. Are any wetlands or environmentally sensitive areas to be impacted by construction of the facility?
   
   Not Applicable. Facility already exists.
7. How will water retention and drainage be provided for the facility?
   Not Applicable. Facility already exists.

8. Will any raw materials be used or stored at the facility? Will your company require outside storage of any products or materials? NONE

9. What will be the operating hours of the facility? Will any heavy equipment be operated at the facility after completion of construction?
   The hours are 8:00 a.m. to 5:00 p.m. No heavy equipment is required.
   Construction is already complete.

10. Will the facility produce industrial waste? Will any known hazardous chemicals be used or produced? Will the facility produce any significant air emissions?
    NO

11. State the various job classifications, the number to employed, and the hourly wage rates of non-management employees, i.e. administrative, secretarial, engineering, sales, laborers, machinists, etc. State whether any positions are part time or temporary.
    There are currently approximately 200 jobs at the world headquarters. These jobs are technical, clerical, administrative, and executive management. Positions are full time. The majority of jobs are salaried positions and not hourly.

12. Does the proposed site allow for future expansion of the facility? If yes, state the amount of floor area that can be added after the initial phase of construction.
    There is building space that could be converted to office space, if needed.

13. Has your company received tax abatements from the community where it is presently located? If so describe the type of abatement.
    Yes, BorgWarner Inc. received a 10-year Industrial Facility Exemption abatement when it moved its world headquarters from Chicago to Auburn Hills in 2005.
BorgWarner Inc.
3850 Hamlin Road
Auburn Hills, MI 48326

Legal Description of Real Property

Parcel I.D Number 02-IP-03-100-505

PA 198 OF 1974, Certificate #2003-505
12/31/03 – 12/31/13, SET – O,
Reference #14-25-226-013, 3850 Hamlin Road
952 IFT POST 93 PP

Parcel I.D. Number 02-IN-03-100-505

PA 198 OF 1974, Certificate #2003-505
12/31/03 – 12/30/13, SET – 6,
Reference #14-25-226-013, 3850 Hamlin Road
902 IFT POST 93 RP
BorgWarner, Inc.
Application for Industrial Facilities Exemption Certificate
(Legal Description)

Part of the Northeast 1/4 of Section 25, Town 3 North, Range 10 East, City of Auburn Hills, Oakland County, Michigan and also part of the Northwest 1/4 of Section 30, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, being more particularly described as: Commencing at the Northeast 1/4 corner of said Section 25; thence South 02 degrees 32 minutes 37 seconds East, 1410.77 feet along the East line of said Section 25; said line also being the West line of said Section 30, to a point on the Southerly right-of-way line of Hamlin Road, (150 feet wide) said point being the point of beginning; thence along said Southerly Hamlin Road Right of Way the following three (3) courses: 151.89 feet along the arc of a curve to the left having a radius of 2328.83 feet a central angle of 03 degrees 44 minutes 14 seconds and a chord bearing South 85 degrees 00 minutes 05 seconds East (described as South 85 degrees 02 minutes 31 seconds East) 151.86 feet, 11.49 feet along the arc of a curve to the right having a radius of 539.96 feet a central angle of 01 degrees 13 minutes 09 seconds and a long chord bearing South 47 degrees 59 minutes 04 seconds East 11.49 feet and South 47 degrees 22 minutes 31 seconds East (described as South 42 degrees 22 minutes 31 seconds East) 54.34 feet to a point on the Westerly line of Adams Road; thence along said Westerly line of Adams Road the following three (3) courses; South 01 degrees 05 minutes 25 seconds East 118.67 feet, South 16 degrees 47 minutes 08 seconds West 124.50 and 303.90 feet along the arc of a curve to the left having a radius of 1009.12 feet a central angle of 17 degrees 15 minutes 16 seconds and a long chord bearing South 15 degrees 30 minutes 41 seconds West 302.75 feet to a point on the Northerly Right of Way line of M-59 (300 feet wide); thence along said Northerly Right of Way the following two (2) courses; South 83 degrees 23 minutes 12 seconds West 254.97 feet, and along a curve to the left 697.38 feet, said curve having a radius of 23115.32 feet, a central angle of 01 degrees 43 minutes 43 seconds and a long chord bearing of South 82 degrees 31 minutes 21 seconds West 697.35 feet to a traverse point “A”; thence continuing along said curve to the left 45.25 feet, said curve having a radius of 23115.32 feet, a central angle of 00 degrees 06 minutes 44 seconds and a long chord bearing of South 81 degrees 36 minutes 07 seconds West 45.26 feet to point “B” in the approximate centerline of the Clinton River; thence North 20 degrees 00 minutes 00 seconds East 790.34 feet along the approximate centerline of the Clinton River to a point “C” located on the Southerly Right of Way line of Hamlin Road (150 feet wide); thence North 84 degrees 56 minutes 11 seconds East 43.96 feet along said line to a traverse point “D”, the Clinton River being traversed by the following described line; Beginning at the above mentioned traverse point “A”; thence North 20 degrees 00 minutes 00 seconds East 787.43 feet to the point of ending at the above mentioned traverse point “D”; thence the following four courses along the Southerly Right of Way line of said Hamlin Road; North 84 degrees 56 minutes 11 seconds East, 113.77 feet and along a curve to the right, 177.11 feet, said curve having a radius of 811.81 feet, a central angle of 12 degrees 30 minutes 01 seconds and long chord bearing of South 88 degrees 48 minutes 48 seconds East 176.76 feet; and South 82 degrees 33 minutes 48 seconds East 277.91 feet and 24.79 feet (described as 24.81 feet) along the arc of a curve to the left having a radius of 2328.83 feet, a central angle of 00 degrees 36 minutes 35 seconds (described as 00 degrees 36 minutes 37 seconds) and a long chord bearing South 82 degrees 52 minutes 26 seconds East 24.79 feet (described as 24.81 feet) to the point of beginning.

EXCLUDING THAT PORTION OF THE FOREGOING DESCRIBED PROPERTY LOCATED IN THE CITY OF ROCHESTER HILLS

Tax Parcel Identification No.: 14-25-226-013 (Auburn Hills)
TO: Mayor and City Council

FROM: Peter E. Auger, City Manager and Micheal R. Lohmeier, City Assessor

SUBMITTED: October 1, 2013

SUBJECT: Public Hearing and Request to Approve Transfer of IFEC 2010-394 for Unwired Technology LLC

INTRODUCTION AND HISTORY
An application has been submitted to transfer Industrial Facility Exemption Certificate (IFEC) 2010-394 by Unwired Technology LLC (Unwired) from 2661 Superior Court, having real property parcel number 02-14-02-201-003 to a different existing facility at 2611 Superior Court, having real property parcel number 02-14-02-201-001. Both parcels are identified as located within the JAR Development, LLC Industrial Development District.¹

OWNERSHIP AND TERM OF ABATEMENT
The original and existing certificate issued to Unwired Technology LLC is for a term of three (3) years beginning on December 31, 2011 and ending on December 30, 2014.

Unwired is intending on leasing the facility at 2611 Superior Court for a term of seven (7) years and also requests an extension of this certificate for an additional four (4) years. Unwired has signed the city’s tax abatement agreement extension of exemption period which will require its business residence for an additional 2 years beyond the term of this certificate, if the request is approved.

An executed lease (i.e., signed by both the applicant and owner/landlord) has been provided by the applicant.

TAX SAVINGS
As an informational note, if the abatement is extended by an additional four years the taxes that will be generated by the investment during the additional 4 years will be approximately $3,410, including $1,559 in city revenues. Because the applicant will save 50% of its investment in property taxes, its savings will amount to approximately $3,410, with a city loss of tax revenue of $1,559.

¹ District established on February 21, 2000.
PROPERTY TAX DELIQUENCIES
To the best of staff’s knowledge, the applicant is not delinquent in any of its property taxes for any of its parcels with the City of Auburn Hills. The applicant is working with the City and the County Personal Property Auditor to correct its personal property filings. The filings are ready to file with the State Tax Commission for correction. There are no other outstanding issues involving this applicant.

OTHER ABATEMENTS IN CITY
• None.

PROPERTY TAX APPEALS
To the best of staff’s knowledge:
• There is no outstanding and/or pending appeal(s) involving the property that is the subject of this application.
• There is no outstanding and/or pending appeal(s) involving the applicant filing for this tax incentive within the City of Auburn Hills.

TAX INCENTIVE REVIEW COMMITTEE RECOMMENDATION (TIRC)
Not applicable for transfers and extensions of existing abatement certificates.

STAFF RECOMMENDATION
Approval of transfer is recommended.

MOTION
Move to approve the request to transfer IFEC 2010-394 to the existing building located at 2611 Superior Court, having real property parcel number 02-14-02-201-001, for Unwired Technology LLC by adopting the attached resolution.

I CONCUR:  PETER E. AUGER, CITY MANAGER
CITY OF AUBURN HILLS
RESOLUTION
APPROVING A TRANSFER
OF AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
2010-394
FOR UNWIRED TECHNOLOGY LLC

At a regular meeting of the City Council of the City of Auburn Hills, Oakland County, Michigan, held in the Council Chambers at 1827 N. Squirrel Road, Auburn Hills MI 48326 at 7:00 p.m. on the 7th day of October 2013.

The following resolution was offered by Councilperson _______ and supported by Councilperson ____________________:

WHEREAS, Industrial Facility Exemption Certificate 2010-394 for personal property located at 2661 Superior Court, Auburn Hills, Michigan, 43826 was approved by the State Tax Commission for a period of 3 years with an ending date of December 30, 2014, and

WHEREAS, Unwired Technology LLC has leased the facility at 2611 Superior Court, Auburn Hills, Michigan, 48326 and has filed an application with the City of Auburn Hills approve a transfer of Industrial Facility Exemption Certificate 2010-394 from 2661 Superior Court to 2611 Superior Court, and

WHEREAS, pursuant to P.A. 198, 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on the 21st day of February, 2000, the City of Auburn Hills, established an Industrial Development District, commonly referred to as the JAR Development, LLC Industrial Development District; and

WHEREAS, Unwired Technology LLC has filed an application for transfer of Industrial Facility Exemption Certificate 2010-394 with the Clerk of the City of Auburn Hills with respect to its existing personal property within the JAR Development, LLC Industrial Development District; and

WHEREAS, the Clerk has notified in writing the Assessor of the City of Auburn Hills and the legislative body of each taxing unit which levies ad valorem property tax within the City of Auburn Hills and given notice to the general public so that they shall be afforded an opportunity to be heard at this public hearing to determine whether the transfer of the Industrial Facilities Exemption Certificate shall be approved or disapproved; and

WHEREAS, said public hearing having been held on the 7th day of October, 2013 at a regularly scheduled meeting; and

WHEREAS, comments on the transfer of the Industrial Facilities Exemption Certificate were heard and considered; and

WHEREAS, it is hereby found and determined by the City of Auburn Hills Council that the transfer of the personal property of Industrial Facility Exemption Certificate 2010-394 to 2611 Superior Court, Auburn Hills is proper under the provisions of Public Act 198, of 1974 as amended, and the granting of the transfer considered together with the aggregate amounts of other tax abatements granted will not impair the financial soundness of the tax units, and

NOW, THEREFORE, BE IT RESOLVED BY the City Council of Auburn Hills that:

1. The application for transfer of Industrial Facilities Exemption Certificate 2010-394 will be located on real property identified as follows:
2. That the application for transfer of the personal property portion of Industrial Facilities Exemption Certificate 2010-3943 for Unwired Technology LLC is hereby approved.

AYES:  NAYS:
ABSENT:  ABSTENTIONS:

RESOLUTION

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

I, the undersigned, the duly qualified and appointed Clerk of the City of Auburn Hills, Oakland County, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council held on the 7th day of October, 2013 the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this – day of October, 2013.

____________________________
Terri Kowal, City Clerk
August 28, 2013

Mr. Michael Lohmeier
City Assessor
City of Auburn Hills

Dear Mr. Lohmeier:

As per the enclosed applications, Unwired Technology LLC ("Unwired") is seeking the following:

1. Transfer of its current IFEC Certificate #2010-394 on sidewell/pin #02-IP-10-100-394 to its new proposed site;
2. Extension of the current certificate for 5 years in the new building location of 2611 Superior Ct., Auburn Hills;
3. Forgiveness of the claw back provisions of that same certificate based on the Company’s planned move into a larger building in Auburn Hills (which will have its own new claw back); and,
4. Approval of a new IFEC request for both the leasehold improvements and new personal property in the proposed new building.

Since opening its first Michigan facility in Auburn Hills in 2008, Unwired has increased its employment in the city from 1 person (its new President/CEO at that time) to over 40 personnel. Substantially all of those employees are highly paid and highly skilled engineering, design, and technical personnel. Over the past two years, Unwired has successfully expanded its product line to take advantage of the significant growth in the Automotive Infotainment area, and as part of that has won a number of new programs from both the Big-3 and other global OEMs. As a result, the Company has outgrown its current 23,000 sq. ft. facility.

We desire to take advantage of these abatements for the 2014 calendar year, and therefore appreciate your support in processing this application and scheduling meetings with the TIRC and Council accordingly.

Please let either me or Joe Damato know if you require any further information. We look forward to continued growth and development of our Company in Auburn Hills.

Very truly yours,

Neil A. Goldman, CPA
Executive VP, Corporate Development and Chief Financial Officer

Copy to: Joe Damato
Laurie Renaud
Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of P.A. 198 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

To be completed by Clerk of Local Government Unit

<table>
<thead>
<tr>
<th>Signature of Clerk</th>
<th>Date received by Local Unit</th>
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<tbody>
<tr>
<td>STC Use Only</td>
<td>Date Received by STC</td>
</tr>
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</table>

Application Number

APPLICATION INFORMATION

All boxes must be completed.

1a. Company Name (Applicant must be the occupant/operator of the facility)
Unwired Technology LLC

1c. Address of Facility (real property or personal property location)
2661 Superior Court

2. Type of Approval Requested
   - New (Sec. 2(4))
   - Transfer (1 copy only)
   - Speculative Building (Sec. 3(8))
   - Development (Sec. 2(9))

3. City/Township/Village (indicate which)
   - Auburn Hills
   - Pontiac

4. County
   - Oakland
   - 63030

3a. School District where facility is located

3b. School Code

4. Amount of years requested for exemption (1-12 Years)
   - 5

5. Thoroughly describe the project for which exemption is sought: Real Property (Type of Improvements to Land, Building, Size of Addition); Personal Property (Explain New, Used, Transferred from Out-of-State, etc.) and Proposed Use of Facility. (Please attach additional page(s) if more room is needed).

Unwired Technology LLC is a world leader in the rapidly growing automotive infotainment market. For many years, the Company has held the #1 global position for wireless headsets, transmitters, systems, and components for both the automotive OEM market and aftermarket. Based on our growth, we are considering moving to a larger building.

6. Cost of land and building improvements (excluding cost of land)
   - Attach list of improvements and associated costs.
   - Also attach a copy of building permit if project has already begun.

6a. Cost of machinery, equipment, furniture and fixtures
   - Attach itemized listing with month, day and year of beginning of installation plus total costs

6c. Total Project Costs
   - Round Costs to Nearest Dollar
   - Total of Real & Personal Costs

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

   Begin Date (M/D/Y) End Date (M/D/Y)
   Real Property Improvements
   Personal Property Improvements

   ✓ Owned  ☐ Leased
   ✓ Owned  ☐ Leased

8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. ☐ Yes  ✓ No

9. No. of existing jobs at this facility that will be retained as a result of this project
   - 40

10. No. of new jobs at this facility expected to create within 2 years of completion
    - 14

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of valuation for the entire plant rehabilitation district and obsolescence statement for property. The SEV data below must be as of December 31 of the year prior to the rehabilitation.

   a. SEV of Real Property (excluding land)
   b. SEV of Personal Property (excluding inventory)
   c. Total SEV

12a. Check the type of District the facility is located in:
   ✓ Industrial Development District  ☐ Plant Rehabilitation District

12b. Date district was established by local government unit (contact local unit)
   - 2/21/00

12c. Is this application for a speculative building (Sec. 3(8))?
   - Yes  ✓ No
**APPLICANT CERTIFICATION - complete all boxes.**

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

<table>
<thead>
<tr>
<th>13a. Preparer Name</th>
<th>13b. Telephone Number</th>
<th>13c. Fax Number</th>
<th>13d. E-mail Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neil Goldman</td>
<td>(516) 293-6900</td>
<td>(516) 293-7130</td>
<td><a href="mailto:neil@unwiredtechnology.com">neil@unwiredtechnology.com</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>14a. Name of Contact Person</th>
<th>14b. Telephone Number</th>
<th>14c. Fax Number</th>
<th>14d. E-mail Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joe Damato</td>
<td>(248) 475-2210</td>
<td>(248) 475-2208</td>
<td><a href="mailto:joe@unwiredtechnology.com">joe@unwiredtechnology.com</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>15a. Name of Company Officer (No Authorized Agents)</th>
<th>15b. Signature of Company Officer (No Authorized Agents)</th>
<th>15c. Fax Number</th>
<th>15d. Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neil Goldman</td>
<td></td>
<td>(516) 293-7130</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>15e. Mailing Address (Street, City, State, ZIP Code)</th>
<th>15f. Telephone Number</th>
<th>15g. E-mail Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>7600 Jericho Tpk., Suite #100, Woodbury, NY 11797</td>
<td>(516) 293-6900</td>
<td><a href="mailto:neil@unwiredtechnology.com">neil@unwiredtechnology.com</a></td>
</tr>
</tbody>
</table>

**LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.**

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

<table>
<thead>
<tr>
<th>16. Action taken by local government unit</th>
<th>16b. The State Tax Commission Requires the following documents be filed for an administratively complete application:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Abatement Approved for _______ Years (1-12)</td>
<td><strong>Check or Indicate N/A if Not Applicable</strong></td>
</tr>
<tr>
<td>☐ After Completion ☐ Yes ☐ No</td>
<td>1. Original Application plus attachments, and one complete copy</td>
</tr>
<tr>
<td>☐ Denied (Include Resolution Denying)</td>
<td>2. Resolution establishing district</td>
</tr>
<tr>
<td></td>
<td>3. Resolution approving/denying application.</td>
</tr>
<tr>
<td></td>
<td>4. Letter of Agreement (Signed by local unit and applicant)</td>
</tr>
<tr>
<td></td>
<td>5. Affidavit of Fees (Signed by local unit and applicant)</td>
</tr>
<tr>
<td></td>
<td>6. Building Permit for real improvements if project has already begun</td>
</tr>
<tr>
<td></td>
<td>7. Equipment List with dates of beginning of installation</td>
</tr>
<tr>
<td></td>
<td>8. Form 3222 (if applicable)</td>
</tr>
<tr>
<td></td>
<td>9. Speculative building resolution and affidavits (if applicable)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>16c. LUCI Code</th>
<th>16d. School Code</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>17. Name of Local Government Body</th>
<th>18. Date of Resolution Approving/Denying this Application</th>
</tr>
</thead>
</table>

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

<table>
<thead>
<tr>
<th>19a. Signature of Clerk</th>
<th>19b. Name of Clerk</th>
<th>19c. E-mail Address</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>19d. Clerk’s Mailing Address (Street, City, State, ZIP Code)</th>
<th>19e. Telephone Number</th>
<th>19f. Fax Number</th>
</tr>
</thead>
</table>

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7571

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)
CITY OF AUBURN HILLS
RESOLUTION
ESTABLISHING INDUSTRIAL DEVELOPMENT DISTRICT
FOR J.A.R. DEVELOPMENT, L.L.C.

At a meeting of the City Council held on the 21st day of February, 2000, the City Council Chambers at 1827 N. Squirrel Rd., Auburn Hills MI 48326,

It was moved by Councilperson Cooper and seconded by Councilperson Harvey-Edwards:

WHEREAS, Act 198 of the Public Acts of 1974, as amended, authorizes the City of Auburn Hills to create by resolution of the City Council an "Industrial Development District," and,

WHEREAS, the City of Auburn Hills has been requested by Mr. Jared Roth on behalf of J.A.R. Development, L.L.C. to establish an Industrial Development District on property owned by J.A.R. Development, L.L.C., located in the City of Auburn Hills; and,

WHEREAS, the City Council of the City of Auburn Hills, has given written notice by certified mail to the owners of real property within the proposed Industrial Development District of the fact that a public hearing was to be held upon the petition of and such public hearing has been held on the day and time provided in the written notice and all those who appeared were given an opportunity to be heard, and the City Council of the City of Auburn Hills has duly considered the petition and all evidence brought before it,

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Auburn Hills does hereby establish an Industrial Development District pursuant to Act 198 of the Public Acts of 1974 for property as described.

AYES: Mayor McMillin, Mayor Pro Temp Cooper, Councilpersons Sendegas,
Harvey-Edwards, McDonald, Pillsbury
NAYS: None
ABSENT: Councilperson Davis
ABSTENTIONS: None

RESOLUTION ADOPTED

STATE OF MICHIGAN) )SS
COUNTY OF OAKLAND)

I, the undersigned, the duly qualified and appointed City Clerk of the City of Auburn Hills, Oakland County, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council held on the 21st day of February, 2000, the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereto affixed my official signature on this 22nd day of February, 2000,

Helen R. Veros, City Clerk

LEGAL DESCRIPTION: Part of the northeast ¼ of Section 2, T3N, R10E, City of Auburn Hills, Oakland County, Michigan described as beginning at a point, said point being distant S0°37'05" East 2,733.95 feet along the north and south ¼ line of said Section 2; thence S90°50'30" East 60.13 feet; thence the following two courses along the easterly right-of-way line of Lapeer Road (M-24) N00°37'05" West 520.98 feet and N03°44'16" East 108.12 feet from the north ¼ corner of said Section 2; thence from said point of beginning N03°44'16" East 640.00 feet along said easterly right-of-way line; thence S86°22'20" East 1,223.78 feet; thence S01°20'20" East 642.41 feet; thence N86°22'20" West 1,280.63 feet to the point of beginning and containing 18.398 acres, subject to easements and restrictions of record.

Being otherwise known as Sidwell No. 14-02-200-018.
April 26, 2011

Joe Damato
Unwired Technology LLC
2631 Superior Court Suite B
Auburn Hills, MI 48326

Dear Sir/Madam:

Pursuant to the requirements of Public Act 198 of 1974, as amended, the State Tax Commission (Commission) has issued an Industrial Facility Exemption Certificate numbered 2010-394, to Unwired Technology LLC, located in the City of Auburn Hills, Oakland County. This certificate was issued at the April 21, 2011 meeting of the Commission and the investment amounts approved are as follows:

Real Property: $0
Personal Property: $245,000

The State Education Tax to be levied for this certificate is 6 mills.

In accordance with MCL 24.304, the local unit of government or applicant has sixty days from the date of this letter to request a hearing to correct an error contained in the enclosed certificate.

Notification of completion of this project shall be filed with the Commission within 30 days of project completion. Within 90 days of project completion, a report of final costs shall be filed with the assessing officer of the local unit and the Commission.

If you have further questions regarding the issuance of this industrial facility exemption certificate, please call 517-373-3272.

Sincerely,

Kelli Sobel, Executive Director
State Tax Commission

Enclosure
cc: Victor J. Bennett, Assessor, City of Auburn Hills
Industrial Facilities Exemption Certificate
New Certificate No. 2010-394

Pursuant to the provisions of Public Act 198 of 1974, as amended, the State Tax Commission hereby finds that the industrial property, as described in the approved application, hereafter referred to as the industrial facility, owned or leased by Unwired Technology LLC, and located at 2661 Superior Court, City of Auburn Hills, County of Oakland, Michigan, within a Plant Rehabilitation or Industrial Development District, is intended for the construction or installation of new industrial property, and complies with Section 9 and other provisions of the act.

Therefore, as provided by MCL 207.551 to 207.572, inclusive, the State Tax Commission hereby certifies the industrial facility as a new industrial facility.

This certificate provides the authority for the assessor to exempt the industrial facility for which this Industrial Facilities Exemption Certificate is in effect, but not the land on which the facility is located, from ad valorem taxation. This certificate further provides the authority to levy a specific tax known as the Industrial Facilities Tax.

This certificate, unless revoked by order of the State Tax Commission as provided by Public Act 198 of 1974, as amended, shall remain in force for a period of 0 year(s) for real property and 3 year(s) for personal property;

Real property component:
Beginning December 31, and ending December 30,

The State Education Tax to be levied for the real property component of this certificate is 6 mills.

Personal property component:

The State Education Tax to be levied for the personal property component of this certificate is 6 mills, unless exempted by MCL 207.564(4) which was enacted with the creation of the Michigan Business Tax.*

This Industrial Facilities Exemption Certificate is issued on April 21, 2011.

A TRUE COPY
ATTEST:
Sarah Miller
Sarah Miller
Michigan Department of Treasury

Douglas B. Roberts, Chairperson
State Tax Commission

*Contact the local assessor for further clarification regarding the classification and tax applied to the personal property component of this certificate.
INDUSTRIAL FACILITIES EXEMPTION APPLICATION
AFFIDAVIT OF FEES

In accordance with State Tax Commission Bulletin No. 3 dated January 1998, the City of Auburn Hills and the Applicant for Industrial Facilities Exemption Certificate do hereby swear and affirm, by our signatures below, that no payments of any kind, whether they be referred to as "fees," "payments in lieu of taxes," "donations," or by other like terms, in excess of the fees allowed by PA 198, of 1974, as amended by Public Act 323 of 1996, has been made or promised in exchange for favorable consideration of an exemption certificate application."

City of Auburn Hills
Signed: ____________________________

Name: James McDonald
Title: Mayor
Dated: __________

Applicant/Company
Signed: ____________________________

Name: Neil Goldman
Title: EVP & CFO
Dated: 8/28/13
TAX ABATEMENT AGREEMENT
Extension of Exemption Period

Universal Technology LLC, hereinafter referred to as the “Company” has submitted an application to City Council for a New Industrial Facility Exemption Certificate (New IFEC) to extend the exemption period of existing Industrial Facility Exemption Certificate #L40-3974 pursuant to section 16a(a) of Public Act 198, (1974), MCL 207.566a(a).

In recognition of the granting of the New IFEC by City Council and the benefit of the tax savings for the Company, and the economic growth of the City, the Company hereby agrees to do the following:

1. As a condition of receiving an extension of Industrial Facilities Exemption Certificate #L40-3974, the Company agrees to operate the facility for which the New IFEC is granted for the term of the New IFEC, plus an additional term after the date of expiration of the New IFEC according to the following schedule:
   A. Tax abatement of up to eight (8) years (including extensions) = Length of the abatement plus two years.
   B. Tax abatement over eight (8) years = (including extensions) = Length of the abatement plus four years.

2. The Company further understands that if it vacates or fails to operate the facility for which the New IFEC is granted for the period of time as outlined in Section 1 of this agreement, that the Company is liable for repayment of any property tax savings benefiting the Company due to the existence of the New IFEC, beginning with the initial effective year of the New IFEC. In addition, the Company will be liable for repayment of future tax savings if there are any remaining years in the term of the New IFEC, under the provisions of Section 21(2) of Public Act 198, 1974 as amended.

3. The Company further agrees to pay its abated real and personal property taxes on time and without penalty. In addition, the Company agrees to inform the City Assessor and the City Treasurer of any decision to relocate the Company to any location outside the City 30 days prior to the relocation.

4. The Company agrees to notify the City Assessor and City Treasurer of any change in the ownership of a majority of the Company’s real and personal property assets or a majority share of the Company’s stock. For the purposes of this agreement, a new owner or lessee shall be defined as follows:

   i. For a New IFEC that pertains to real property improvements, the term “new owner or lessee” shall be defined as follows:
1.) A new entity that acquires, owns and occupies or leases and occupies the facility after the existing certificate holder has physically moved from or vacated the facility; 

or 

2.) An entity which is not (or would not otherwise be) an affiliate of the Company that acquires an ownership interest of more than 50% in the existing certificate holder entity that owns and occupies or leases and occupies that facility. 

ii. For a New IFEC pertaining to personal property, the term “new owner or lessee” shall be defined as follows: 

1.) A new entity that acquires from the existing certificate holder entity the ownership of the facility or leasehold interest in the facility and which keeps the facility at its current location; 

or 

2.) An entity which is not (or would not otherwise be) an affiliate of the Company that acquires an ownership interest of more than 50% in the existing certificate holder entity that owns or leases the facility. 

5. Whenever there is a new owner or lessee, as defined above, of a majority of the real or personal property for which a New IFEC has been granted, the new owner or lessee shall make application for a transfer of the certificate to the new owner or lessee immediately, but no longer than six (6) months after such change in ownership occurs. The City Council may grant requests to transfer existing certificates, provided requests are consistent with the City’s adopted Tax Abatement Policy, or any amendments made to the policy, that is in effect at the time a request for a transfer is made. An updated tax abatement development agreement shall accompany any request for a transfer of a certificate to a new owner or lessee. 

6. The Company further agrees to abide by all other city ordinances, building and zoning codes in all material respects during the operation of the facility.

[Signature Page to Follow]
By the signatures of representatives of both the Company and the City below, it is understood that both the Company's investment in the project and the City's investment through the granting of the New IFEC is to encourage the economic growth of all parties.

WITNESS: 

JOSEPH OMANO

DATED: 3/23/13

COMPANY:

BY: 

ITS: Exec VP Corporate Development & CFO

ACKNOWLEDGED BY THE CITY OF AUBURN HILLS

BY: 

ITS: MAYOR

DATED: 

BY: 

ITS: CITY CLERK

DATED: 
Industrial Facility Application
PA 198, 1974

City of Auburn Hills

Supplemental Information
To Be Provided by Applicant/Company

Name of Company:  Unwired Technology LLC

Company Profile: Provide a brief description of the company including its history, type of incorporation, corporate headquarters location, parent corporation, previous corporate names. Describe the type of products produced, principal markets, and the activity to be carried out at the proposed or existing facility in Auburn Hills.

Unwired Technology LLC is a world leader in the rapidly growing automotive infotainment market. Unwired Technology LLC is a wholly subsidiary of Unwired Holdings, Inc., a Delaware Corporation. In 2005, a majority of Unwired Holdings was purchased from the company’s founders by American Capital Ltd. (NASDAQ: ACAS).

Unwired was founded in 1997 in New York, and it still maintains a small office there to handle finance and accounting. In 2008, the Company opened a 5,000 sq. ft. Design & Development Center in Auburn Hills, MI to grow its engineering capabilities. By 2000, the Company had outgrown that center and expanded into a dedicated 23,000 sq. ft. building in Auburn Hills dedicated to its design, engineering, business development, quality, and distribution activities. Based on its success and growth, the Company has now outgrown that space.

For many years, the Company has held the #1 global position (>85% market share) for wireless headphones, transmitters, systems, and components for both the automotive OEM market and aftermarket. More recently, Unwired has expanded into a broad line of connectivity devices, including USB, HDMI, Apple, and MHL solutions. Unwired’s products are found on nearly every Original Equipment Manufacturer’s vehicles, including all of the Detroit-3. The Company is both a Tier-1 and Tier-2 supplier, and it also has a leading position in the Aftermarket for its products.
To support and enable continued growth, Unwired desires to move to a larger 31,000 sq. ft. building (including a 2nd floor) to accommodate approximately 100 employees with substantially greater parking facilities. The new building is within the same development as its current Auburn Hills facility. This building is currently vacant. The move would allow for the further expansion of its engineering, business development, and operations teams in Auburn Hills.

Please respond to the following questions or state if not applicable:

1. If presently located in Auburn Hills, how long have you been in business here?
   Since 2008.

2. Has a site plan for the facility requested for tax abatement been submitted and approved? N/A

3. Will development of the site require a change in zoning or a request for special land use or other variances? No

4. What will be required to develop the site? Do water, sewer, and other utilities exist presently at the site? Will any new access roads need to be constructed or upgraded? The only changes are to the interior of the building. The only exterior work will be some minor landscaping, an exterior sign, the addition of electric vehicle charging stations

5. Will the company request that the City of Auburn Hills assist in paying any costs related to providing infrastructure for this facility? N/A

6. Are any wetlands or environmentally sensitive areas to be impacted by construction of the facility? No

7. How will water retention and drainage be provided for the facility? N/A – existing building.

8. Will any raw materials be used or stored at the facility, Will your company require outside storage of any products or materials? No, only finished goods
will be stored there. These are the same products as those currently stored at its existing facility in Auburn Hills.

9. What will be the operating hours of the facility? Will any heavy equipment be operated at the facility after completion of construction?
   Operating Hours: 8am – 6pm
   No heavy equipment. Just a normal-sized forklift for interior warehouse management.

10. Will the facility produce industrial waste? Will any known hazardous chemicals be used or produced? Will the facility produce any significant air emissions?
    No, N/A.

11. State the various job classifications, the number to employed, and the hourly wage rates of non-management employees, i.e. administrative, secretarial, engineering, sales, laborers, machinists, etc. State whether any positions are part time or temporary.
    New Positions
    Engineers: 8 full time salary (range from $75,000 - $120,000 depending on level and experience)
    Administrative: 2 full time salary (range from $40,000 - $50,000)
    Operations personnel: 3 full time salary (range from $75,000 - $120,000 depending on level and experience)
    Business Development: 1 full time salary ($150,000)

12. Does the proposed site allow for future expansion of the facility? If yes, state the amount of floor area that can be added after the initial phase of construction.
    No.

13. Has your company received tax abatements from the community where it is presently located? If so describe the type of abatement.
    Yes, an abatement was received for the Company's current facility in Auburn Hills, MI, and the Company will seek a transfer and extension of that abatement to the new facility.
To: Mayor and City Council
From: Peter E. Auger, City Manager and Micheal R. Lohmeier, City Assessor
Submitted: October 1, 2013
Subject: Public Hearing and Request to Approve Extension of IFEC 2010-394 for Unwired Technology LLC

INTRODUCTION AND HISTORY
A request for an extension of IFEC 2010-394 has been received for personal property from Unwired Technology LLC (Unwired), for an additional 4 years, which would bring its certificate to an ending date of December 30, 2018. This extension in effect provides for five years for the certificate as its existing ending date is December 30, 2014 (i.e., there is one tax year left on this certificate).

Under Public Act 198, as amended, if an Industrial Facility Exemption Certificate was issued for less than 12 years;

(a) The owner or lessee of the replacement facility, new facility, or speculative building may, within the final year in which the certificate is effective, within 12 months after the certificate expires, or, as permitted by the local governmental unit, at any other time in which the certificate is in effect apply for another certificate under this act. If the legislative body of a local governmental unit disapproves an application submitted under this subdivision, then the applicant has no right of appeal of that decision as described in section 6.

(b) The legislative body of a local governmental unit shall not approve applications for certificates the sum of whose periods exceeds the maximum permitted under section 16 for the user or lessee of a replacement facility, new facility, or speculative building. (Amended in 2008, Act 306, Imd. Eff. Dec 18, 2008)

The decision to approve or disapprove an application for an additional certificate to extend the benefit of the abatement is strictly discretionary by the legislative body of the local governmental unit, and there is no right to appeal.

OWNERSHIP AND TERM OF ABATEMENT
IFEC 2010-394 was issued to Unwired Technology LLC for personal property in the amount of $245,000 for 3 years, beginning December 31, 2011 and ending December 31, 2014. Unwired has requested the city council approve extending the abatement an additional 4 years, providing a five year certificate which would end December 30, 2018, providing collective abatement period of 7 years.

Unwired Technology LLC has signed the city’s Tax Abatement Agreement Extension of Exemption Period. This requires business residence for an additional 2 years beyond the term of this certificate, if the request is approved.
Unwired is intending on leasing the facility at 2611 Superior Court for a term of seven (7) years. The lease has been executed by both parties and a copy is retained in the assessors office.

**TAX SAVINGS**
There is one year remaining on this existing abatement certificate. If the abatement is extended by an additional four years the taxes that will be generated by the investment during the additional 4 years will be approximately $3,410, including $1,559 in city revenues. Because the applicant will save 50% of its investment in property taxes, its savings will amount to approximately $3,410, with a city loss of tax revenue of $1,559.

**PROPERTY TAX DELIQUENCIES**
To the best of staff’s knowledge, the applicant is not delinquent in any of its property taxes for any of its parcels with the City of Auburn Hills. The applicant is working with the City and the County Personal Property Auditor to correct its personal property filings. The filings are ready for filing with the State Tax Commission for correction. There are no other outstanding issues involving this applicant.

**OTHER ABATEMENTS IN CITY**
- None.

**PROPERTY TAX APPEALS**
To the best of staff’s knowledge:
- There is no outstanding and/or pending appeal(s) involving the property that is the subject of this application.
- There is no outstanding and/or pending appeal(s) involving the applicant filing for this tax incentive within the City of Auburn Hills.

**TAX INCENTIVE REVIEW COMMITTEE RECOMMENDATION (TIRC)**
Not applicable for transfers and extensions of existing abatement certificates.

**STAFF RECOMMENDATION**
Approval of extension is recommended.

**MOTION**
Move to approve the request for an additional four (4) years of abatement for Unwired Technology LLC and IFEC 2010-394 by adopting the attached resolution.

I CONCUR: PETER E. AUGER, CITY MANAGER
RESOLUTION
APPROVING ADDITIONAL YEARS FOR THE FACILITY UNDER INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE 2010-394 for UNWIRED TECHNOLOGY LLC

At a regular meeting of the City Council of the City of Auburn Hills, Oakland County, Michigan, held in the Council Chambers at 1827 N. Squirrel Road, Auburn Hills MI 48326 at 7:00 p.m. on the 7th day of October, 2013.

The following resolution was offered by Councilperson _______ and supported by Councilperson _______

WHEREAS, the City of Auburn Hills and the State Tax Commission approved Industrial Facility Exemption Certificate 2010-394 for personal property in the year 2011 for Unwired Technology LLC for a facility located at 2661 Superior Court, and

WHEREAS, on October 7, 2013 the City of Auburn Hills approved the transfer of Industrial Facility Exemption Certificate 2010-394 from 2661 Superior Court, Auburn Hills, Michigan 48326 to 2611 Superior Court, Auburn Hills, Michigan, 48326, and

WHEREAS, the certificate, known as Industrial Facility Exemption Certificate 2010-394, was approved for 3 years for personal property, and

WHEREAS, Unwired Technology LLC has requested that another certificate be granted for additional years for the facility under Industrial Facility Exemption Certificate 2010-394 as provided by Public Act 198, of 1974, Sec 16a, and

WHEREAS, it is hereby found and determined by the City of Auburn Hills Council that the granting of another certificate for the facility previously approved under Industrial Facility Exemption Certificate 2010-394 is reasonable and proper, and

NOW, THEREFORE, BE IT RESOLVED that the request for another certificate to extend the years approved under Industrial Facilities Exemption Certificate 2010-394 for personal property only for the facility located at 2611 Superior Court is hereby approved, and

That another certificate be granted to extend the years approved under Industrial Facility Exemption Certificate 2010-394 for an additional four (4) years for personal property for an ending date of December 30, 2018, and

That Unwired Technology LLC hereby agrees to occupy and operate the facility approved for the Industrial Facility Exemption Certificate and located at 2611 Superior Court for an additional two (2) years beginning on 12/30/2018.

The Clerk shall send an original copy of this resolution to the State Tax Commission.

AYES:
NAYS:
ABSENT:
ABSTENTIONS:

RESOLUTION
STATE OF MICHIGAN) )SS
COUNTY OF OAKLAND)  

I, the undersigned, the duly qualified and appointed Clerk of the City of Auburn Hills, Oakland County, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council held on the 7th day of October, 2013 the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this – XXth day of October, 2013.

______________________________
Terri Kowal, City Clerk
INTRODUCTION AND HISTORY
An application for an Industrial Facilities Exception Certificate (IFEC) has been received for real property and personal property to be located on parcel 02-14-02-201-001 and at 2611 Superior Court. This parcel encompasses a light industrial building having 23,103 square feet and on 2.02 acres of I-1 zoned industrial land. The property’s legal description is: T3N, R10E, SEC 2 OAKLAND COUNTY CONDOMINIUM PLAN NO 1319 AUBURN BUSINESS PARK CONDO UNIT 1 L 22166 P 244 1-4-01 FR 200-018

The request was submitted by Unwired Technology LLC (Unwired) on August 29, 2013, and as of this date no personal property has yet to be purchased and no real property construction has yet to be started that is a part of its application.

The real property will cost $1,600,000 (excluding land) and the personal property will cost $300,000 for a total project investment of $1,900,000. This application involves real property including renovation and expansion of square footage by adding a finished mezzanine office area and personal property that will include labs, and other items (see attached listing).

This project will result in 40 jobs being retained, and will result in 14 new jobs.

The project proposed in this application would be eligible for consideration of an IFEC under the provision of the city’s Property Tax Incentive Policy (Policy) and as identified as new facility, further defined, in pertinent part, as\(^1\)

\(\begin{align*}
\text{A. New facility (IFEC)} & \quad \text{– industrial real property and land improvements, and personal property, other than a replacement facility to be built or installed in a plant rehabilitation district or industrial development district by an existing business or a new business, as provided in PA 198, 1974 as amended may be granted a 50% tax incentive for up to eight (8) years based upon the criteria included in this policy. The minimum investment by a business in a new facility shall meet one of the following requirements …} \\
\text{B. The construction of a new facility on a site within the corporate limits of the City of Auburn Hills with an estimated construction value exceeding $500,000.} \\
\text{C. The installation and/or location on more than a temporary basis of new equipment, furniture or other personal property with an estimated value of} \\
\end{align*}\)

\(^{1}\) March 19, 2012
the new personal property in excess of $250,000, or 10% of the historical cost of current personal property.

Both of the above cited real and personal property components meet the city’s Policy’s investment amounts of new facility as the construction of a new facility and as personal property. Furthermore real and personal property is defined in the city’s Policy as

I(G) **Personal Property** - Personal property is machinery, equipment, furniture, fixtures and similar items as defined in the General Property Tax Act and that are utilized by the business in producing the end product or service of the business and real property assessable as personal property pursuant to sections 8(d) and 14(6) of the general property tax act, 1893 PA 206, MCL 211.8 and 211.14.

I(H) **Real Property** – Real property is defined as land, buildings, parking lots, utilities and similar items as defined in the General Property Tax Act and as assessed for property tax purposes.

The real and personal property components identified in the application are considered to meet the above definitions, respectively, for personal property and real property.

**OWNERSHIP AND TERM OF ABATEMENT**
Unwired has a lease agreement for the real estate for **seven years and two months**. Unwired will own the personal property. The executed lease agreement is on file with in the assessors office.

Unwired has requested by application an abatement of **five (5) years**.

**TAX DELINQUENCY AND SAVINGS**
To the best of staff’s knowledge, there are no delinquent taxes owed by the applicant, of name, within the City of Auburn Hills. There have been some corrections that still need to be made in regards to two of its personal property accounts which the City Assessor, County’s Personal Property Auditor and applicant have worked through and are ready to file with the state.

If this abatement is granted for the facility at the 5-year maximum, given its lease of effectively SEVEN years, the potential property tax savings for the applicant over the term of the abatement is approximately $88,332; while the loss in city tax revenue would be approximately $24,011.

**OTHER ABATEMENTS IN CITY**
Unwired current has the following abatements in the City of Auburn Hills:
- 02-IP-10-100-394, see earlier City Council Agenda items 9b and 9c relating to IFEC 2010-394.

**PENDING APPEALS**
To the best of staff’s knowledge:
- There is no outstanding and/or pending appeal(s) involving the **property that is the subject** of this application.
- There is no outstanding and/or pending appeal(s) involving the **applicant** filing for this tax incentive within the City of Auburn Hills.
TAX INCENTIVE REVIEW COMMITTEE RECOMMENDATION (TIRC)
This application went before the city’s Tax Incentive Review Committee on September 9, 2013. Unwired was not represented, but TIRC found sufficient information for acting on the application. See TIRC minutes for further discussion.

Motion by Mr. Nelson to forward to city council, a recommendation to approve the IFEC request by Unwired Technology LLC for [$1,600,000 of real and $300,000 of] personal property to be [constructed and] installed at 2611 Superior Court, parcel number: 02-14-02-201-001. The committee recommends a 5 year abatement beginning on 12/31/2013 and ending 12/30/2018 and the business requirement that they must remain in that facility at least 2 years after the certificate expires. This recommendation is also contingent upon the receipt of an executed lease [that covers the entire term].

Supported by Mr. Iacobelli

Motion carried (3-0)

LEGAL DESCRIPTION: T3N, R10E, SEC 2 OAKLAND COUNTY CONDOMINIUM PLAN NO 1319 AUBURN BUSINESS PARK CONDO UNIT 1 L 22166 P 244 1-4-01 FR 200-018

STAFF RECOMMENDATION
Based on reviewing the city’s tax incentive policy, combined with the recommendation forwarded by TIRC, staff recommends approval of the application for a 5-year abatement, beginning December 31, 2013 and ending on December 30, 2018 with a business residence requirement of an additional 2 years after the certificate expires.

MOTION
Move to approve the request for a 5-year IFEC pertaining to new real property and personal property for Unwired Technology LLC with a total real property investment of $1,600,000 and personal property investment of $300,000 for a combined total investment of $1,900,000 by adopting the attached resolution.

I CONCUR:

PETER E. AUGER, CITY MANAGER
CITY OF AUBURN HILLS
RESOLUTION
APPROVING AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
FOR UNWIRED TECHNOLOGY LLC

At a regular meeting of the City Council of the City of Auburn Hills, Oakland County, Michigan, held in the Council Chambers at 1827 N. Squirrel Road, Auburn Hills MI 48326 on the 7th day of October, 2013.

The following resolution was offered by Councilperson_______ and supported by Councilperson

WHEREAS, pursuant to P.A. 198, 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on the 21st day of February, 2000, the City of Auburn Hills, established an Industrial Development District, commonly referred to as the JAR Development, LLC Industrial Development District; and

WHEREAS, Unwired Technology LLC has filed an application for an Industrial Facility Exemption Certificate with the Clerk of the City of Auburn Hills with respect to proposed new real and personal property within the JAR Development, LLC Industrial Development District; and

WHEREAS, before acting on said application, the City Council of Auburn Hills held a hearing on the 7th day of October, 2013 at a regularly scheduled meeting, at which time the applicant, the assessor, and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, construction and installation of the facility has not begun earlier than six (6) months before 29th day of August, 2013, the date of the acceptance of the application for the Industrial Facility Exemption Certificate; and

WHEREAS, completion of the real and personal property is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in Auburn Hills; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Auburn Hills after granting this certificate will exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of Auburn Hills that:

1. The City Council of Auburn Hills finds and determines that the granting of this Industrial Facilities Exemption Certificate, together with the aggregate amount of the certificates previously granted and currently in force, under PA 198 of 1974, and PA 225 of 1978, shall not have the effect of substantially impeding the operation of the City of Auburn Hills, or of impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Auburn Hills.

2. The application for an Industrial Facilities Exemption Certificate with respect to a New Facility on the following described parcel of real property situated within the JAR Development, LLC Industrial Development District, to wit;

The real property parcels the facility is located on is identified as tax parcel 02-14-02-201-001, having an address along 2611 Superior Court, Auburn Hills, MI 48326, including:

Legal Description: T3N, R10E, SEC 2 OAKLAND COUNTY CONDOMINIUM PLAN NO 1319 AUBURN BUSINESS PARK CONDO UNIT 1 L 22166 P 244 1-4-01 FR 200-018
is hereby approved for real property and personal property improvements.

3. The Industrial Facilities Exemption Certificate shall remain in force and effect for a period of five (5) years, and the starting date for the certificate is December 31, 2013 and the ending date is December 30, 2018.

4. The total project investment approved is $1,900,000.

5. Unwired Technology LLC agrees to operate the facility for which the Industrial Facilities Exemption Certificate is granted for the term of the certificate, plus an additional two years after the date of the certificate’s expiration.

AYES:
NAYS:
ABSENT:
ABSTENTIONS:
RESOLUTION ADOPTED

STATE OF MICHIGAN)
)SS
COUNTY OF OAKLAND)

I, the undersigned, the duly appointed City Clerk for the City of Auburn Hills, Oakland County, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the Auburn Hills City Council held on the 7th day of October, 2013.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this XX day of October, 2013.

________________________________
Terri Kowal, City Clerk
August 28, 2013

Mr. Michael Lohmeier  
City Assessor  
City of Auburn Hills

Dear Mr. Lohmeier:

As per the enclosed applications, Unwired Technology LLC ("Unwired") is seeking the following:  
1. Transfer of its current IFEC Certificate #2010-394 on sidwell/pin #02-TP-10-100-394 to its new proposed site; 
2. Extension of the current certificate for 5 years in the new building location of 2611 Superior Ct., Auburn Hills;  
3. Forgiveness of the claw back provisions of that same certificate based on the Company’s planned move into a larger building in Auburn Hills (which will have its own new claw back); and,  
4. Approval of a new IFEC request for both the leasehold improvements and new personal property in the proposed new building.

Since opening its first Michigan facility in Auburn Hills in 2008, Unwired has increased its employment in the city from 1 person (its new President/CEO at that time) to over 40 personnel. Substantially all of those employees are highly paid and highly skilled engineering, design, and technical personnel. Over the past two years, Unwired has successfully expanded its product line to take advantage of the significant growth in the Automotive Infotainment area, and as part of that has won a number of new programs from both the Big-3 and other global OEMs. As a result, the Company has outgrown its current 23,000 sq. ft. facility.

We desire to take advantage of these abatements for the 2014 calendar year, and therefore appreciate your support in processing this application and scheduling meetings with the TIRC and Council accordingly.

Please let either me or Joe Damato know if you require any further information. We look forward to continued growth and development of our Company in Auburn Hills.

Very truly yours,

Neil A. Goldman, CPA  
Executive VP, Corporate Development and Chief Financial Officer

Copy to: Joe Damato  
Laurie Renaud
Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of P.A. 168 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

To be completed by Clerk of Local Government Unit

Signature of Clerk

STC Use Only

Date received by Local Unit

Application Number

Date Received by STC

APPLICANT INFORMATION

All boxes must be completed.

1a. Company Name (Applicant must be the occupant/operator of the facility)

Unwired Technology LLC

2611 Superior Court

1c. Address of Facility (real property or personal property location)

1d. City/Township/Village (indicate which)

2. Type of Approval Requested

New (Sec. 2(4))

Transfer (1 copy only)

Speculative Building (Sec. 3(6))

Rehabilitation (Sec. 3(1))

Research and Development (Sec. 2(9))

3a. School District where facility is located

Pontiac

3b. School Code

63030

4. Amount of years requested for exemption (1-12 Years)

5

5. Thoroughly describe the project for which exemption is sought: Real Property (Type of Improvements to Land, Building, Size of Addition); Personal Property (Explain New, Used, Transferred from Out-of-State, etc.) and Proposed Use of Facility. (Please attach additional page(s) if more room is needed).

Renovation and expansion of square footage (by adding a mezzanine) of an existing building totaling 31,000 sq. ft. to accommodate approximately 100 total employees, plus engineering lab, meeting rooms, and warehouse. Leasehold improvements totaling $1,600,000. Purchase of new furniture and equipment totaling $300,000.

6a. Cost of land and building improvements (excluding cost of land)

$1,600,000.00

Real Property Costs

6b. Cost of machinery, equipment, furniture and fixtures

$300,000.00

Personal Property Costs

6c. Total Project Costs

$1,900,000.00

Total of Real & Personal Costs

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

Real Property Improvements

Begin Date (M/D/Y) 10/1/13

End Date (M/D/Y) 2/15/14

Owned Leased

Personal Property Improvements

12/15/13

2/15/14

Owned Leased

8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. Yes No

9. No. of existing jobs at this facility that will be retained as a result of this project

40

10. No. of new jobs at this facility expected to create within 2 years of completion

14

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of valuation for the entire plant rehabilitation district and obsolescence statement for property. The SEV data below must be as of December 31 of the year prior to the rehabilitation.

a. SEV of Real Property (excluding land)

b. SEV of Personal Property (excluding inventory)

c. Total SEV

12a. Check the type of District the facility is located in:

Industrial Development District Plant Rehabilitation District

12b. Date district was established by local government unit (contact local unit)

2/21/00

12c. Is this application for a speculative building (Sec. 3(8))?

Yes No
APPLICANT CERTIFICATION - complete all boxes.
The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

```
13a. Preparer Name            13b. Telephone Number            13c. Fax Number            13d. E-mail Address
Neil Goldman                  (516) 293-6900                     (516) 293-7130                  neil@unwiredtechnology.com

14a. Name of Contact Person   14b. Telephone Number            14c. Fax Number            14d. E-mail Address
Joe Damato                    (248) 475-2210                     (248) 475-2208                joe@unwiredtechnology.com

15a. Name of Company Officer (No Authorized Agents)
Neil Goldman

15b. Signature of Company Officer (No Authorized Agents)              15c. Fax Number              15d. Date
(Handwritten Signature)                                                 (516) 293-7130                 8/28/13

15e. Mailing Address (Street, City, State, ZIP Code)
7600 Jericho Tpke., Suite #100, Woodbury, NY 11797

15f. Telephone Number              15g. E-mail Address
(516) 293-6900                               neil@unwiredtechnology.com

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

16a. Documents Required to be on file with the Local Unit
Check or Indicate N/A if Not Applicable
1. Notice to the public prior to hearing establishing a district.
2. Notice to taxing authorities of opportunity for a hearing.
3. List of taxing authorities notified for district and application action.
4. Lease Agreement showing applicants tax liability.

16b. The State Tax Commission Requires the following documents be filed for an administratively complete application:
Check or Indicate N/A if Not Applicable
1. Original Application plus attachments, and one complete copy
2. Resolution establishing district
3. Resolution approving/denying application.
4. Letter of Agreement (Signed by local unit and applicant)
5. Affidavit of Fees (Signed by local unit and applicant)
6. Building Permit for real improvements if project has already begun
7. Equipment List with dates of beginning of installation
8. Form 3222 (if applicable)
9. Speculative building resolution and affidavits (if applicable)

16c. LUCI Code

16d. School Code

17. Name of Local Government Body

18. Date of Resolution Approving/Denying this Application

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

19a. Signature of Clerk

19b. Name of Clerk

19c. E-mail Address

19d. Clerk's Mailing Address (Street, City, State, ZIP Code)

19e. Telephone Number

19f. Fax Number

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:
State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)
CITY OF AUBURN HILLS
RESOLUTION
ESTABLISHING INDUSTRIAL DEVELOPMENT DISTRICT
FOR J.A.R. DEVELOPMENT, L.L.C.

At a meeting of the City Council held on the 21st day of February, 2000, the City Council Chambers at 1827 N. Squirrel Rd., Auburn Hills MI 48326,

It was moved by Councilperson Cooper and seconded by Councilperson Harvey-Edwards:

WHEREAS, Act 198 of the Public Acts of 1974, as amended, authorizes the City of Auburn Hills to create by resolution of the City Council an "Industrial Development District," and,

WHEREAS, the City of Auburn Hills has been requested by Mr. Jared Roth on behalf of J.A.R. Development, L.L.C. to establish an Industrial Development District on property owned by J.A.R. Development, L.L.C., located in the City of Auburn Hills; and,

WHEREAS, the City Council of the City of Auburn Hills, has given written notice by certified mail to the owners of real property within the proposed Industrial Development District of the fact that a public hearing was to be held upon the petition of and such public hearing has been held on the day and time provided in the written notice and all those who appeared were given an opportunity to be heard, and the City Council of the City of Auburn Hills has duly considered the petition and all evidence brought before it,

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Auburn Hills does hereby establish an Industrial Development District pursuant to Act 198 of the Public Acts of 1974 for property as described.

AYES: Mayor McMillin, Mayor Pro Tem Cooper, Councilpersons Sendegas, Harvey-Edwards, McDonald, Pillsbury
NAYS: None
ABSENT: Councilperson Davis
ABSTENTIONS: None

RESOLUTION ADOPTED

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

I, the undersigned, the duly qualified and appointed City Clerk of the City of Auburn Hills, Oakland County, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council held on the 21st day of February, 2000, the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this 22nd day of February, 2000.

Helen R. Venos, City Clerk

LEGAL DESCRIPTION: Part of the northeast ⅛ of Section 2, T3N, R10E, City of Auburn Hills, Oakland County, Michigan described as beginning at a point, said point being distant S00°37′05″ East 2,733.95 feet along the north and south ¼ line of said Section 2; thence S86°50′30″ East 60.13 feet; thence the following two courses along the easterly right-of-way line of Lapeer Road (M-24) N00°37′05″ West 520.98 feet and N03°44′16″ East 108.12 feet from the north ¼ corner of said Section 2; thence from said point of beginning N03°44′16″ East 640.00 feet along said easterly right-of-way line; thence S86°22′20″ East 1,223.78 feet; thence S01°20′20″ East 642.41 feet; thence N66°22′20″ West 1,280.63 feet to the point of beginning and containing 18.398 acres, subject to easements and restrictions of record.

Being otherwise known as Sidwell No. 14-02-200-018.
Real Property Improvements
-- see quotation based on construction drawings, attached

$ 1,600,000

Personal Property Improvements
Furniture
Engineering Equipment

Installation Date
$ 280,000 between 12/15/13 and 2/15/14
$ 20,000 between 12/15/13 and 2/15/14
$ 300,000

Total Improvements

$ 1,900,000
TAX INCENTIVE AGREEMENT

Industrial Facility Exemption Certificate

(Revised March 19, 2012)

Unwired Technology LLC, hereinafter referred to as the “Company” has submitted an application to City Council for the granting of an Industrial Facility Exemption Certificate (IFEC), pursuant to Michigan Public Act 198, of 1974, as amended.

In recognition of the granting of the IFEC by City Council and the benefit of the tax savings for the Company, and the economic growth of the City, I hereby agree on behalf of the Company to the following:

1. The Company will furnish notification of the completion of the facility to the City Assessor and the State Tax Commission, within 30 days of the date of completion. If there is no construction progress for a facility under construction for more than 180 days, the Company will notify the City Assessor.

2. Within 90 days of the date of completion of the facility, the Company will report;
   a. The final cost of the facility to the City Assessor and the State Tax Commission; and a detailed listing of the new personal property acquired for the facility, including description, type, identification, year of acquisition and cost of purchase and installation.
   b. The number of jobs created by completion of the facility, not including jobs transferred from other locations.

If the actual project costs are more than 10% less than the estimated costs given in the application, or if the number of jobs created are less than the number estimated in the application, the Company will provide an explanation.

3. As a condition of receiving an Industrial Facilities Exemption Certificate, or an extension of an existing certificate, pursuant to this policy, a company agrees to operate the facility for which the IFEC is granted for the term of the IFEC, plus an additional term after the date of expiration of the IFEC according to the following schedule:
   a. Tax abatement of up to eight (8) years (including extensions) = Length of the abatement plus two years.
   b. Tax abatement over eight (8) years = (including extensions) = Length of the abatement plus four years.

4. The Company further understands that if it vacates or fails to operate the facility for which the IFEC is granted for the period of time as outlined above, that the
company is liable for repayment of any property tax savings benefiting the Company due to the existence of the IFEC, beginning with the initial effective year of the IFEC. In addition, the Company will be liable for repayment of future tax savings if there are any remaining years in the term of the IFEC, under the provisions of Section 21(2) of Public Act 198, 1974 as amended. These provisions may be waived by the City Council at the request of the Company for justifiable cause.

5. The Company further agrees to pay its abated real and personal property taxes timely and without penalty. In addition, the Company agrees to inform the City Assessor and the City Treasurer of any plans to relocate the company from any location within the City, 30 days prior to the relocation.

6. The Company agrees to notify the City Assessor and City Treasurer of any change in the ownership of the Company’s real and personal property assets or a majority share of the Company’s stocks. For the purposes of this agreement, a new owner or lessee shall be defined as follows:

   a. For those industrial facilities exemption certificates that pertain to real property improvements, the term “new owner or lessee” shall be defined as follows:

      i. A new entity that acquires, owns and occupies or leases and occupies the facility after the existing certificate holder has physically moved from or vacated the facility.

      OR

      ii. An entity that acquires an ownership interest of more than 50% in the existing certificate holder entity that owns and occupies or leases and occupies that facility.

   b. For those industrial facilities exemption certificates pertaining to personal property, the term “new owner or lessee” shall be defined as follows:

      i. A new entity that acquires from the existing certificate holder entity the ownership of the facility or leasehold interest in the facility and which keep the facility at its current location.

      OR

      ii. An entity that acquires an ownership interest of more than 50% in the existing certificate holder entity that owns or leases the facility

7. Whenever there is a new owner or lessee, as defined above, of any real or personal property for which an industrial facilities exemption certificate has been granted, the new owner or lessee shall make application for a transfer of the certificate to the new owner or lessee immediately, but no longer than six (6) months after a change in ownership occurs. The City Council may grant requests
to transfer existing certificates, after review and recommendation by the Tax Incentive Review Committee, provided requests are consistent with the City's adopted Tax Incentive Policy, or any amendments made to the policy, that is in effect at the time a request for a transfer is made. An updated tax incentive development agreement shall accompany any request for a transfer of a certificate to a new owner or lessee.

8. The Company further agrees to abide by all other city ordinances, building and zoning codes during the operation of the facility.

By the signatures of representatives of both the Company and the City below, it is understood that both the Company's investment in the project and the City's investment through the granting of the IFEC is to encourage the economic growth of all.

WITNESS:  

SIGNATURE  

PRINT NAME

COMPANY REPRESENTATIVE:  

BY:  

SIGNATURE  

ITS:  

TITLE  

DATED:  

ACKNOWLEDGED BY THE CITY OF Auburn Hills

WITNESS:  

SIGNATURE  

PRINT NAME

BY:  

JAMES McDonald  

ITS:  

MAYOR  

TITLE  

DATED:  

WITNESS:  

SIGNATURE  

PRINT NAME

BY:  

TERRI KOWAL  

ITS:  

CITY CLERK  

TITLE  

DATED:  

Page 3 of 3
INDUSTRIAL FACILITIES EXEMPTION APPLICATION

AFFIDAVIT OF FEES

In accordance with State Tax Commission Bulletin No. 3 dated January 1998, the City of Auburn Hills and the Applicant for Industrial Facilities Exemption Certificate do hereby swear and affirm, by our signatures below, that no payments of any kind, whether they be referred to as “fees,” “payments in lieu of taxes,” “donations,” or by other like terms, in excess of the fees allowed by PA 198, of 1974, as amended by Public Act 323 of 1996, has been made or promised in exchange for favorable consideration of an exemption certificate application.

City of Auburn Hills

Signed: ________________

Name: James McDonald

Title: Mayor

Dated: __________

Applicant/Company

Signed: ________________

Name: Neil Goldman

Title: EVP + CFO

Dated: 2/8/13
REVISED CONSTRUCTION BUDGET FOR
IMPROVEMENT PLANS & SPECIFICATIONS
FOR
UNWIRED TECHNOLOGIES LLC
2611 SUPERIOR COURT
AUBURN HILLS, MICHIGAN 48326
AUGUST 27, 2013

1.) GENERAL

1.1) Summary of Work


1.1.2) The space will consist of 31,906 +/- total sq. ft. of leasable space. Approximately: 18,138 +/- sq. ft. First Floor Office
8,830 +/- sq. ft. Second Floor Office
4,938 +/- sq. ft. Warehouse

Above square footages are pursuant to Biddison Architecture & Design

1.2) Drawing and Specifications

1.2.1) Phase I will consist of all parties mutually agreeing upon plans and this Preliminary Budget and Specifications.

Phase Completed
1.2.2) Phase II will consist of Biddison Architecture & Design revising said plans to meet and review with the City of Auburn Hills. At such time as the plans are agreed to and the City is in agreement a revised budget and specification will be provided.

Phase Completed

1.2.3) Phase III (current Phase) will consist of Biddison Architecture & Design completing Construction Document for final project budget, permits and construction (this document).

1.2.4) Construction will take approximately 150 days.

1.3) Design

1.3.1) The design will be mutually agreed upon between the Owner, Tenant, and Construction Manager. The Tenant and Construction Manager will work in tandem throughout the design and construction process.

2.) DEMO $ 19,500.00

2.1) Interior Demo

2.1.1) Will consist of removing all existing build out, security gate, walls, ceilings, flooring, frames, doors, hv/ac ducts and registers, electrical fixtures and wiring, plumbing lines and fixtures, exterior wall, furring and drywall.

2.1.2) Interior concrete slab will be saw cut and removed to allow for new trench footings, elevator pit, concrete pads, and for underground sanitary purposes.

2.1.3) Existing electrical service and sub-service will be demolished.

2.2) Exterior Demo

2.2.1) 8' +/- masonry opening in the north wall will be created for new employee entrance door with glass.

2.2.2) A 15'x15'+/- area of asphalt will be removed for new employee ADA entrance walk on the north side of the building.

2.2.3) Exterior overhead door chains will be removed on southeast grade level door and dock doors.

2.2.4) 25 +/- lineal feet of west wall for new stairwell (details of exterior elevations to be determined).
3.) **SANITARY**

3.1) 50 lineal feet +/- of new 4” PVC underground sanitary lines for new ground floor restroom layout and shop slop sink.

4.) **FOOTINGS**

4.1) Trench Footings

4.1.1) 97 lineal feet +/- of 24”x12” monolithic spread footing/finish floor with #4 rebar at 32” on center for two new stairwells.

4.2) Pad Footings

4.2.1) As shown on S.100, S.101, S.102, S.401, S.402 concrete pad footings.

4.3) Elevator

4.3.1) 36 lineal feet +/- of 18” spread footing with 12” wide x 36” high poured walks to form elevator pit with 8” thick concrete elevator pit floor. Subject to elevator pit drawings.

4.4) Exterior Stoop

4.4.1) Provide one 8’x2’x42” deep mass concrete stoop at new north employee entrance.

5.) **MASONRY**

5.1) Stairwells

5.1.1) 97 lineal feet +/- of 12.66 +/- high 8” CMU block (2,400 +/- block) grouted 24” on center with #5 vertical rebar for new stairwell walls to elevation of second floor finished floor subject to revised Architectural details.

5.1.2) Modification of west and north exterior walls needed but Architectural details needed.

5.2) Elevator Shaft

5.2.1) Thirty-six lineal feet +/- of 24’ high 8” CMU block (865 +/- block) grouted 24” on center with #5 vertical rebar for new elevator shaft built to the underside of roof deck. Subject to elevator shop drawings.

5.3) North Man Door Masonry

5.3.1) Modify and/or tooth in block and install new door, frame and glass side-lites for new employee entrance.
5.4) Bearing Plates/Lintels

5.4.1) Provide masonry bearing plates/steel lintels required for stair steel beam pockets.

6.) CEMENT WORK (Based on 3,000 PSI Concrete) $52,400.00

6.1) Exterior Concrete

6.1.1) Provide one 10’x10’ +/- exterior concrete entrance ramp at north employee entrance.

6.2) Interior Concrete

6.2.1) Provide two sets of concrete poured stairwell pans and patch concrete stairwell slabs as required.

6.2.2) Patch interior sanitary trenches as required.

6.2.3) Provide 8,830 square feet. +/- of 3” +/- 3,000 PSI mezzanine concrete with 2.1x2.1 WWM.

7.) STRUCTURAL STEEL (Subject to steel shop drawings) $139,800.00

7.1) Mezzanine Steel

7.1.1) Provide 8,830 square feet +/- of steel columns, joist, deck bearing plates, lintels, steel drawing and structural engineering. Based on 150 lb. per square foot total load.

7.1.2) Relocate roof ladder and roof hatch to second floor only access.

7.1.3) Provide two structural steel pan stairs with required railings and one spiral steel stair.

7.1.4) Provide ten hv/ac structural steel roof top reinforcing.

7.2) Architectural Handrails Allocated $25,930.00

7.2.1) An allocation amount of $15,000.00 has been budgeted for architectural handrails.

7.3) Steel Spiral Stair

7.3.1) One spiral steel stair $26,800.00
8.) **ROOFING**

8.1) Penetration Flashing

8.1.1) Provide cut ins, curb flashing and roofing required to set new roof top units, new bathroom exhaust fan, plumbing vent pipes, and associated electrical penetrations.

8.2) We have allocated $30,000.00 for roof screens. 

9.) **GLASS**

9.1) Exterior Glass

9.1.1) Existing sliders to remain.

9.1.2) Revise window/sound design second floor

9.2) Interior Glass

9.2.1) As shown on A.101, A.102 and door schedule

10.) **DOORS/HARDWARE**

10.1) As shown on A.101 door schedule.

10.2) Hollow Metal

10.2.1) Provide nine hollow metal doors and frames. Fire rated where required. Egress doors will have mortise locks. Interior room doors will have Construction Manager’s standard lever hardware.

10.3) Wood Doors

10.3.1) Provide Clear Anodized “Redi Frame” or equal frames with plain slice natural clear prefinished solid Birch doors. Birch doors will have Construction Manager’s standard ADA lever hardware. Closures will be provided on restroom doors only.

10.4) Door Note

10.4.1) No special STC Rated doors are included as part of the above door specifications.

10.5) One 12’x10’ manually operated insulated overhead door.
11.) CLOUDS

$50,747.00

11.1) Office area Clouds.

11.1.1) Clouds to match Cloud materials in existing Unwired Technologies building.
Five Clouds shown on A.101 3,648 square feet +/-
high ceiling area with 80 lineal feel of drywall wall above Cloud painted black.

11.1.2) Four Clouds – Private office first floor 750 +/- square feet
and five Clouds – Private office second floor 624 +/- square feet. Allocated $24,000.00

11.2.2) Clouds will consist of 2’x4’ Second Look ceiling tile and 15/16” standard ceiling grid.

11.2.3) Perimeter edges of clouds will be trimmed with “Composo”.

11.2.4) Suspension of Clouds will consist of threaded rods and Unistrut grid.
All above materials to be painted black.

11.2.5) See Alternate for additional Clouds at first floor 1,010 +/- square feet
and second floor 3,620 +/- square foot open areas.

Alternates: [Not Included in Project Total Cost]

High ceiling Cloud alternate lights Add $9,000.00

Four first floor and five second floor office Clouds alternate lights Add $4,500.00

Two first floor 1,010 +/- square foot and five second floor 3,620 +/- square foot Clouds. Add $60,790.00

12.) CARPENTRY

$179,000.00

12.1) Provide the following wall types, headers, lids, and furred walls. All walls and ceilings will be insulated.

12.1.1) Ground Floor pursuant to Biddison Architecture pages A.100 and A.101.

12.1.2) Mezzanine Floor pursuant to Biddison Architecture pages A.100 and A.102.

12.2) Carpentry Miscellaneous

12.2.1) 2’x4’ Second Look Acoustical Ceiling grid and tile at 9’ above finished floor grid to be 15/16”.
12.2.2) Lower and upper wood cabinets with Corian
counter tops and backsplash. Corian to be from Construction
Manager's standard selections. Construction Manager has
allocated $16,500.00 for the above described millwork.

12.2.3) Miscellaneous backer for TV, display boards, signs, screens, etc.

12.2.4) Restroom partitions and accessories from Construction Manager's
standard selections.

12.2.5) Window sills to be from Construction Manager's standard selections.

13.) **PAINTING**

13.1) Warehouse/Exterior

13.1.1) Warehouse new walls will receive two coats of High Hide White.

13.1.2.) Warehouse/Exterior man doors, columns, railing overhead
doors will receive (2) coats Industrial Enamel.

13.2) Office/Open Area

13.2.1) Black dry fall will be sprayed on all joist and exposed material that
does not get concealed or receive sound spray.

13.2.2) All drywall and masonry walls will receive two coats of Latex Eggshell
paint. Colors to match existing Unwired Technologies color scheme.

13.2.3) Hollow metal doors and frames, stair railings and overhead door
will receive two coats of Industrial Enamel.

14.) **ELECTRICAL**

14.1) Service

14.1.1) The existing electrical service will be relocated to the
new location of the new electrical room.

14.2) Warehouse

14.2.1) The existing shop T-5/T-8 high bay T fixtures will be adjusted
to provide (1) fixture per 300 square feet of warehouse.

14.2.2) Exit and Emergency Lights will be provided per code.

14.2.3) Four general circuitry convenience outlets will be provided
in the warehouse.

14.2.4) Four low voltage boxes and conduits will be provided in
the warehouse.
14.2.5) One 30 amp 208 or 240 volt 3 phase plug will be provided for Tenant’s machine.

14.2.6) Four overhead door motors with controls.

14.3) Office/Open Area

14.3.1) Pursuant to E.101, E.102, E.103, E.104.

14.3.2) Final lighting selection from the client is needed to confirm.

15.) SPRAY SOUND INSULATION

Need Biddison Architecture & Design sections to confirm.

15.1) A paper based “sound” reducing insulation from Standard Colors will be utilized on the deck and walls in the following areas. This material will be applied 1 – 2 ¾” thick.

15.1.1) The deck in all areas under Mezzanine is not receiving acoustical ceilings.

15.1.2) The deck in private offices under mezzanine is not receiving full acoustical ceilings.

15.1.3) The top of all walls not receiving acoustical ceilings will be sprayed for the top 3’.

15.2) Mezzanine

15.2.1) The Mezzanine sound spray will be applied as referenced above in the “Under Mezzanine” area.

15.3) Open Office Adjacent to Mezzanine

15.3.1) The underside of the roof deck visible from the interior will be sprayed with sound spray.

16.) PLUMBING

16.1) Plumbing lines and fixtures will be provided as outlined on plan P.100, P.101, P.102 and P.103.

16.1.1) Plumbing fixtures will match the existing fixtures in the existing “Unwired space” with sufficient hot water tank.

16.1.2) A new slop sink will be provided by existing suppression riser in warehouse.

16.1.3) New high low drinking fountain will be provided.
16.1.4) Roof sumps will be relocated as required.

16.1.5) New kitchen plumbing will be provided (sink, faucet, and disposal).

17.) HV/AC

17.1) Shop/Warehouse

17.1.1) A Cambridge HV Air Rotation unit will be utilized to heat the warehouse.

17.2) All Office Areas

17.2.1) A total of sixty-six tons of hv/ac roof top units will be provided.

17.2.2) Each roof top unit will have built in economizers, digital programmable stats.

17.2.3) HV/AC units will have a ducted supply and ducted return lines.

17.2.4) Spiral duct will be utilized in open areas or where ducts will be visible.

17.2.5) Fiber Glass or tin duct will be utilized in non exposed areas.

17.3) Conference Rooms

17.3.1) Each conference room will have a dedicated zone and thermostat controls.

17.4) Mezzanine Note

17.4.1) The Mezzanine hv/ac roof top unit will have factory installed low ambient options to offset the heat buildup. In the winter that is typical on a second floor in an open floor plan scenario.

17.5) Exhaust Fans

17.5.1) A central roof top mounted exhaust fan will be utilized to exhaust all restrooms.

17.6) HV/AC Miscellaneous

17.6.1) All associated gas piping, curbs, etc. for above described work are included.

18.) FLOORING

18.1) The flooring is based on providing the same material that currently exists in the Tenant facility, subject to availability. Selections and areas to be provided pursuant to Biddison Architecture & Design plans dated August 26, 2013.
18.2) Materials

18.2.1) 26 ounce rolled carpet with 4" vinyl base.

18.2.2) Restrooms will have 12" porcelain tile for floors and wet wall. Tile 4" base will be used on walls where tile is on floor.

18.2.3) New pediments will be installed. One in each of the new lobbies. (The main lobby and the employee vestibule).

18.2.4) 4" Vinyl base will be provided on all drywall walls.

19.) WAREHOUSE FLOORS/EPOXY

19.1) Epoxy of matching material will be applied in area where vehicle is serviced in building.

19.2) One coat Diamond Hard or Rez Seal will be applied to warehouse floor (4,938 +/- square feet).

20.) ASPHALT

20.1) Asphalt patch around new north employee concrete entrance only.

20.2) Restripe parking lot.

21.) FIRE ALARM

21.1) An allocation of $8,000.00 has been included for the design and insulation of a code complying fire alarm.

22.) FIRE SUPPRESSION

22.1) All suppression to be from existing building riser and main.

22.1.1) Warehouse coverage will be adjusted as required.

22.1.2) Open area adjacent to mezzanine will have existing deck coverage to remain and be adjusted as required.

22.1.3) Clouds will have suppression drops and concealed heads in bottom of Clouds ceiling tile.

22.1.4) First and second floor office above and below Mezzanine will have fire suppression required by code for open spray insulated concept. Rooms with acoustical ceilings will have concealed heads.

23.) AWNING

23.1) A 52' +/- x 2' high x 3' wide awning from Construction Manager's standard selections will be provided above new kitchen area.
24.) **ELEVATOR** (Deposit Required) $55,500.00

**NOTE:** Elevator will take fourteen to sixteen weeks from the time the approved shop drawings are submitted. Elevator will not be completed at time construction is complete. Selections are needed. Elevator shop drawings to be provided.

24.1) A two story elevator hydraulic will be provided consisting of:

24.1.1) Concrete masonry unit elevator shaft with dry sump concrete pit.

24.1.2) Required elevator machine room and equipment.

24.1.3) Elevator door to be two speed sliding steel door from standard factory finishes. Elevator walls to be from factory standard laminates. Elevator floor to be carpet or porcelain tile as selected by Tenant (to be determined).

25.) **ARCHITECTURAL** $28,000.00

25.1) Preliminary

25.1.1) Biddison Architect & Design will provide preliminary plans needed for administrative review.

25.2) Construction Documents

25.2.1) Biddison Architect & Design will complete construction drawings required to receive permits and complete construction. Including structural drawings.

26.) **PERMITS** Allocated $34,000.00

26.1) $34,000.00 has been allocated for Permits.

27.) **ENGINEERING/LAYOUT** $2,500.00

27.1) For required layout of footings, column pads, anchor bolts, masonry, walls, etc.

28.) **TESTING** Allocated $5,000.00

28.1) For required testing of density, steel, concrete, masonry, etc.

29.) **MOBILIZATION** $2,000.00

30.) **SUPERVISION** $37,500.00

30.1) For onsite Superintendent.

31.) **GENERAL CONDITIONS** $20,000.00
### 32.) Roof/Stair/Elevator

**SUB-TOTAL**

DEMBS ROTH GYSELINCK CONSTRUCTION COMPANY'S
CONSTRUCTION MANAGEMENT FEE 6%
PRE CONTINGENCY SUB-TOTAL

$10,000.00

$1,481,112.00

$88,866.72

$1,569,978.72

### 32.) Project Contingency

PROJECT TOTAL PRELIMINARY BUDGET
OR $50.77 PER SQUARE FOOT BASED ON 31,906 +/- SQUARE FEET

$50,000.00

$1,619,978.72

### Alternates Recap: (Not included in Project Total Cost)

1) **5 High Ceiling Cloud Alternate Lights**

   ADD

   $9,000.00

2) **4 First Floor & 5 Second Floor Office Clouds Alternate Lights**

   ADD

   $4,500.00

   **NOTE:** BASE BID INCLUDES LAY-IN FIXTURES

3) **2 First Floor 1,010 sq. ft. and 5 Second Floor 3,620 sq. ft. Clouds**

   ADD

   $60,790.00

4) **Alternate Light for Item 3 Above**

   NO CHARGE

   **NOTE:** BASE BID INCLUDES 8' REFLECTIVE FIXTURES

5) **Mezzanine Handrail S.S. Upgrade Cable Rail**

   ADD

   $26,000.00

6) **KIT Cable Allocation Included in Base Bid**

   $16,500.00

   $0.00

7) **Second Round Stair (At Time of Construction)**

   ADD

   $33,000.00

8) **Glass/Stair Railing/Handrail**

   ADD

   TO FOLLOW

   **NOTE:** ITEMS ABOVE DO NOT INCLUDE DEMBS ROTH GYSELINCK PROFIT/OVERHEAD
Industrial Facility Application  
PA 198, 1974  

City of Auburn Hills  

Supplemental Information  
To Be Provided by Applicant/Company

Name of Company:  
[Unwired Technology LLC]

Company Profile: Provide a brief description of the company including its history, type of incorporation, corporate headquarters location, parent corporation, previous corporate names. Describe the type of products produced, principal markets, and the activity to be carried out at the proposed or existing facility in Auburn Hills.

Unwired Technology LLC is a world leader in the rapidly growing automotive infotainment market. Unwired Technology LLC is a wholly subsidiary of Unwired Holdings, Inc., a Delaware Corporation. In 2005, a majority of Unwired Holdings was purchased from the company’s founders by American Capital Ltd. (NASDAQ: ACAS).

Unwired was founded in 1997 in New York, and it still maintains a small office there to handle finance and accounting. In 2008, the Company opened a 5,000 sq. ft. Design & Development Center in Auburn Hills, MI to grow its engineering capabilities. By 2000, the Company had outgrown that center and expanded into a dedicated 23,000 sq. ft. building in Auburn Hills dedicated to its design, engineering, business development, quality, and distribution activities. Based on its success and growth, the Company has now outgrown that space.

For many years, the Company has held the #1 global position (>85% market share) for wireless headphones, transmitters, systems, and components for both the automotive OEM market and aftermarket. More recently, Unwired has expanded into a broad line of connectivity devices, including USB, HDMI, Apple, and MHL solutions. Unwired’s products are found on nearly every Original Equipment Manufacturer’s vehicles, including all of the Detroit-3. The Company is both a Tier-1 and Tier-2 supplier, and it also has a leading position in the Aftermarket for its products.
To support and enable continued growth, Unwired desires to move to a larger 31,000 sq. ft. building (including a 2nd floor) to accommodate approximately 100 employees with substantially greater parking facilities. The new building is within the same development as its current Auburn Hills facility. This building is currently vacant. The move would allow for the further expansion of its engineering, business development, and operations teams in Auburn Hills.

Please respond to the following questions or state if not applicable:

1. If presently located in Auburn Hills, how long have you been in business here?  
   Since 2008.

2. Has a site plan for the facility requested for tax abatement been submitted and approved?  N/A

3. Will development of the site require a change in zoning or a request for special land use or other variances?  No

4. What will be required to develop the site? Do water, sewer, and other utilities exist presently at the site? Will any new access roads need to be constructed or upgraded?  
   The only changes are to the interior of the building. The only exterior work will be some minor landscaping, an exterior sign, the addition of electric vehicle charging stations.

5. Will the company request that the City of Auburn Hills assist in paying any costs related to providing infrastructure for this facility?  N/A

6. Are any wetlands or environmentally sensitive areas to be impacted by construction of the facility?  No

7. How will water retention and drainage be provided for the facility?  N/A – existing building.

8. Will any raw materials be used or stored at the facility, Will your company require outside storage of any products or materials?  No, only finished goods.
will be stored there. These are the same products as those currently stored at its existing facility in Auburn Hills.

9. What will be the operating hours of the facility? Will any heavy equipment be operated at the facility after completion of construction?
   **Operating Hours: 8am – 6pm**
   No heavy equipment. Just a normal-sized forklift for interior warehouse management.

10. Will the facility produce industrial waste? Will any known hazardous chemicals be used or produced? Will the facility produce any significant air emissions?
    No, N/A.

11. State the various job classifications, the number to employed, and the hourly wage rates of non-management employees, i.e. administrative, secretarial, engineering, sales, laborers, machinists, etc. State whether any positions are part time or temporary.
    **New Positions**
    Engineers: 8 full time salary (range from $75,000 - $120,000 depending on level and experience)
    Administrative: 2 full time salary (range from $40,000 - $50,000)
    Operations personnel: 3 full time salary (range from $75,000 - $120,000 depending on level and experience)
    Business Development: 1 full time salary ($150,000)

12. Does the proposed site allow for future expansion of the facility? If yes, state the amount of floor area that can be added after the initial phase of construction.
    No.

13. Has your company received tax abatements from the community where it is presently located? If so describe the type of abatement.
    Yes, an abatement was received for the Company’s current facility in Auburn Hills, MI, and the Company will seek a transfer and extension of that abatement to the new facility.
DATE: OCTOBER 7, 2013 MEETING

AGENDA ITEM NO. 9F.
DEPARTMENT OF PUBLIC WORKS

To: Mayor and City Council
From: Peter E. Auger, City Manager; Jeff Herczeg, Manager of Public Utilities
Submitted: October 3, 2013
Subject: Award of 2013 Sanitary Sewer Improvement Contract

INTRODUCTION AND HISTORY

Attached for your review and consideration is the scope of engineering services, bid tab and letter of recommendation for the sanitary sewer replacement project between North Squirrel and Walton Boulevard. The proposed improvements are consistent with the City's Sanitary Sewer Master Plan. The improvements include a larger diameter pipe to accommodate future flow, a maintenance pathway, improved drainage and erosion control, and rehabilitation to deteriorating structures. Specific project information is outlined in the aforementioned bid tab document and a map of the project construction site is included for reference.

Engineering services for the project include construction engineering and observation, contract administration, and construction survey layout. All services are to be performed by OHM Advisors. Additional material testing services are estimated in the project scope to be performed by Testing Engineers & Consultants (TEC).

On September 13, 2013 at 10:00 am, a total of five bids were received for the above referenced project. The three lowest bidders are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dan’s Excavating, Inc.</td>
<td>$777,310.40</td>
</tr>
<tr>
<td>L. D’Agostini &amp; Son’s, Inc.</td>
<td>$879,604.18</td>
</tr>
<tr>
<td>Pamar Enterprises, Inc.</td>
<td>$1,142,574.00</td>
</tr>
</tbody>
</table>

STAFF RECOMMENDATION

Dan's Excavating, Inc. out of Shelby Township, Michigan is the low bidder for this project. They have over 39 years of experience in similar construction and have completed numerous projects within Auburn Hills for the City, County, State, and for developers. Based on our findings, we recommend award of this contract to Dan’s Excavating in the amount of $777,310.40, per the unit prices bid for the project. Additionally, after reviewing the scope of engineering services, staff recommends awarding the time and materials contract amount of $98,700.00 to OHM Advisors and the estimated $10,000.00 to TEC. This is a budgeted project and adequate Sewer funds are available.

MOTION

Move to approve the award of the Sanitary Sewer Improvements Project to Dan's Excavating Inc. 12955 23 Mile Rd. Macomb MI, 48315 in the amount of $777,310.40. Engineering services in the amount of $98,700.00 to OHM Advisors and material testing fees of $10,000.00 to TEC. Funding provided from account number (592-535-971.000).

I CONCUR: 

PETER E. AUGER, CITY MANAGER
September 18, 2013

Peter Auger
City Manager
CITY OF AUBURN HILLS
1827 N. Squirrel Road
Auburn Hills, MI 48326

RE: 2013 Sewer Improvements
Letter of Recommendation

Dear Mr. Auger:

On September 13, 2013 at 10:00 am, a total of five bids were received for the above referenced project. The three lowest bidders are as follows:

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The project scope consists of abandoning existing 8-12” diameter sanitary sewer and sanitary manholes with flowable fill, open cut and directional drill 8-15” diameter sanitary sewer including 9 manholes, and installation of an aggregate access path. The project is located at the northeast corner of Squirrel Road and Walton Boulevard.

The work to be done under this Contract includes the furnishing of all materials, equipment, and labor necessary to complete sanitary sewer abandonment and installation operations as well as all necessary earthwork, cleaning and restoration in accordance with the specifications.

Dan’s Excavating out of Shelby Township, Michigan is the low bidder for this project. They have over 39 years of experience in similar construction and have completed numerous projects within the City limits for the City, County, State, and for developers. Based on our findings, we recommend award of this contract to them in the amount of $777,310.40, per the unit prices bid for the project.

Digital files of this letter and a bid tabulation have been emailed to your office. If you have any questions or require additional information, please feel free to contact this office.

Sincerely,

OHM Advisors

Nicholas Brass for Timothy J. Juidici, P.E.

cc: Ron Melchert, Director of Public Works
    Terri Kowal, City Clerk
    Jeff Herczeg, Manager of Public Utilities
exposed area

exposed area

exposed area
September 25, 2013

City of Auburn Hills
1500 Brown Road
Auburn Hills, MI 48326

Attention: Mr. Ronald Melchert
Director of Public Services

Regarding: 2013 Sewer Improvements
Scope of Construction Services

Dear Mr. Melchert:

Outlined below is a Scope of Work for construction services to be provided by OHM Advisors for the above referenced project.

PROJECT UNDERSTANDING

It is our understanding that the City of Auburn Hills plans to move forward with the construction phase of the 2013 Sewer Improvements project for which bids will be received on Friday, September 13, 2013. The proposed project consists of abandoning existing 8”-12” sanitary sewer and replacement with new 15” sewer between N. Squirrel Road and Walton Boulevard. The proposed sewer will be constructed via a combination of open-cut and directional-drill methods.

SCOPE OF SERVICE

Construction Engineering / Observation
Under this task the project team will observe the construction efforts on the project and assist with any necessary field changes to successfully complete the work. Specific work efforts include:

- Provide daily observation of work. Full-time inspection will be provided for all sewer and manhole construction, pavement removal and replacement, access path construction, sewer abandonment, and restoration.
- Produce daily field reports documenting construction activities and pay item quantities.
- Prepare and provide the Contractor with a list of required submittals and review shop drawings, construction schedules, materials certifications, and other submittals.
- Address Contractor’s construction concerns and resolve conflicts with the executed contract specifications.
- Attend to Resident and Business Owner concerns throughout the project.
- Review Contractor’s progress on the project to ensure that the work is in compliance with the proposed schedule.
**Contract Administration**
Under this task, the project team will complete services necessary to administer the contract. Specific work efforts include:

- Coordination with the Contractor and City to execute the contract documents.
- Arrange and attend one (1) pre-construction meeting prior to the start of the project.
- Provide two (2) signed copies of the contract documents to the City, one (1) to the Clerk’s office and one (1) to the DPW.
- Prepare monthly construction pay estimates and process contract change orders (if required).
- Request and collect contractor’s declaration, contractor’s affidavit, waivers from major suppliers and subcontractors, release of surety, and release from other public agencies for which permits have been obtained under this contract.

**Construction Survey Layout**
This task will involve performing construction staking for the proposed work. Specific work efforts include:

- Establish on-site survey control to be utilized during the construction of the project.
- Provide required construction staking for line and elevation of contract items including sanitary sewer, storm sewer, and access path construction. Off-set stake locations will be coordinated with the Contractor. We have included effort required to provide one complete set of off-set stakes for the contract items indicated. Re-staking of items due to stakes being displaced or damaged by the Contractor will be provided for an additional hourly fee.

**SCHEDULE**

Based on the Council meeting schedule, we anticipate that the project award would be approved at the October 7th Council meeting and construction on the project would begin in late October. The project is expected to be completed next spring.

**COMPENSATION**

The services outlined above will be performed on a time-and-materials basis for the not-to-exceed amount of ninety-eight thousand seven hundred dollars ($98,700.00). This amount is based on the assumptions listed below. The City will be invoiced for services on a monthly basis. The estimated budget breakdown is as follows:

- Construction Engineering/Observation $68,400
- Contract Administration $15,800
- Construction Survey Layout $14,500

  **Construction Services Total** $98,700

- Materials Testing Services (TEC) $10,000
FURTHER CLARIFICATIONS AND ASSUMPTIONS

The above-listed scope of services was prepared with the following assumptions.

- The City will be responsible for all permit fees.
- Materials testing will be provided by Testing Engineers and Consultants under a separate contract and is not included in this scope of construction services. An estimated amount for this service has been provided above for your information.

Should you find this agreement acceptable, please execute both copies and return one copy to us for our files. We look forward to providing professional services on this project. If you have any questions, please contact us.

Sincerely,

OHM Advisors

[Signature]

Timothy J. Juidici, P.E.

cc: Jeff Herczeg, Manager of Public Utilities
File

City of Auburn Hills
2013 Sewer Improvements
Construction Services

Accepted By:__________________________________________________________

Printed Name:________________________________________________________

Title:________________________________________________________________

Date:_________________________________________________________________
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**TOTAL BID AMOUNT**: $1,142,574.00

**OHM Job No.**: 0120-12-0480

**City of Auburn Hills, Oakland County, State of MI**
MADD Lifesavers Award

On August 1, 2013, Officer Kevin Bailey was honored at the Mothers Against Drunk Driving (MADD) Annual Lifesavers Award Luncheon. In 2012 Officer Bailey led the department in the number of drunk driving arrests. Drunk driving crashes kill and injury thousands of people in the country each year. Preventing these tragic crashes is a big priority in our city. Officer Bailey is committed to the safety and security of the motoring public and strives to make a positive difference in the community by taking an aggressive approach to alcohol enforcement.

(Officer Bailey with his wife at the MADD Lifesavers Luncheon)

Officer Bailey began his law enforcement career with Auburn Hills in 2004. He has been assigned to the patrol division for 9 years, where he has spent the majority of his time on the midnight shift. Officer Bailey is also a “TIPS”, Training for Intervention Procedures, program trainer. TIPS programs train bars and restaurant staff in responsible service, sale, and consumption of alcohol.

We salute Officer Bailey on his accomplishment and his commitment to alcohol enforcement in our community. His work makes a positive impact in people’s lives and the tragic crashes he has prevented are immeasurable.

Welcoming New Staff

On August 5, 2013 we welcomed two new members to our team. Police Officer Tracy Merony and Police Service Officer Raquel Reyes were sworn into the department in the presence of their family and friends.

Police Officer Tracy Merony graduated from Lake Superior State University in April 2013 where she earned a Bachelor’s degree in Criminal Justice, Chemistry, and Psychology. She then completed the police academy at LSSU where she was the first female class commander. Tracy was also selected to deliver a speech at the University’s commencement ceremony.

Police Service Officer Raquel Reyes graduated from Oakland University in April 2013 with a Bachelor’s degree in Sociology with a specialization in Criminal Justice. Raquel also completed a 240 hour internship at the police department where she was able to demonstrate her communication skills and was able to see the daily operations of our department.

We wish both of them a successful and satisfying career here at Auburn Hills.
National Night Out

On August 6, 2013 the department hosted our annual National Night Out Celebration. This event is "America's Night Out Against Crime" organized by the National Association of Town Watch. It encourages citizens in the community to get out and come together with the police department to communicate about issues in the community and crime prevention.

This year Officer Metter Rice took the lead on organizing all of the activities and sponsorship for the event. She was assisted by numerous employees of the city to ensure that this year’s event was successful. Volunteers in the community stepped up and provided various services that really made this year another award winning event.

This year we eliminated the numbers of food vendors and restaurants present during the event and had police officers cooking hotdogs for people. We really felt it was important to bring the event back to what the main purpose is and that it is a crime prevention event and an opportunity to build partnerships between the community and the police department.

This year was a huge success and we anticipate that Auburn Hills will be recognized once again by the National Town Watch Association for its success. Thank you to the sponsors, volunteers, and community for making this another great community event.

Carjacking Suspects Arrested

On August 31, 2013 at 12:20 pm, officers responded to the parking lot of Great Lakes Crossing Outlet Mall. Initial reports were for a woman screaming in the parking lot.

The investigation revealed that a 47 year old female from Lake Orion was walking out to her car in the parking lot. The victim was confronted in the parking lot by two males, Edellis Alexander and Isaiah Herron, both 20 years old from Mt. Morris Twp. One of them put a gun to her back as they pushed her toward her car telling her to get in. The victim was determined that she was not going to go with the men and dropped to the ground and was screaming. The two men then grabbed her keys and her purse. An 18 year old female from Clinton Twp heard the screams and walked toward them. The 18 year old intervened by telling the two men she was on the phone with police allowing the victim to escape. During the assault the suspects stole the victim’s keys and cell phone. The victim sustained non-life threatening injuries from the assault and their property was recovered.

Day shift patrol officers did an outstanding job communicating with mall security in order to track both suspects down immediately after the crime. Both were located in separate locations on the mall property and were both taken in to custody. One was found in possession of a firearm at the time of his arrest. The Oakland County Prosecutors Officer charged the men with Armed Robbery, Car Jacking, Attempt Unlawful Imprisonment, Receiving and Concealing a Firearm and Felon in Possession of a Fire Arm. The men were arraigned on Sunday September 1, 2013 by Magistrate Judith Holtz. Bond was set at one million dollars each. The two remain lodged at the Oakland County Jail awaiting court proceedings.

The victim in this incident showed great courage by deciding to lie on the ground and start screaming. She was determined not to get in the vehicle with these men and took action to draw attention by screaming for help. We also commend the young woman for stepping up and coming over to aid the woman and immediately dial 911. A potential tragic incident was thwarted by their actions this day.
Arrest Made in Speedway Burglary

On August 22, 2013 at 1:22 am, officers responded to a burglary alarm at the Speedway Gas Station on South Blvd. Officers observed damage to the glass doors and determined that someone had broken into the business. The suspect broke out the glass door and made off with numerous cartons of cigarettes. Video surveillance cameras captured the incident and still images were distributed to the media asking for assistance from the public in identifying the suspect.

Investigators received several tips from the community, which led to the identity and arrest of the suspect Kenneth Edward Klingler, an 18 year old Auburn Hills resident.

Klingler was charged with Breaking and Entering. He was arraigned before Magistrate Soma of the 52/3 District Court and bond was set at $15,000.00 cash or surety with 10% allowed. Klingler remains lodged at the Oakland County Jail pending court proceedings.

We thank those people who stepped forward and provided information to investigators. The public plays a vital role in our ability to solve crimes and once again that was demonstrated in this incident.

Crime and Service Statistics

We continually strategize our responses and make the best use of the tools and personnel we have to produce the best possible outcomes.

We have experienced a 0.34% increase in our Part A incidents (more serious offenses), -3.67% decrease in our Part B incidents (non-violent misdemeanors), and a 5.76% increase in Part C incidents (misdemeanor and service related incidents) compared to the same time frame last year.

Traffic Crashes

We have experienced an 10.07% increase in traffic crashes compared to the same time frame last year.

Citations

Officers have issued 9.92% more traffic citations compared to the same time frame last year.
New life for stalled upscale housing development in Auburn Hills

September 22, 2013 | 0 Comments

Development officials in Auburn Hills believe they’re back on track to completing a 15-year-old vision for a large and upscale urban-style neighborhood in the suburbs that got downsized in the recession.

Forester Square was conceived as a “neo-traditional” housing development of brick townhouses, condominiums and balconied single-family homes set amid parkland, fountains and a public square. The $190-million project got started in the early 2000s with an eventual goal of 832 housing units.

But only 205 were done by mid-2006, when the developer, Troy-based Biltmore Properties, ran into money problems as the housing market cratered. Construction abruptly stopped at Forester Square, upsetting property values and the emotions of the development’s pioneers. Biltmore Properties eventually closed its doors.

By JC Reindl
Detroit Free Press
Business Writer

byline-attachment-3

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Auburn Hills

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“We all did our research before coming in and looked at it as an investment property. Then they went under and they took us with them,” said Jameel Syed, 38, who with his wife was among the first group of Forester Square buyers.

Now seven years later, plans are under way to both complete the first phase of Forester Square and construct an adjoining but entirely new 148-unit development of two-story townhouses and condos.

The new development, called the Parkways, is being done by Auburn Hills-based the Moceri Companies and would also include a 160-unit senior housing complex. The development carries a $46-million price tag and is to span 22 acres.

Auburn Hills City Council approved the Parkways’ master plan on Sept. 9. Construction is scheduled in five phases, with work on the first batch of 22 townhouses and 24 stacked condos to begin next spring.

“In five years, this place is going to look done and it’s going to look great,” Steven Cohen, the city’s director of community development, said last week while walking an access road between the half-built Forester Square and the future Parkways. “People probably wouldn’t even know that it had stalled.”

Forester Square was designed to evoke the close-knit urban communities of generations past. The project got off to a pricey start when Biltmore Properties bought out the owners of 42 houses at the development site along Adams Road.

At first Forester Square had no trouble finding buyers for its townhouses and condos. But conditions turned for the project in 2006 as the housing market fell, according to David Stollman, an executive at the development firm.

“Home sales came to a screeching halt,” Stollman recalled last week.

The firm never filed for bankruptcy but did close in 2009. It has since reorganized in Birmingham as Biltmore Development, said Stollman, its president.
Cohen still recalls a distressing phone conversation he had with Stollman in 2007 regarding overgrown grass on the development’s grounds.

“He said, ‘You’re just going to have to cut it and bill me, and I’m not sure I’m going to be able to pay it,’ ” Cohen said.

The vacant parcels within Forester Square ultimately went into foreclosure for unpaid taxes. In 2010, the city acquired parcels of 28 acres and a separate collection of 48 vacant lots from the Oakland County Treasurer’s Office for $183,000 in back taxes, officials said.

The city has a $1.3-million deal to sell about 22 acres to the Moceri Companies, which under the agreement will build part of a future roadway off Adams that would pass through the Parkways and, at a later date, extend further west to downtown Auburn Hills.

The other six acres could be divided into lots for 26 ranch-style houses for a separate development.

The group of 48 lots are considered part of the unfinished Forester Square. The city has split them between two builders — Trowbridge Homes and an entity controlled by local developer Mike Mattera.

Two of the lots now have houses, with one selling for $219,000 this summer. Many of the original Forester Square houses went for between $300,000 and $400,000, county officials said.

Dominic Moceri, a partner of Moceri Companies, told the Auburn Hills planning commission last month that the initial Parkways units will be built as rentals and perhaps later converted to condos. Rents could range from $1,350 to $2,100 a month, he said.

Contact JC Reindl: 313-222-6631 or jcreindl@freepress.com, and follow on twitter @JCReindl

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AUBURN HILLS, Mich., Oct. 1, 2013 /PRNewswire/ -- Gibbs Sports Amphibians (Gibbs) to attend American International Motorcycle Expo (AIMExpo), the world's first personal sports amphibian to appear at the world's first AIMExpo (October 16th-20th, Orlando FL).

The Gibbs Quadski is a Personal High Speed Amphibian. The technology that went into its creation took 15 years and over $200 million to develop. It can go 45 mph on both land and water and can transition between the two modes in less than 5 seconds.

Neil Jenkins, chairman of Gibbs Sports Amphibians commented, "Our launch of Quadski this year has gone very well, we are now seeking to expand the dealership network across the USA including Alaska ready for 2014. These are very exclusive business opportunities as we are only looking to appoint around 100 dealers across the country at this point."

Gibbs will have several Quadskis on display and will be ready to discuss dealership opportunities in the USA with suitable candidates.

"We are looking for the best powersports and motorcycle dealers to carry the Quadski," said Alan Gibbs, founder of Gibbs Sports Amphibians.

"As a premium brand with completely unique capabilities we are focused on appointing dealers who have the highest levels of customer and technical service that our customers will expect. We are seeking business partners who are enthusiastic about High Speed Amphibians and can both uphold and build on the reputation of excellence we pride ourselves on," said Gibbs.

Gibbs will be at booth number 601 and has booked meeting space to meet with those dealers that feel they are capable of achieving these high standards.

About Gibbs Sports Amphibians

Gibbs Sports Amphibians Inc. has developed its High Speed Amphibian technology to create
Quadski, the world's first sports amphibian, which operates at 45 mph on both land and water. The Gibbs Quadski, the world's first personal sports amphibian. (PRNewsFoto/Gibbs Sports Amphibians Inc.)

companies – Gibbs Sports Amphibians Inc., which designs and manufactures consumer sports amphibians such as the Quadski, and Gibbs Amphitrucks Inc., which designed the Humdinga and Phibian commercial amphibians for first responder and military applications. Based in Auburn Hills, Mich., Gibbs currently has more than 150 employees.

More information about Gibbs and its High Speed Amphibian technology can be found at www.gibbssports.com.

Related Links
The main public website for Gibbs
The press site and media center for additional Gibbs content.

Video with caption: "The Gibbs Quadski, the worlds first personal sports amphibian." Video available at: http://www.youtube.com/watch?v=TvsIvV6KxJU

Image with caption: "The Gibbs Quadski, the worlds first personal sports amphibian." Image available at: http://photos.prnewswire.com/prnh/20131001/MM90184-a

Image with caption: "The Gibbs Quadski, the worlds first personal sports amphibian." Image available at: http://photos.prnewswire.com/prnh/20131001/MM90184-b

SOURCE Gibbs Sports Amphibians Inc.

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DE-STA-CO taps Simpson Communications as AOR

Diana Bradley
October 01 2013

AUBURN HILLS, MI: DE-STA-CO, a material handling and automation equipment manufacturer, has named Simpson Communications as its PR AOR.

The firm will develop and implement PR campaigns to promote DE-STA-CO's full line of products.

Composed of clamping, gripping, transferring, indexing, and robotic tooling products, DE-STA-CO's line is used in industries including aerospace, automotive, transportation, food processing, packaging, and life sciences.

The company's family of brands includes DE-STA-CO workholding and clamp products and equipment, CAMCO motion control products and equipment, Robohand Automation Solutions, and Central Research Laboratories remote handling products and systems.
An unidentified student walks behind Auburn Hills resident Tom Tischler, who is upset that students use an opening in a school fence near his home to shorten their walk. Tischler has complained, saying he believes this is a dangerous route for students.

Opening in school fence disturbs Auburn Hills man

By CAROL HOPKINS
carol.hopkins@oakpress.com;
@OHP_CarolHopkins

Just after 3 p.m. this school year in Auburn Hills, children come walking out of classes at Rogers Elementary and Tom Tischler keeps an eye on them.

Some, he said, take the path through the large apartment complex Tischler lives in, but others walk through a large opening someone has created in a chainlink fence.

Tischler said the students have been using the opening near his apartment east of Dexter Road near Walton Boulevard and Patrick Henry Street for years.

"With all the Amber Alerts and parents going through divorces, we're bound to get (a child cutting through) that the other parent wants," he said.

"I'm worried about the children. Why give (troublemakers) ammunition when they could just fix the fence?"

He also said adults and older teens use the opening so they don't have to walk all away around school or the apartment complex.

"You don't know who is picking these kids up."

"I even volunteered to stand there (at the fence) so no one would pick kids up, but the principal said no," Tischler said.

Tischler, a retired grandfather of four, said he has made many calls to Auburn Hills police and the school district.

He's heard officials say the fence is cut open too often and they don't have the money to keep fixing it. He said the students walk onto business property and "you don't know who is picking these kids up."

After Pontiac School District was contacted by The Oakland Press Sept. 24 about the issue, the district's interim superintendent Kelley Williams notified the district's facilities and operations director to look into the problem.

"I just want it fixed," Tischler said.
BIRMINGHAM

Birmingham to get new five-story structure

Woodward Brown Associates LLC has received a $3.2 million incentive through the Michigan Community Revitalization Program. The performance-based loan participation will go toward the construction of a new five-story, mixed-use structure on the corner of Woodward Avenue and Brown Street in Birmingham. The building, which will be known as The Balmoral, will be a combination of commercial, retail and residential space. Woodward Brown Associates expects the project to generate $27.8 million in capital investments and a number of new jobs in the area.

"It’s great to see a Michigan-based company working to bring new businesses and jobs to the area," said State Rep. Mike McCready, R-Bloomfield Hills. "It’s a great sign of a healthier economy, and it will only continue to make Birmingham a better place to live and do business."

The Michigan Community Revitalization Program is an incentive program designed to promote revitalization and private investment as well as generate jobs and redevelop functionally obsolete or historic properties.

— From staff reports

LOCAL BRIEFING

AUBURN HILLS

City of Auburn Hills wins 2013 EV Ready award

The Michigan Association of Planning has awarded the City of Auburn Hills the 2013 Planning Excellence Best Practices Award for the Auburn Hills EV Ready Project.

The award will be formally presented at the organization’s annual "Planning Michigan" conference on Oct. 2 in Kalamazoo. The EV Ready Project began to prepare for the fueling needs of the city’s plug-in electric vehicle drivers and create an EV-friendly city.

The recognition is awarded for a specific planning tool, practice, program, project or process that emphasizes results and demonstrates how innovative forward-thinking methods and practices help create communities of lasting value.

— From staff reports

AUBURN HILLS

Baker College to hold education conference Oct. 12

The Michigan Association for Gifted Children is hosting its annual statewide conference on Oct. 12 at the Baker College Auburn Hills Campus. The conference will feature seminars for parents, teachers and school administrators on topics such as assessment and testing, gifted curriculum and the unique needs of gifted students. Keynote speaker Susan Winebrenner, an educational consultant and author, will lead a session on teaching strategies for cluster groupings.

Kids’ activities will be provided at the conference as well. Registration is $45 for MAGC members and $55 for nonmembers. Lunch is provided. Seminars can apply to continuing education credits for educators.

— From staff reports
Women invited to Wine Tasting event today at Bar Louie in Auburn Hills

Come join the Greater Oakland Charter Chapter of the American Business Women’s Association at Bar Louie Great Lakes Crossing for a Wine Tasting event. The event will take place 6-8:30 p.m. today at 4390 Baldwin Road, Auburn Hills, located inside Great Lakes Crossing Mall.

There will be a wine industry presentation, along with appetizers and wine samplings. Cost is $20.

American Business Women's Association has been around for 64 years. Educational opportunities are available in the form of scholarships and grants. Networking, mentoring, growth, education and empowerment are some of the benefits ABWA offers.

For more information, visit www.abwa-greateroakland.org or national www.abwa.org. Call 248-225-0124 to RSVP.
Tax incentives bring big business to Auburn Hills

By ANDREW KIDD
andrew.kidd@oakpress.com;
@AndrewKidd

The Auburn Hills City Council recently granted eight tax abatements and amended one other for eight businesses in the city — a move that officials say forges long-term relationships and job creation in the city.

Seven of the Industrial Facilities Exemption Certificates approved by the City Council at the Sept. 9 meeting exempted companies from personal property tax collection for eight years, while an eight-year real property abatement was granted for another.

Faurecia Automotive Seating LLC, Unicore, Autocat USA Inc., Katcon USA Inc., GKN Driveline North America Inc., GKN Sinter Metals LLC, LVFI, Real Estate Holdings LLC and TSM Corporation received eight-year abatements for personal property taxes. TSM Corporation received a real property tax abatement as well.

Faurecia USA Holdings LLC had a previous real property tax abatement amended for a new amount following a reassessment of its budget. The new amount was not included in the contractor’s budget at the time of the original IFEC application.

From this meeting alone, the city is losing nearly $435,000 in tax revenue over the course of the abatements’ eight-year terms. But is it really a loss?

Not at all, according to Auburn Hills City Manager Peter Auger.

“It’s still investment and employees are coming to the city,” he said. “They have to create this synergy of companies moving forward.”

Even if an abatement reduced potential city revenue by 50 percent of what that company’s real or personal property taxes would net, it’s still an investment the city didn’t have in the first place.

And that’s the idea, Auger said.

“Fifty percent of something is better than a hundred percent of nothing,” he said. “We’re looking to build a long-term relationship; companies are looking to create roots here.”

The fact that eight of these IFECs were approved in the Sept. 9 meeting is no coincidence, either; the city needs to get them approved locally before October in order to be counted for the next calendar year, and there’s no shortage of applications.

“The City of Auburn Hills is very proactive with it,” said Laurie Renaud, economic development coordinator for Auburn Hills, in a July interview with The Oakland Press.

“We do tax abatements all the time with our businesses. We’re always standing behind and ready to help them.”

Auger said a contributing factor behind granting many of these personal property IFECs is the anticipation of the potential ten-year phase-out of the personal property tax,

which was slated to start this year. Auburn Hills brings in nearly 20 percent of its tax revenue from personal property. The state intends to reimburse cities for 80 percent of their lost personal property revenue.

Constant legislative changes like this create a tricky environment that city officials are constantly adapting to.

“There is nothing in the future that is solid,” Auger said. “The state and federal governments have mandated more and more and changed stuff on the fly. The legislatures keep changing, not only in their make-up but the rules. We’ll keep adjusting, adapting and innovating to become the premier business location in the state.”

When the majority of the community’s tax revenue comes from its business investors, it’s important to maintain that flexibility, Auger said.

“We’re a business community and 80 percent of our tax base comes from business,” he said. “That’s why we have a great nameplate that’s recognized around the world. We don’t go looking for businesses to locate in Auburn Hills from around our region; we go out prospecting and selling the city and its benefits.”

That prospecting, as well as the “Auburn Hills advantage” city officials tout, is what puts city ahead of many others, Auger said.

“I think Auburn Hills would lead the state in development as far as jobs for the community,” he said.
Fidel Castro's daughter speaks at Oakland Community College

By MEGAN SEMERAZ
Megan.Semeraz@oakpress.com;
@MeganSemeraz

Fidel Castro's daughter, who escaped from Cuba in the 1990s, spoke to a packed room on Monday morning at Oakland Community College in Auburn Hills.

Alina Fernández, 57, was born in Cuba to Natalia Revueltas Clews and Fidel Castro. She was a toddler when her father overthrew the Batista government.

She is also the niece of current Cuban President Raúl Castro.

Some audience members from Cuba, or with family in Cuba, connected with Fernández on an emotional level. Others listened to her account of living in a communist nation for most of her life.

Fernández told stories of her father, who she mostly saw at night when he visited their house. She said she was not close with him.

"With his presence, he made my mother joyful," Fernández said. "Only grandma called him 'the devil.'"

Though her speech was about a serious matter, Fernández kept the audience entertained, filling the room with laughter on several occasions.

She said Castro and her mother fell in love while he was in jail and married to another woman. Clews was also married to Alina's stepfather, Orlando Fernández.

Castro once got the letters to the two women mixed up, which ended his marriage.

Alina remembers being a small child, watching as her cartoons were pulled off the air, replaced with her father's speeches, sometimes for nine hours a day.

She said she would pray that the cartoons would come back.

"Almost nothing has changed in Cuba since then," she said.

Alina eventually had a daughter of her own. When Alina's daughter could not get a good education in Cuba, Alina decided to flee the country in December 1992.

With help of friends, she posed as a Spanish tourist and made her way to America.

Today she lives in Miami, writes opinion pieces for the Miami Herald and has a radio show called "Simply Alina." A film about her life, called "Castro's Daughter," is being produced.

Associated Press file photo

Alina Fernández, 57, Fidel Castro's daughter, spoke at Oakland Community College in Auburn Hills on Monday.
New life for stalled upscale housing development in Auburn Hills

By JC Reindl
Detroit Free Press Business Writer

Development officials in Auburn Hills believe they’re back on track to completing a 15-year-old vision for a large and upscale urban-style neighborhood in the suburbs that got downsized in the recession.

Forester Square was conceived as a “neo-traditional” housing development of brick townhouses, condominiums and balconied single-family homes set amid parkland, fountains and a public square. The $190-million project got started in the early 2000s with an eventual goal of 832 housing units.

But only 205 were done by mid-2006, when the developer, Troy-based Biltmore Properties, ran into money problems as the housing market cratered. Construction abruptly stopped at Forester Square, upsetting property values and the emotions of the development’s pioneers. Biltmore Properties eventually closed its doors.

“We all did our research before coming in and looked at it as an investment property. Then they went under and they took us with them,” said Jameel Syed, 38, who with his wife was among the first group of Forester Square buyers.

Now seven years later, plans are under way to both complete the first phase of Forester Square and construct an adjoining but entirely new 148-unit development of two-story townhouses and condos.

The new development, called the Parkways, is being done by Auburn Hills-based the Moceri Companies and would also include a 160-unit senior housing complex. The development carries a $46-million price tag and is to span 22 acres.

Auburn Hills City Council approved the Parkways’ master plan on Sept. 9. Construction is scheduled in five phases, with work on the first batch of 22 townhouses and 24 stacked condos to begin next spring.

“In five years, this place is going to look done and it’s going to look great,” Steven Cohen, the city’s director of community development, said last week while walking an access road between the half-built Forester Square and the future Parkways. “People probably wouldn’t even know that it had stalled.”

Forester Square was designed to evoke the close-knit urban communities of generations past. The project got off to a pricey start when Biltmore Properties bought out the owners of 42 houses at the development site along Adams Road.

At first Forester Square had no trouble finding buyers for its townhouses and condos. But conditions turned for the project in 2006 as the housing market fell, according to David Stollman, an executive at the development firm.

“Home sales came to a screeching halt,” Stollman recalled last week.

The firm never filed for bankruptcy but did close in 2009. It has since reorganized in Birmingham as Biltmore Development, said Stollman, its president.
Cohen still recalls a distressing phone conversation he had with Stollman in 2007 regarding overgrown grass on the development’s grounds.

"He said, ‘You’re just going to have to cut it and bill me, and I’m not sure I’m going to be able to pay it,’ " Cohen said.

The vacant parcels within Forester Square ultimately went into foreclosure for unpaid taxes. In 2010, the city acquired parcels of 28 acres and a separate collection of 48 vacant lots from the Oakland County Treasurer’s Office for $183,000 in back taxes, officials said.

The city has a $1.3-million deal to sell about 22 acres to the Moceri Companies, which under the agreement will build part of a future roadway off Adams that would pass through the Parkways and, at a later date, extend further west to downtown Auburn Hills.

The other six acres could be divided into lots for 26 ranch-style houses for a separate development.

The group of 48 lots are considered part of the unfinished Forester Square. The city has split them between two builders — Trowbridge Homes and an entity controlled by local developer Mike Mattera.

Two of the lots now have houses, with one selling for $219,000 this summer. Many of the original Forester Square houses went for between $300,000 and $400,000, county officials said.

Dominic Moceri, a partner of Moceri Companies, told the Auburn Hills planning commission last month that the initial Parkways units will be built as rentals and perhaps later converted to condos. Rents could range from $1,350 to $2,100 a month, he said.
Fidel Castro's daughter to speak Monday at OU, OCC

By MEGAN SEMERAZ
Megan.Semeraz@oakpress.com;
@MeganSemeraz

The daughter of former Cuban President Fidel Castro will be speaking about her life of growing up in Cuba at two Oakland County colleges.

Oakland Community College and Oakland University will host Alina Fernandez in two separate events on Monday, Sept. 23.

Fernandez, who now lives in the U.S., will speak about her life as a young woman as part of the Cuban elite and will speak about the political environment there during the 1960s and 1970s. During her talk, she will tell anecdotes, share snapshots of Cuban society, give her inside scoop on Cuban politics and share her view of her father.

The OCC event is free and open to the public. The OU event is free and the lecture is open to the campus community. A meet-and-greet session will follow Fernandez's lecture.

FYI

Alina Fernandez will speak at 11 a.m. Monday, Sept. 23, in Room G-240 of the Oakland Community College Auburn Hills campus, 2900 Featherstone Road, Auburn Hills.

She will also speak at Oakland University from 7-9 p.m. at Varner Recital Hall.
Executive Changes Announced

AUBURN HILLS, Mich., Sept. 20, 2013 /PRNewswire/ -- Scott Garberding has been named Chief Purchasing Officer and member of the Group Executive Council (GEC) for Fiat S.p.A. He will also be responsible for Group Purchasing EMEA region.

Garberding joined Chrysler in 1993 and has held a series of positions with increasing responsibility in manufacturing, quality and purchasing. Prior to his most recent assignment, he was Head of Purchasing for Chrysler Group.

In addition, Mauro Pino has been named Chrysler Group’s Head of NAFTA Manufacturing/World Class Manufacturing.

In his new position, Pino is responsible for all assembly, stamping, and powertrain manufacturing operations as well as implementation of the World Class Manufacturing system.

He joined Chrysler Group in 2010 as Head of Manufacturing for the Toledo Assembly Complex. Previously Pino served as Plant Manager at Fiat’s Termini Imerese facility in Sicily, Italy.

Both appointments are effective immediately.

The GEC is the highest executive decision-making body within Fiat outside of its Board of Directors. It is responsible for reviewing the operating performance of the businesses, setting performance targets, making key strategic decisions and investments for the Group and sharing best practices, including the development and deployment of key human resources.

SOURCE Chrysler Group LLC

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Auburn Hills police request public’s help in identifying suspected bank robber

By ANDREW KIDD
andrew.kidd@oakpress.com;
@AndrewKidd

Police are searching for a suspect who made off with an undisclosed amount in a bank robbery Friday afternoon in Auburn Hills.

The Auburn Hills Police Department responded to a bank robbery at 2:40 p.m. Friday at a Comerica Bank branch at 260 Brown Road.

Police report the suspect entered the bank and handed the teller a note demanding money. The suspect implied that he was carrying a weapon and was able to get away with an undisclosed amount of money.

The suspect is a white male in his late 40s or early 50s, about 5 feet 8 inches tall and between 175-185 pounds. He was seen wearing a white T-shirt with the logo “Phantom Nation” on the back side. The suspect also was wearing a black hat and sunglasses.

It is unknown whether the suspect ran from the scene or had a getaway vehicle.

Auburn Hills police are investigating the robbery with assistance from the FBI. Lt. Ryan Gagnon of the Auburn Hills Police Department said police are seeking public assistance with the search.

Anyone who might have witnessed this event is encouraged to contact the Auburn Hills Police Department at 248-370-9444 or CRIMESTOPPERS at 1-800-SPEAKUP (1-800-773-2887). Callers can remain anonymous.

Friends of the Clinton River fundraiser on Saturday

The Friends of the Clinton River Trail Fall Classic bike ride and 5K walk is Saturday, Sept. 28 and begins in Auburn Hills.

Registration begins at 8:30 a.m. at Riverside Park in downtown Auburn Hills, for a fee of $20 per person or $50 per family. Lunch is included. Bike riders must wear a helmet, and route information will be distributed at registration.

The fall classic heads down the Clinton River Trail, with a guided group riding through Pontiac and into Sylvan Lake, with rest stops stocked with fruit and water along the way.

For more information, visit clintonrivertrail.org and click on “Fall Classic.”

-- From staff reports

AUBURN HILLS
Chamber of Commerce plans look into future, updates on city progress

The Auburn Hills Chamber of Commerce will host its fall economic roundtable meeting 8-10 a.m. Thursday in the Auburn Hills Public Safety building meeting room, 1899 N. Squirrel Road.

The meeting will provide information and updates on the city’s progress, projects and prospects for development. The featured speaker is City Manager Pete Auger.

To register, contact the chamber at 248-853-7862, info@auburnhillschamber.com or www.auburnhillschamber.com.
Oakland University, Chamber Music Society of Detroit offer concert series

The Chamber Music Society of Detroit and Oakland University have launched a concert series on the University's campus.

The series, ensembles of national and international distinction on four Sundays, will be in Varner Recital Hall, 220 W. University Drive in Rochester Hills on the OU campus. Parking is free. Maps are available at www.oakland.edu/map.


- **Sunday, Oct. 20, 7 p.m., Classical Jam**
  Five brilliant musicians blend classical tradition and improvisation, creating dynamic performances unlike anything else.

- **Sunday, Nov. 3, 3 p.m., Cavani String Quartet**
  The renowned quartet-in-residence at the Cleveland Institute of Music and winner of the prestigious Naumburg Award has appeared in major concert halls across the country, including Carnegie Hall and the Kennedy Center.

- **Sunday, Feb. 9, 3 p.m., Kyodai Brass Quintet**
  Kyodai ("Brothers") Brass was formed at the Cleveland Institute of Music by two sets of musical brothers: Conrad, Gary and Douglas Jones (trumpet, trombone and tuba), and Hayato and Hirofumi Tanaka (trumpet and horn), and is known for its eclectic programming.

**Program:**
- Michael Praetorius: Dance Suite from "Terpsichore"; Jacob Druckman: Dances with Shadows (1989); Viktor Ewald: Quintet No. 2 in E-flat major, Op. 6; Collier Jones: Four Movements for Five Brass; Moondog: Rounds 1 & 2 in SnakeTime

- **Sunday, March 16, 3 p.m. Duo Sonidos**
  The guitar/violin duo of William Knuth and Adam Levin have been honored as Fulbright Scholars in the field of music performance.

**Program:**
- Bela Bartok: Romanian Folk Dances, Sz. 56; Manuel de Falla: Canciones Populares Espanolas; Karol Szymanowski: The Dawn, Wild Dance; Jorge Muniz: Funk; Lukas Foss: Three American Pieces; Gershwin: Selections from "Porgy and Bess"