November 2013
(11-6-13)

11 Tax Incentive Review Committee, 5:30 p.m., Admin Conference Room ❖ CANCELED
11 City Council Workshop, 5:30 p.m., Council Chamber ◆
11 City Council, 7:00 p.m., Council Chamber ◆
12 Tax Increment Finance Authority, 4:00 p.m., Admin Conference Room ❖ CANCELED
13 Retiree Health Care/Pension Board, 11:00 a.m., Admin Conference Room ❖ TIME CHANGE
14 Zoning Board of Appeals, 7:00 p.m., Council Chamber ◆ CANCELED
18 City Council, 7:00 p.m., Council Chamber ◆
19 Library Board, 4:30 p.m., Library ◆ LOCATION CHANGE
26 Planning Commission, 7:00 p.m. Council Chamber ◆
AGENDA

1. MEETING CALLED TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL OF COUNCIL
4. APPROVAL OF MINUTES
   4a. City Council – October 21, 2013
   4b. Council Workshop – October 21, 2013
   4c. Executive Session – October 21, 2013
   4d. Executive Session – October 7, 2013
   4e. Executive Session – September 9, 2013
5. APPOINTMENTS AND PRESENTATIONS
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 – October 15, 2013
      7a.2. Planning Commission – October 29, 2013
8. OLD BUSINESS
   8a. Motion – Approve Implementation of Auburn Hills Fire Department Full Transport Emergency Medical Services
9. NEW BUSINESS
   9a. Motion – Approval of OHM Scope of Engineering Services for the Galloway Drain Stormwater Management Plan - Phase II and Preliminary Road Design for Squirrel Road and Tienken Road Intersection
   9b. Repeal of Article III, Mechanical Amusement Devices, Video Games and Pool Tables of Chapter 10, “Amusements and Entertainments”
   9c. Motion – Accept an Ordinance to Amend Chapter 10 as amended to add Article III, Smoking Lounges to the Auburn Hills City Code
10. COMMENTS AND MOTIONS FROM COUNCIL
11. CITY ATTORNEY’S REPORT
12. CITY MANAGER’S REPORT
13. EXECUTIVE SESSION - 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 Doyle, Kittle, Knight, McDaniel, Verbeke
Absent: None
Also Present: City Manager Auger, Assistant City Manager Tanghe, Community Development Director Cohen, Director of Public Works Melchert, Water Resources Coordinator Keenan, Deputy Director/Fire Manning, Finance Director Barnes, Deputy Finance Director Schulz, Manager of Public Utilities Herczeg, Manager of Roads and Facilities Brisson, City Clerk Kowal, City Attorney Beckerleg, City Engineers Juidici and Stevens.
19 Guests

4. APPROVAL OF MINUTES

4. Regular Council Meeting – October 7, 2013
Moved by Kittle; Seconded by Hammond.
RESOLVED: To approve the October 7, 2013 meeting minutes.
VOTE: Yes: Doyle, Hammond, Kittle, Knight, McDaniel, McDonald, Verbeke
No: None
Motion Carried (7-0)
Resolution No. 13.10.186

4b. Workshop – October 7, 2013
Moved by Knight; Seconded by Verbeke.
RESOLVED: To approve the October 7, 2013, Workshop minutes.
VOTE: Yes: Doyle, Hammond, Kittle, Knight, McDaniel, McDonald, Verbeke
No: None
Motion Carried (7-0)
Resolution No. 13.10.187

5. APPOINTMENTS AND PRESENTATIONS

5a. Presentation – Best Practices Award for the Auburn Hills EV Ready Project by Andrea Brown, Michigan Chapter of the American Planning Association

Heather Seyfarth, Clean Air Coalition, explained she starting working with Auburn Hills approximately a year and a half ago on the electrical vehicle plan for the State. At that time, the Coalition knew the City was a leader on this issue, but didn’t know how fantastic the City staff is. Auburn Hills is one of the few places in the State that recognizes the importance of electrical vehicles. As the Coalition began working with Auburn Hills, they were amazed with what has already been implemented, such as the ordinance and the installation of public charging stations.

Andrea Brown, Executive Director of Michigan Association of Planning stated she presented an award for the Riverwalk Plan approximately four years ago, noting what a well-planned community Auburn Hills is. Tonight she is presenting the Outstanding Community Planning Award for the Electric Vehicle Charging Stations. She noted the remarkable efforts that make Auburn Hills the leader in Michigan for this industry. She explained Mr. Cohen approached her three or so years ago about the initiatives he was working on for the electric vehicle charging stations, which at the time was very innovative.
and cutting edge. Ms. Brown noted the collaborative effort of many departments within the City taking part in the planning process; whereas in many communities, the planning is done solely by the planning department.

Ms. Brown thanked the City for the commitment to quality community planning and for maintaining a membership to the Michigan Association of Planning. Mr. Cohen just celebrated 20 years of membership. In the spring the Michigan Association of Planning is will be holding a board meeting in the area, and will be touring the many fantastic planning projects that have been happening in Auburn Hills.

Ms. Brown congratulated the City on the award and presented it to Council.

5b. Motion – Confirming Appointment of Ilene Ingram to the Local Officials Compensation Commission for a term ending July 31, 2018.

Mayor McDonald noted he met with Dr. Ingram last week, she had shown an interest in serving the City in some capacity. At this time the only vacancy available is for the Local Officials Compensation Commission, and she was more than willing to step forward and serve on this Commission. She is very well qualified, and has been in the community for a number of years.

Dr. Ingram noted she has been a resident of Auburn Hills since 1995; Oakland County is really her community. She started her teaching career 45 years ago in Bloomfield Hills, she then moved to Rochester where she was the principal at Reuther Middle School and Rochester High School. In 2002 she retired; however, she was invited to join the Department of Educational Leadership at Oakland University. She was a tenured associate professor at the School of Education and Human Services.

Mayor McDonald called her last week asking if she would be interested in this committee, she was surprised because she had something else totally, in mind. After he explained the purpose of the committee, she saw this is a vital committee; she also was pleased with the number of meetings held.

Mr. Kittle noted on Dr. Ingram’s application, her interest was with the Beautification Advisory Commission and asked if there were openings on other boards or commissions that met more frequently, as opposed once every two years, if she would be interested.

Dr. Ingram stated the time isn’t an issue for her it is the reality of this committee. If there were other boards or commissions in need of her talents, she would be willing to discuss those options.

Mr. Kittle asked Mayor McDonald if Dr. Ingram would fall outside of the new authority, the citizens committee that is being discussed.

Mayor McDonald confirmed the possibility.

Mr. Kittle noted Dr. Ingram’s qualifications are tremendous, and the next meeting won’t be for over a year, that maybe there is a better opportunity since this appointment isn’t crucial at this time and defer the appointment to the new Council.

Ms. Doyle stated Dr. Ingram can serve on another commission as well as serving on this appointment.

Mayor McDonald confirmed that is correct.

Mr. McDaniel agrees with Mr. Kittle, that the appointment at this time isn’t crucial. With Dr. Ingram’s resume, her qualifications, she may be better suited for another committee, since this appointment will not be meeting for almost two years. He appreciates Dr. Ingram’s willingness to serve on a committee.

Continuing, Mr. McDaniel stated as he asked the last appointee to this commission, and will ask anyone appointed to the commission their views on compensating City Council.

He first asked what Dr. Ingram knew of the function of this commission.

Dr. Ingram stated she understood this committee meets prior to each election, to consider the compensation packages for serving members of Council. She feels confident that she has enough information at this time, and since the committee won’t be meeting until 2015, she will be able to learn more.

Mr. McDaniel asked, hypothetically speaking, how she feels about Council members receiving medical benefits from the City with no out-of-pocket expense for the coverage, with lower co-pays and deductibles than City employees. He noted he does not receive medical benefits from the City. As part of the Compensation Commission, if appointed, there is the responsibility to vote on the benefits of the elected officials, City Council.

Dr. Ingram stated this is a topical and timely question and speaking hypothetically when she doesn’t have the facts or any information, so she won’t offer her opinion without knowing the facts. As a member of a committee, she needs the opportunity to study, and to understand the broad issues as well as the small issues. What you’ll get from her is an honest and ethical response and at this time, she can’t give a hypothetical answer.

Mr. McDaniel appreciated Dr. Ingram answer, but asked if she felt employees should get better benefits or Council should get better benefits or should they be equal. He is asking which is right.

Dr. Ingram stated this is asking her to weigh in on an opinion, which she cannot give, because she does not know who the employees are or what the compensation packages are. She appreciates the question, but she would also like Mr. McDaniel to appreciate why she cannot answer the question. She doesn’t know who gets better benefits, if either.
Mr. McDaniel stated he wasn’t asking her opinion of who gets better or worse benefits, he is just asking if she thinks that Council should get better benefits than employees or does she think Council should get the same as employees.

Mayor McDonald stated Dr. Ingram has already answered the question.

Mr. McDaniel thanked Dr. Ingram for her response, but he doesn’t believe any Council Member should receive better benefits than employees and for that reason, he won’t support this appointment.

Dr. Ingram didn’t agree with Mr. McDaniel’s comment, she doesn’t believe he heard her correctly, but respected his opinion.

**Moved by Doyle; Seconded by Hammond.**

**RESOLVED: To confirm the Appointment of Dr. Ilene Ingram to the Local Officials Compensation Commission for a term ending July 31, 2018.**

Mr. Kittle stated he too, will be declining this appointment only because of the timing; he doesn’t feel it is an essential appointment and it should be left up to the new Council. He appreciates Dr. Ingram’s willingness to serve and believes she will be an asset to the committee and the City.

**VOTE: Yes: Doyle, Hammond, Knight, McDonald, Verbeke**

**No: Kittle, McDaniel**

**Motion Carried (5-2)**

Resolution No. 13.10.188

6. **PUBLIC COMMENT**

Donald Hughes is a Bald Mountain Road resident, who has lived in Auburn Hills for 13 years, and he and his wife also work in the City. Both volunteer their time for water protection, with the Sierra Club and Clinton Watershed Council. Recently, he and his wife have become concerned with the discussion of releasing gas and mineral rights on public land owned by the City, including Hawk Woods. They are concerned about oil and gas drilling near their home, and the potential environmental and economic impacts that could occur. This is a residential area and they value where they live and hate to see it damaged from any exploration and extraction of any natural oil or gas. Along with drilling comes a number of threats to the area, which include industrialization such as clearing of the land for the drilling pad, increased truck traffic for the creation of oil pipelines, storage containers and other infrastructure. There is also the fear of property value loss, wear-and-tear on city streets from the truck traffic, noise from drilling operations, and at worst case, contamination of the wetlands, rivers, and ponds if there was a spill. There is the concern, despite statements that fracking will not be used, that the wells could be sold or contracted to third party developers for that purpose. These concerns would also affect the City and the surrounding neighbors. There is also the worry of a potential financial impact. In the long run, these impacts could outweigh the financial benefits. He met with City Manager Auger last week, along with his neighbors, and they will continue to share an open dialogue with their concerns and questions. He hopes the City will invite the public for input and discussion prior to signing any leases and ultimately hope the City follows the lead of Rochester, who recently tabled the signing of any leases until more information and a full study of risks is available. He has done a lot of research and has been in contact with other people in the state who have experienced oil and gas drilling near their homes and he would be more than happy than to share those experiences with anyone. He thanked Council for their time and asked that his points are taken into consideration.

Kay Sendegas, an Auburn Hills resident, noted her concern is with the ordinance enforcement officer and the Council candidates running for office, who are trashing downtown with all of the signs in front of the businesses. She believes the candidates ought to know the sign ordinance and what number of signs is allowed.

Mayor McDonald interrupted Ms. Sendegas to let her know the ordinance has changed, and there is no number limit for signs to be posted.

Mr. Beckerleg agreed there isn’t much regulation for political signs. The number of signs allowed isn’t regulated, only the placement; they can’t be located in the road right-of-way.

Ms. Sendegas is disappointed with all the signs taking away from the beauty that is being created in the City. She would hope the candidates would pick up half of their signs that are littering the downtown.

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.

**Items 7b. and 7d were removed from the Consent Agenda at the request of Council Member Kittle.**

7a. Board and Commission Minutes


7c. **Motion – Purchase of Compressor Purchase of a 2013 Trailer Mounted Air Compressor**

**RESOLVED: To approve the purchase of a 2013 Trailer Mounted Air Compressor from Southeastern Equipment Co., Inc., 48574 Grand River Ave. Novi, MI 48374 at a total cost of $11,945.**
Moved by Doyle; Seconded by Verbeke.
RESOLVED: To approve Consent Agenda Items 7a and 7c.

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

Motion Carried (7-0)

Resolution No. 13.10.189

7b. Motion – Winter Maintenance Agreement between Auburn Hills and Road Commission for Oakland County

Mr. Kittle commended the DPW Director, Deputy Director and staff for entering into this agreement with Oakland County; it’s a great collaboration with the City taking some of the burden off Oakland County, and the City being compensated.

Mr. Knight asked if the compensation, the same amount as last year, is adequate; if it was a win-win situation last year.

Mr. Brisson stated the salt usage has continued to drop and improvements in equipment allow a continuing decrease in cost to maintain the roads.

Moved by Kittle; Seconded by Knight.
RESOLVED: To approve the City Manager, as Street Administrator, to accept on behalf of the City of Auburn Hills, the 2013-2014 Winter Maintenance Agreement for snow plowing and ice control operations of South Boulevard between Adams and Opdyke, and Adams Road from South Boulevard to the Rochester Hills City Limit for an annual compensation to the City in the amount of $15,291.05.

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

Motion Carried (7-0)

Resolution No. 13.10.190

7d. Motion – Adoption of 80/20 Cost Sharing Resolution for Employee Contributions to Healthcare

Mr. Kittle asked for a better explanation of what is being requested and felt a better explanation would better allow the public to understand the request.

Mr. Tanghe explained this is the cost share of what public employees now make towards their health care, with health care defined as medical/health care insurance and prescription drug plan. The Publicly Funded Health Insurance Contribution Act, Public Act 152 of 2011 was adopted by the State Legislature. The State Legislature felt because in the private sector most industries required their employees to contribute to health care premiums that it was also appropriate for that to occur in the public sector. It was also done in response to the economic conditions that occurred after the recession of 2008.

At the beginning of 2013, the City began collecting premiums, there are different methods for collection, but last year City Council indicated that the City would collect 20% of premiums from employees, which is done through 24, equal payroll deductions throughout the year.

This resolution is similar to last year, and must be adopted by Council each year. The recommendation is for the City to continue through 2014 for those groups that are required to contribute as of 2014. The employer continues to contribute 80% of health care and prescription drug costs and the employee contributes 20%.

Mr. McDaniel asked if this includes all union and non-union personnel, including any Council Members receiving medical benefits.

Mr. Tanghe explained all groups of employees will be paying by January 1, 2015, as contracts are renewed. Some contributions by elected officials exceed the 20%, so there is a varying schedule of what elected officials pay towards health care. If there are Members who currently don’t contribute to health care, and get reelected in November, they would begin paying the 20%. The 20% employee contribution does not apply to retirees.

Mr. Tanghe confirmed for Mr. McDaniel the 20% contribution does not apply to any retirees, City Council or City employees.

Mr. Kittle asked if this 80/20 Cost Sharing will become permanent, or if it must be voted on each year.

Mr. Tanghe stated because options are available, it is required that action be taken annually.

Moved by Kittle; Seconded by McDaniel.
RESOLVED: Resolution to adopt an 80/20 Cost Sharing Model - 2014 for Employee Contributions to Healthcare Premiums.

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

Motion Carried (7-0)

Resolution No. 13.10.191

8. OLD BUSINESS

8a. Motion - Approval of Detroit Water and Sewer Contract 2014-2018

Mr. Herczeg explained the 30-year contract is opened every five years for re-negotiations of volumes and rates. Last year Auburn Hills took advantage of re-negotiating a more accurate consumption volume, in an effort to control rates. This
year there are no real changes to the contract, the volumes and rates will be similar to last year. There is always the option to reopen the contract annually to adjust for developments and flows.

Mr. Kittle asked if an assumption can be made that this contract will not need any action taken until 2018.

Mr. Herczeg stated no, the City will want to adjust the flow and volumes as the area continues to grow, to save on rate costs.

Mr. Knight asked for clarification, that this contract is for water use only, nothing to do with sanitary sewer.

Mr. Herczeg stated that is correct, DWSD holds the contract.

Ms. Doyle asked why then, is the contract with the Detroit Water and Sewer Department.

Mr. Auger explained that is the name of the legal entity with which the City has the contract.

**Moved by Knight; Seconded by Hammond.**

**RESOLVED:** To approve the Detroit Water and Sewer Department Service Contract.

**VOTE:** Yes: Doyle, Hammond, Kittle, Knight, McDaniel, McDonald, Verbeke

No: None

**Motion Carried (7-0)**

**Resolution No. 13.10.192**

9. **NEW BUSINESS**

9a. **Motion – Accepting First and Second Quarter 2013 Monitoring Network Review Summaries of the Oakland Heights Development Landfill Report.**

Andy Foerg, Representative from Environmental Resources Group, explained because the issues from the First Quarter are also relevant to the Second Quarter report, he will only review the Second Quarter report. There is one well in MW-33R, that is a questionable location in terms of service water pooling or gathering in the area, and it’s creating some fluctuating results. The first concern is if the landfill is leaking; however, the cause is more likely because of construction in the area changing the surface water flow. Action should be taken to eliminate the event, possibly drilling a new well or grading differently to prevent the water from pooling.

Continuing, Mr. Foerg explained the volatiles are in MW-47S, which is in the northeast corner. Oakland Heights Development (OHD) performed an investigation to evaluate the issue and concluded that “…evidence was sufficient to show that the source of impacts observed in MW-47S is from an off-site source.” MDEQ verbally concurred with OHD’s conclusions, and a written approval is forthcoming. Environmental Resources Group (ERG) agrees that the data appear to indicate an off-site source; however continued monitoring of this issue is warranted.

Another volatile was found in another well, a very low concentration and probably an anomaly based on either sampling or laboratory error. The third quarter will reveal if there is a problem, and will be addressed if found. He has not seen the third quarter report as of yet.

There have been some issues with the secondary collection system; the system that collects the water beneath the primary liner, the first line of defense. There has been a fluctuation with the flow rates, which can potentially indicate a leak in the liner, which is why the flow rates are monitored. There was an equipment malfunction, and several leachate indicator parameters and volatile organic compounds (VOCs) were detected. OHD believes this was the result of backflow from the leachate line. Repairs have been completed and flow rates are decreasing and will continued to be sampled during the third quarter.

Mr. Foerg confirmed for Mayor McDonald there is nothing critical with the landfill, relatively routine events and monitoring will continue. The landfill monitoring system is pretty clean and solid, and the DEQ doesn’t worry too much about the landfill, but they do keep an eye on it.

Ms. Verbeke asked what recommendations Mr. Foerg was referring to for MW-33R.

Mr. Foerg stated his recommendations are very general; he isn’t privy to the engineering details. What he is recommending is something be done to avoid this ongoing fluctuation issue with the surface water. It could be re-drilling a well, which is very expensive, or changing the grade in that area to avoid the surface water pooling. He would like something done to avoid the problem.

Mayor McDonald asked Mr. Bill Dolson, Oakland Heights Development Manager, if there was anything he’d like to add to the report.

Mr. Dolson stated he spoke with the engineer, and the volatiles found were determined to be an anomaly. Regarding MW-33R, there needs to be more grading done. In that area there had been a stock-pile of soil and the water wasn’t running off fast enough, therefore pooling at that location. If re-grading does not work, other options will be investigated.

Mr. Knight asked who monitors the old landfill, Sanicen.

Mr. Foerg stated the State, MDEQ, monitors that site.

Mr. Kittle asked for confirmation that there are no concerns with the surrounding areas, because of the landfill, including those, north of Brown Road.

Mr. Dolson stated there are no concerns, and the landfill flows south, so the landfill would have no impact on anything to
the north. There is only one well in the area, which is at the trailer park to the north. A new water supply well was drilled by OHD, which moved it further to the north and much deeper. There had been several components in the water, making it undrinkable.

Mr. Kittle asked if the overall health, safety, and welfare of the people in the surrounding areas are not at risk.

Mr. Dolson stated yes, they are not at risk.

Ms. Doyle asked for clarification, if something has been done or will be done with the pooling water; there were conflicting comments made.

Mr. Dolson explained the grading that was done, was done between the second and third quarters, after Mr. Foerg’s report. The levels of liquid in the monitoring well have gone down to what they were before the stock pile of soil was placed at that location. It will continue to be monitored and if more grading is necessary it will be done.

Mr. Foerg further explained, he is speaking from the second quarter perspective, and Mr. Dolson has since done the grading, resulting in an improvement from the third quarter report.

Mr. Foerg confirmed for Ms. Doyle, his reporting trails about a quarter behind, but it depends on the situation. He will hound Mr. Dolson when it is necessary; but he also receives information quickly when a problem arises. Regarding well 33R, he will be comfortable when he sees the official report.

Moved by Hammond; Seconded by Doyle.

RESOLVED: To accept the First and Second Quarter Y2013 Monitoring Network Review Summaries prepared by Environmental Resources Group, LLC (ERG) for the Oakland Heights Development Landfill.

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

No: None Motion Carried (7-0)

Resolution No. 13.10.193

9b. Public Hearing/Motion – Adopt 2014 Budget and Millage Rates

Mayor McDonald stated this is the most recent up-to-date budget.

Mayor McDonald opened the public hearing at 8:02 p.m.

Mr. Kittle, referring to the Council packet memo, asked that the second paragraph be explained in layman’s terms.

Mr. Barnes explained the paragraph exhibits tax revenues have been going down over the last few years. Prior to 2008, the tax revenues were close to 45%, pushing 50% and have since crept down to 38.5%. If items such as non-reoccurring grants are excluded from the general fund, which is close to $4 million in grants, as well as the $17.5 million in proprietary funds which is water, sewer and golf. The proprietary funds cannot be spent on other projects. This was to demonstrate these tax revenues represent 70% of the City’s revenue, after excluding the above noted revenue amounts for grants and the proprietary funds.

Mr. Kittle noted the water rate increases over the last few years have brought the fund current, and noticed there will be an annual increase of 5%. He asked if there is the possibility of two, 2.5% increases as opposed to an annual 5%. He noting being a business owner, the price of water is so much greater than a residential rate. He also was curious if there is a need to continue raising the rate by 5%.

Mr. Barnes noted the rates have been somewhat volatile in terms of what the City must pay. There are look back charges and fixed charges, which are approximately $133,000, in addition to what the City pays on the usage charges. The fund balance for the water and sewer goes down $1.3 million, but some of that is due to the projects this year. The only 5% increase he feels strongly about is for 2014, and will reassess every year as the rates get passed on to the City.

Mr. Kittle asked if this is affected by the SAW grants, and once the City obtains a capital asset management program the City will be more capable of predicting long term infrastructure needs; which would result in the City not having to keep piling on the fund balance to be protected from the unknown.

Mr. Barnes believes that is the expectation of the SAW grant; in addition to the sewers, and the 40 or so storm drains. OHM will be able to better track the capital going out.

Mr. Kittle stated the memo includes a $400,000 fire truck and asked if the truck will be covered by the SAW grant.

Mr. Barnes clarified the SAW grant only covers the $300,000 sewer inspection vehicle.

Mr. Kittle questioned if the salary increases are in the budget that Council hasn’t been privy to, as well as the assumption of the ALS transport.

Mr. Auger stated the budget reflects EMS being transferred, but there has been no approval from Council to do so.

Mr. Kittle reasoned if the budget is approved as presented isn’t that action approving the change.

Mr. Auger stated no, it is a policy question that will be decided by City Council.

Mr. Kittle asked if talking about draining down fund balances some $9 million, which includes the University Bridge replacement for $1 million and the University Road improvements, are place holders and not earmarked dollars. There is the $1 million set aside for the University Bridge if the City can get others to move on the project, but the fact that overall
the funds are declining by $9 million, is this something that can be set aside. This may be a policy question. If the State comes back or if there is a means to initiate an amendment to the budget so the budget doesn’t look unbalanced.

Mr. Barnes stated the cost amounts for the University Drive project are solid numbers, and the grant funds for this project are firm, committed amounts. The project includes University west of the I-75 Bridge to Opdyke and east of the bridge to Squirrel Road. Mr. Barnes agreed that the $1 million in the budget for the I-75 Bridge project is contingent on obtaining substantial state/federal support; he also stated that the amount in the 2014 budget for this project had been reduced to $1 million whereas it had been $4 million split between two TIFA’s and a two year period in the prior year budget.

Mr. Kittle asked if the TIFA funds for the University Drive reconstruct of $1.7 million, are funds that are locked in with the grant money.

Mr. Barnes stated that is correct.

Ms. Doyle asked if the Fire Department’s 2014 budget includes any changes to the EMS.

Mr. McDaniel thought there would be an increase in man power.

Deputy Director/Fire Manning stated the last revision he discussed with Mr. Auger and Mr. Barnes included provisions for minor medical supplies that are currently supplied by Star. The budget included some possible maintenance issues, and possibly seeking a grant for stretchers; if the change is approved by Council. There are no additional personnel included in the budget, the number of personnel has remained the same over the last several years.

Ms. Doyle asked if the Council were to approve the ALS transport, then there are no significant increases in cost that would require an amendment to the budget.

Deputy Director/Fire Manning stated at this time, no, there won’t be any significant cost. In time, there will be the need to replace an ambulance, but that would come before Council for approval.

Mr. Auger confirmed for Mr. Kittle, that there are not any new employees being considered for the ALS transport. There are retirements coming up in the Police Department, so there will be those replacements.

Ms. Verbeke thanked Mr. Barnes for taking the time and sitting with her and explaining the budget. She suggested changing the process to include some of the things she learned; this allowed her a much better understanding of the budget.

Mayor McDonald stated there has always been an open door to the Finance office and all departments for any or all Council Members to learn more about the process if they so wish.
Mr. Barnes stated he can modify the format of the budget reports to include more detail in next year’s budget presentations.

Ms. Doyle noted the fund balances are continuing to decline a little, the property tax revenue is slowly climbing out of the hole, with next year being almost positive so the City is on a good track. She agrees with Mr. Kittle that there has been really good work in trying to obtain state and federal grant money. She asked what the really big, significant expenditures are in this budget that citizens should be aware of.

Mr. Barnes stated the City’s capital budget is at its highest level since 2005. The total capital budget is $16 million, with over $4 million in grant revenues to offset the City’s costs. Virtually all of the major capital projects are road projects and some significant water and sewer projects. The local road maintenance projects at $700,000 are also considerably higher than the past year. The Capital Budget is the dominant feature of the 2014 budget. There is about $4.8 million of capital items in 2014, which will rollover to 2015. The two major rollover items are Squirrel Road from Walton Boulevard to Dutton road, with the engineering costs in the 2014 budget, and the $3 million construction cost is for 2015. The SAW grant is expected to extend into a two year period as well. In 2015 there will be another $4.8 million of costs for those two projects offset by approximately $2 million in grant money. There is $4 million in grant money for 2014 and at least $2.2 million in 2015.

The tax revenues, which have been conservatively budgeted, are $420,000 for 2014, the lowest decrease in some time. Next year there is no increase or decrease planned, but beginning in 2016 2% increases are expected.

The tax revenues began to collapse in 2008 and Troy did a significant study showing how the city wouldn’t be able to recoup the tax values for 15 or 20 years. The worst year for the general fund will be in 2015 because of a large capital project, but after that the deficit will continue to decrease. By 2018 it’s nearly a break even, it will take almost five years to get the general fund operating at a level where the fund balance will stabilize and not decrease.

The total operating expenditures in the 2014 budget are higher than 2013 by $985,000. There are four items in the budget this year that account for the increase, and none of them include increases in salaries or benefits. One is the local road maintenance projects which are $400,000 higher than 2013; an ambitious tree planting program, for the Riverwalk and Squirrel Road, about $200,000; the Galloway Wetlands phase two study with a cost of $325,000; and TIFA B has $200,000 budgeted for potential site improvement grants. Excluding the amounts budgeted for these projects results in the City’s net operating expenses being less than the 2013 year.

Ms. Doyle asked if there is anything being taken away this year, in order to hold the line that may be kind of a surprise that Council should know about; anything that may have a direct impact on the citizens.

Mr. Auger stated operations and events will continue to be looked at to see if there is return on the value. Communication will be kept open, better than in the past. The big thing to watch for is the level of the city’s revenue for the 2014 election and the personal property tax. The reimbursement numbers continue to change and could have an effect on the budget. The surprise is every year City staff keep coming in under budget on major projects; the money isn’t spent just because it was budgeted. He believes this year is under the anticipated spending by a couple million dollars. Maintenance on major projects shouldn’t be deferred until they become catastrophes or are more expensive to fix.

Mr. Knight stated Auburn Hills has always been a conservative budgeted city, which has been to the City’s advantage. The general fund balance is expected to decrease to 69% of the fund’s operating expenditures; however, it is still considerably higher than 15% which is considered the level of a struggling city. The conservative effort shows in the five-year projection, which although decreasing by $8 million, it is still prudent.

Mr. Kittle believes the City is spending money in the right areas. There is a rating system for the quality of roads, and Auburn Hills has been able to maintain road maintenance for an A or B rating; other communities have to use those funds for basic operations while the roads are deteriorating. From an economic development standpoint Auburn Hills looks more attractive because the infrastructure is better maintained, but it also increases road safety.

Mayor McDonald closed the public hearing at 8:32 p.m.

Moved by Knight; Seconded by Doyle.
RESOLVED: To accept and adopt the proposed 2014 budgets for the City and the Library and to approve the proposed millages for the City and Library for the 2013 tax year.

Mr. Knight didn’t believe the Library budget should be approved by City Council.

After a brief discussion and concurrence from Mr. Barnes and Mr. Beckerleg, the motion was amended to remove adopting the Library Budget.

Moved by Knight; Seconded by Doyle.
RESOLVED: To accept and adopt the proposed 2014 budget for the City and to approve the proposed millages for the City and Library for the 2013 tax year.

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

Motion Carried (7-0)

Resolution No. 13.10.194

9c. Motion – To approve the SAW Grant Agreement resolutions for the Wastewater Asset Management Plan.
Stormwater Asset Management Plan and Stormwater Management Plan

Mr. Keenan explained the City has an opportunity to capture Michigan Department of Environmental Quality (MDEQ) funding commonly referred to as Stormwater, Asset Management and Wastewater (SAW) Grants. The State has a program that has $97 million available, for 2014, and available to communities that operate their own stormwater and waste water treatment system. The City has two projects, one related to sanitary sewer asset management and the second for storm water asset management plan and will be applying for the maximum amount allowed, which is $2 million. The first million of the grant would require the City to match 10% and if the City should receive the second million, a 20% match by the City would be required. Because the match percentage is so low, it is anticipated that many communities will be applying for the grants. There are no special requirements to receive a grant and it will be first come – first served unless there is an overwhelming response, in which case a lottery will be held. The costs are going to be related to the cost management plan, to help budget better over the years for capital improvement costs. The stormwater management plan will also help the City to comply with the phase two, stormwater permit as well as some of the asset management plans related to that proposal.

Confirming for Mr. Kittle, Mr. Keenan stated this is only an application and there is no guarantee the City will receive a grant.

Moved by Kittle; Seconded by McDaniel.

RESOLVED: To approve the resolutions for Stormwater, Asset Management and Wastewater Grants and authorize the City Manager to enter the City of Auburn Hills into the SAW Grant Agreement for the Wastewater Asset Management Plan, Stormwater Asset Management Plan and Stormwater Management Plan.

VOTE: Yes: Doyle, Hammond, Kittle, Knight, McDaniel, McDonald, Verbeke
No: None
Motion Carried (7-0)

Resolution No. 13.10.195

10. COMMENTS AND MOTIONS FROM COUNCIL

Mr. McDaniel:
- Attended the forum of candidates running for Council and he learned what the candidates supported and didn’t support. He noted the moderator did a great job and suggested anyone interested, to watch the forum being shown on the City’s website as well as the City’s face book page.

Mr. Kittle:
- Asked for the Clerk to explain a document, which show the number of AV ballots issued and the percentage of those returned on time. What does that mean?
  Ms. Kowal explained the report is run from the Michigan Qualified Voter File daily, and that “on time” number means currently the number of ballots returned; late will mean any ballots returned after November 5, 2013.
- At the last meeting he asked about the roll-away dumpsters on Squirrel Road and asked if an update was available.
  Mr. Auger stated they were removed Tuesday.
- Read in the Oakland Press that Orion Township will be spending $1.2 million to build a new fire station near the GM – Orion plant. Auburn Hills has an under-utilized fire station near the plant and maybe there could be a collaborative discussion to see if something could be worked out.

Ms. Hammond:
- Asked for an update regarding the City’s cable channel.
  Mr. Auger stated the part needed is in California and is the same part that went out before. The IT department is looking for another solution.
  Mr. Cagle explained the part was received Friday and the cable is up and running. He also noted the candidate forum Mr. McDaniel spoke of, is also on the cable channel.
- Wished Brandon Guest, Management Intern, the best of luck as he moves on.
- Wished all the candidates running for a Council seat good luck in the election.

Ms. Doyle:
- OCC is hosting a tour tomorrow, which City Council has been invited; she will be attending. She noted the Chancellor and the new President will be in attendance.
- Thanked the City Staff for scrambling to get the Halloween Trail back. She was aware of Mr. Marzolf needing volunteers for many aspects of the trail; she dropped off candy and asked if any other help was needed.

Mr. Auger stated Mr. Marzolf and Ms. Gorak stepped up to make sure the event happened. Several Council Members volunteered, as well as staff and some spouses as well.
The Public Safety Advisory Committee met for further discussion for the emergency medical services issue. She has been part of the Committee for the last two years and noted all the hard work the Staff put into how the City will handle advanced life support transport. There were hundreds of Staff hours put into the research and analyzing the information, as well as Ms. Sendegas, the Committee Chair and the Committee Members. Continuing, she asked for this item to be on the next Council agenda, so this sitting Council can vote on what they have been working and analyzing and are very well prepared to make this decision.

Moved by Doyle; Seconded by Knight.

RESOLVED: To put on the next Council Agenda, the Advanced Life Support Transport item.

Mr. McDaniel asked if it was necessary to have a motion from Council to put this item on the agenda since the agenda is set by the Mayor.

Mayor McDonald stated it would likely be on the next agenda without a motion.

Ms. Doyle stated if a motion isn’t needed that is fine, but she would like the opportunity to vote on this before she and the Mayor are no longer on Council.

Ms. Doyle noted Mr. Coolman, who is in the audience, also serves on the Public Safety Advisory Committee.

Ms. Verbeke:

- Thanked everyone, particularly Mr. Marzolf and Ms. Gorak for pulling the Halloween Trail together, noting the time is 6:00 p.m. until 7:30 p.m.
- Asked about the repaving that was to take place on Joslyn Road. Also, there is a dip/pot hole on the southbound side of Joslyn, just past the entrance to southbound I-75, where there had been construction cones alerting drivers, but the cones have been removed and no repairs were done to the roadway.
  
  Mr. Juidici stated the Joslyn Road project that RCOC is doing, has gone out for bid and with bids due the second week of November. The project will not being until next spring, with the possibility of preliminary work beginning this winter. Regarding the pot hole, Mr. Melchert will pass the info along to RCOC.

Mr. Knight:

- He received the Open Issue Log and was surprised to see a notation regarding the recycling at General Towing he mentioned at the last meeting. He asked if the notation was referencing the entire site would be cleaned up or if there will be no more recycling and all the junk will be left.
  
  Mr. Cohen stated the clean-up will take some time based on all the compost on the site, but the owner has agreed to remove it. He was given 30 days to do the clean-up, but 30 days may not be enough time to clean-up all the compost.
  
  He was very appreciative at how quickly the issue was handled.
- He had business on Center Road, and he received complaints of all the road dust and was questioned why road work was necessary when the road was in fine shape. He had received similar comments from Grey Road residents.
  
  His answer to both was the road repair was part of the road maintenance five-year plan.
- Asked if all the beautiful fall flowers downtown are recycled when they are done blooming or just pulled and dumped. He suggested if dumped, then they should be dug and available for sale.

Mayor McDonald:

- Thanked Brandon Guest for his service to the City.
- Asked if S. Squirrel Road, south of M-59 has been taken care of.
  
  Mr. Auger stated not as of yet; however, Mr. Melchert has sent a letter advising the contractor of a cease and desist date and requiring a date the work will be completed otherwise the City will do the work and take the funds out of the retainer.
  
  Mr. McDaniels clarified that the City has retained money due the contractor until the job is done correctly or the City will complete the job with those held back funds; there will not be new cost to the residents.
  
  Mr. Auger concurred.

11. CITY ATTORNEY’S REPORT – none.

12. CITY MANAGER’S REPORT

- Last week, Council Member Verbeke went on behalf of the citizens of Auburn Hills as a Council Member, as well as resident, to Lansing to speak on closing the loop-hole in the law that the Pontiac School system used. To a lot of people’s surprise that effort moved the process somewhat forward. It looks like the effort might move it forward. It really does make a difference when people call their legislatures or go out and testify.
13. EXECUTIVE SESSION

13a. Discussion of Attorney Opinion re: National Pollution Discharge Elimination systems Phase II General Permits – Novi et al v. MDEQ

13b. Property Sale

Moved by McDaniel; Seconded by Verbeke.

RESOLVED: To adjourn to Executive Session to discuss an attorney opinion and property sale.

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

Motion Carried (7-0)

Resolution No. 13.10.196

City Council adjourned to Executive Session at 8:40 pm. and reconvened the regular meeting at 9:15 pm.

Moved by Doyle; Seconded by Verbeke.

RESOLVED: To authorize the sale of City-owned land to Hampton South, LLC, with property identification number 14-25-426-010 and containing +/-6.3 acres, in an amount equivalent to $10,000 per lot times the number of lots approved by the Community Development Department through its planning process for the land. Furthermore, to authorize Assistant City Manager Thomas Tanghe to execute the purchase agreement on behalf of the City, up to and including those documents necessary to close the sale.

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

Motion Carried (7-0)

Resolution No. 13.10.197

14. ADJOURNMENT The meeting adjourned at 9:16 p.m.

_______________________________     ________________________________
James D. McDonald, Mayor      Terri Kowal, City Clerk
Assistant City Manager Tanghe presented a review of the process for a Downtown Development Authority (DDA). The City already has a DDA in place but would like to amend it to include the new development areas, including in and around Forester Square. By taking advantage of the lower base value now, we would increase the capture in future years. No new TIFA’s are allowed by law. However you can have new TIF capture within a DDA.

The proposed areas include Mound Steel and Superior Concrete. Public Act 197 of 1975 is the financing mechanism that is involved. If City Council allows the DDA with TIF, they could levy up to 2 mils for administrative uses. At this point however, we are not suggesting an administrative tax.

The DDA Board of Directors would be members appointed by the Mayor subject to City Council approval. One member would need to be a resident who lives within the DDA, the Mayor, and the remaining members would be stakeholders in the district such as employees and business owners. The Chair would be elected by the Board.

The revenue generated could be used for the River Walk, amphitheater, pathways or other projects designed to enhance and expand our downtown.

The next step would be to create a Development Area Citizen’s Council, whose members must all be residents.

The City Council Members reached a consensus that the Development Area Citizen’s Council should be established, with the Mayor making the appointments with Council’s confirmation on all members.

The workshop adjourned at 6:56 p.m.
Executive Session Minutes –

September 9, 2013
October 7, 2013
October 21, 2013

These minutes have been provided under separate - confidential cover.
CALL TO ORDER: Chair Sendegas at 6:00 p.m.

ROLL CALL: Present: Members Sendegas, Coolman, Doyle
Absent: Members Boelter, McFadden
Also Present: Director Olko, Deputy Director/Fire Manning

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

3. APPROVAL OF MINUTES – September 24, 2013
Moved by Mr. Coolman to approve the September 24, 2013 minutes.
Supported by Ms. Doyle.

Ms. Doyle asked for clarification regarding the increase in meth use; asking if the increase is drug use or an increase in meth labs.

Deputy Director/Fire Manning stated there hasn’t been an increase in Auburn Hills; however, if there is an increase in meth use, it stands to reason there is probably an increase in meth labs as well. Also, he isn’t sure if the increase mentioned is an increase for the state or the country.

Director Olko stated she will ask Deputy Director/Police Hardesty and forward the information.

Motion Carried (3-0)

4. PERSONS WISHING TO BE HEARD – none.

5. OLD BUSINESS
5a. EMS Report
Deputy Director/Fire Manning stated there is no new information for this topic; however, Council Member Kittle asked for a total cost. The report presented indicates an amount of $68,806.47 for EMS, by station for the paid on-call firefighters; however, it is not noted of the City’s additional cost to the 401k program for the 33 paid, on-call firefighters. The cost is substantial; however, the total does not exceed $100,000.

There is no change in costs for any of the programs, other than the current program, which would increase a small amount.

Ms. Sendegas asked, if this moves forward and decided later it isn’t working, is it possible to revert back to the way things are currently being done.

Deputy Director/Fire Manning stated certainly, there are many private ambulance services that would be happy to bid their services. When launching a new program, it is always the intention of the Department to make sure the new program will be successful; however, there are the unknowns. If things don’t go well, there is also the option of bidding out the entire program.

Deputy Director/Fire Manning stated he is confident with the proposed programs, with due diligence being done with all four models. He believes any of the four models can be sustained.

Continuing, Deputy Director/Fire Manning stated the numbers used for billing are very conservative, and based on like communities.

Ms. Doyle noted there have been two, very thorough meetings held regarding this; the first with the Public Safety Advisory Committee and a second, joint meeting with City Council. She asked if there has been any feedback from anyone.

Deputy Director/Fire Manning explained fire personnel are very excited about providing these services and more staff personnel will be utilized. As far as Council Members, he heard favorable feedback
regarding the report, with one Council Member in favor of moving forward. He has had no conversation with the general public. Star Ambulance is aware of the proposal and has been very supportive during the process and is curious to know where the process stands.

Director Olko stated she hasn’t heard anything from anyone outside the Department. The Department personnel are anxious and looking forward to the opportunities.

Director Olko is pleased with the thorough and complete job Deputy Director/Fire Manning has done with this proposal. If the go ahead is given, they will do their very best and most efficiently as possible.

Deputy Director/Fire Manning stated the public doesn’t pay much attention to who is providing the service, as long as the service is provided. There would be public concern if the services were less than what is expected and/or if there is a cut in services or an increase cost for services.

Deputy Director/Fire Manning confirmed there are surrounding communities waiting and watching to see what Auburn Hills will be doing. At meetings with other Fire Chiefs, the concern has been if Auburn Hills becomes full transport, what capabilities will there be to back up other communities - mutual aid type questions. It would increase the City’s ability to lend mutual aid.

Mr. Coolman stated he heard from one individual who believes there shouldn’t be cross training; fire should be fire, police should be police, and ambulance be ambulance. Mr. Coolman believes any type of work that can be done effectively and efficiently in-house, should be done in-house.

Ms. Sendegas commended Deputy Director/Fire Manning for the great job, noting the Committee has gone over the proposal very thoroughly.

Deputy Director/Fire Manning thanked Ms. Sendegas for her compliment, but noted, others worked very hard on this project as well; Lt. Owen Milks and Lt. Mike Strunk; Anthony Atkins, who formatted the report as well as many others. It was a great team effort.

Moved by Mr. Coolman to recommend to City Council to move forward with the ALS transport by the AHFD, model one, the green plan, Auburn Hills ALS.

Supported by Ms. Doyle.

Motion Carried (3-0)

Deputy Director/Fire Manning thanked the Committee for their due diligence - for putting in a great deal of time and effort to make an informed decision.

6. ADJOURNMENT

The meeting adjourned at 6:22 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, Hitchcock, Mendieta, Ouellette, Pierce, Shearer, Spurlin, Verbeke
Absent: Emery
Also Present: Community Development Director Cohen, Water Resource Coordinator Keenan, Senior Director Adcock, Recreation Director Marzolf
Guests: 1

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

3. PERSONS WISHING TO BE HEARD – None

4. APPROVAL OF MINUTES – October 1, 2013

Moved by Mr. Mendieta to approve the minutes of October 1, 2013.
Supported by Mr. Beidoun.

VOTE: Yes: All
No: None

Motion Carried (8-0)

5. SPECIAL PLANNING PROJECT

5a. Recess as Planning Commission / Convene as Recreation Commission (7:02)

Moved by Mr. Beidoun to recess as the Planning Commission and to convene as the Recreation Commission.
Supported by Ms. Verbeke.

VOTE: Yes: All
No: None

Motion Carried (8-0)

5b. Next Steps: Y2014-Y2018 City of Auburn Hills Parks and Recreation Master Plan – Brian Marzolf, Recreation Director

Mr. Marzolf presented a PowerPoint presentation highlighting and reviewing the accomplishments from the 2009 through 2013 Recreation Master Plan. Included are the following:

- Campground renovation project at Hawk Woods including replacing five of the six camping cabins; a new fire pit; recycled asphalt for pathways at the camping cabins; and lighting for the pathways. The new cabins were constructed by Oakland Tech School students, City employee volunteers and DPW staff.
- The sixth cabin will be replaced with a larger cabin, able to accommodate eight to ten people. This will bring the total number of beds to 38-40 people.
- Improvements made by City staff include replacing uneven stairs leading to the fire pit; a natural stone seating wall and rocks for seating; replaced old fire circle.
- A new pedestrian bridge has been installed at Civic Center Park, connecting the east side to the west side. It was purchased from Rochester Hills for $1.00.
- Highlighted the progress being made to the Riverwalk; with the final design nearing completion, expecting to be shovel ready for 2014-2015.
- Squirrel Court improvements are scheduled for the spring of 2014:
  - Funded: with MDOT/SEMCOG TAP grant funds and matching City funds
● Benefits:
  ● "Road diet" – existing excess pavement is narrowed, slowing traffic speeds around the curve improving pedestrian safety
  ● Added sidewalks create connectivity and increase walkability of downtown, and improve access to park and future Riverwalk
  ● More aesthetically pleasing and more environmentally friendly
  ● Will match and enhance existing downtown sidewalks and streetscape
  ● Storm water from road filtered/improved with bio-filter drains
  ● Start of Riverwalk improvements using the Riverwalk Master Plan!

● Acquired three acres of riverfront property and two easements for future Riverwalk locations between Riverside and River Woods Parks.

● The DPW department constructed a 1,000+ foot maintenance path at River Woods that doubles as part of the Riverwalk, built to match the Riverwalk Plan.

● There has been an addition of eight new acres of park property: the Riverwalk project has added three acres to Riverside Park; Hawk Woods Nature Center, the Cleveland property, has added five acres.

● Operation Highlights:
  ● Utilizing technology to improve customer service:
    ● 2012 - implemented acceptance of credit cards as form of payment (in-person)
    ● 2013 – implemented on-line registration for activities with option to pay with credit card
  ● Forming Partnerships:
    ● Jason Thompson Baseball for fall leagues and new summer league coming in 2014
    ● Oakland University – intramurals use the City’s ball diamond and multi-sport field. The new OU football team plays home games at Civic Center multi-sport field
    ● Avondale Schools – working on agreement to provide after-school recreation as part of their "Kids Club"
    ● Community for a Lifetime – State of Michigan with Seniors and Community Development
    ● Age-Friendly Cities – WHO/AARP with Senior Services and Community Development
    ● Clinton River Trail Alliance – recently submitted joint grant application for trail improvements through three cities.
  ● Non-Motorized facilities - currently 40+ miles of pathways throughout the City providing “connections” – update Pathway Plan map as part of Recreation Plan process
    ● Clinton River Trail 'Look and Feel' Design project: Auburn Hills, Rochester Hills, Rochester and Friends volunteer group is leading the way in the State of Michigan with a cooperative grant application/project for 2013-2014 for enhancements to help make the Clinton River Trail a "world-class" trail
    ● New pathway connections made by City:
      ● Some large gaps completed on Opdyke Road as part of streetscape improvements 2001-2012
      ● Shimmons Road (partial – still need near school)
      ● Major obstacle removed with new pedestrian bridge built over M-59 by MDOT, working to connect at both ends to complete pathway in that area utilizing MDOT grant funds and City match.
      ● New pathway in Civic Center Park connecting ball diamond to multi-sport field
      ● New pedestrian bridge from Rochester Hills for $1.00 - now have pedestrian access to multi-sport field from Civic Center Park/Community Center area
  ● Pathway development strategy:
    ● Review inventory, continue with NE Corner Neighborhood loop goal, focus on tougher problem areas to address (Auburn Rd./Oakmont; Auburn near Adams, University/I-75); improve pedestrian access/public transportation
    ● Continue monitoring site plans to ensure developments are including pathways.
  ● Questionnaires and samplings were done, trying to better understanding of what the residents would like to see. The following charts illustrate the results:
Most Popular Programs

- Concerts in the Park: 43
- Summer Camp: 13
- Summerfest: 15
- T-Ball: 15
- Egg Hunt: 42
- Fitness: 15

Would you recommend to a family member, friend, neighbor?

- Yes: 81
- No: 3

How Important Is It To The Quality Of Your Life?

- Very Important: 81
- Important: 3
- Not Important: 0

If offered, what types of programs would you attend?

- Music: 40
- Athletics: 35
- Academics: 25
- Drama: 10

Most Utilized Parks or Recreation Facilities

- Riverside Park: 90
- Community Center: 60
- River Woods Park: 40
- Civic Center Park: 20

Would you recommend the park or facility to a family member, friend, neighbor?

- Yes: 91
- No: 0

How Often Recreation Facilities are Used

- 1x/wk: 30
- 1x/3months: 20
- 1x/month: 10
- 1x/6months: 5
- 1x/year: 5
- 2+/wk: 5

Rate the Cleanliness

- Excellent: 88
- Fair: 13
- Poor: 0
Youth Focus Group Results:

Grant Graham Elementary – Grades 1-2 (16 kids)

Programs Participated in: Field Trips to City Hall; Game Room and Gym at the Community Center; After School Activities; Summer Camp; Egg Hunt; Halloween Trail; Soccer, Football, Basketball; Ballet; Karate; Kids Night Out; Summerfest.

Programs the Graham kids would like to see: (other than shown previously): Game Night; Field Trips to Parks; Scary Movie Night; Video Production; Cheerleading; Skateboard Night; Haunted House Fieldtrip; Acting/Modeling Classes; Math Class/Instruction (tutoring?)

Auburn Elementary – Grades 1st-5th (26 kids)

Programs participated in:  After School Activities; Basketball; Soccer; Summer Camp; Summerfest; Egg Hunt; Halloween Trail.

Programs Auburn kids would like to see: Dodgeball; Rock & Roll program; Engineering; Lacrosse; 4-Square; Hip-Hop Dance; Driving Lessons; Guitar Lessons; Music Programs; Self-Portrait Classes; Pumpkin Carving.

Next Steps for Master Plan:
Use input and expertise as a guide to set goals for Draft Plan

Prioritize Plan with flexibility built-in

Coordinate planning with SEMCOG; Green Infrastructure Plan; Oak Routes Trail Network; and Clinton River Trail Alliance

Follow schedule for best timing

Recommended Goals/Priorities for 2014-2018 Master Plan:

Riverwalk development, with amphitheatre downtown at Riverside Park first, then connect with River Woods Park

Clinton River Trail development

Hawk Woods development and operations plan – include new property addition

Pathway development – tackle the “tough ones”, continue with NE corner loop, enhance pedestrian connections to public transportation system

New youth programs and activities with focus on teens 13-17 (8th grade to senior in high school age)

Continue using technology to improve customer service – add mobile app option to register for activities and/or events.

To experience a Virtual Tour of the Auburn Hills parks and facilities, which was updated, includes the new cabins and renovated campground at Hawk Woods and the multi-sport field at Civic Center Park, at www.auburnhills.org.

Ms. Verbeke noted every time the Recreation Master Plan is examined, she has asked for some type of pathway along Joslyn Road in the northwest corner of the City. She would like the pedestrians who walk through there a safer option than walking on the shoulder of the road. She is aware that constructing a walkway under I-75 is tricky, but she doesn’t want the problem to fall off the radar.

Mr. Marzolf explained that area has been looked at, including through the Complete Streets action, and there are some areas that pedestrians/bicyclists should be directed in another direction, because there isn’t a safe way for them to travel. Not every area of the City is suitable for a pathway. There are still plans for a crossing on Baldwin Road, across from the Canadian subdivision to Great Lakes Crossing.

Ms. Verbeke suggested even a narrow pathway along Joslyn Road, even if it doesn’t go under I-75, something must be done because people are walking in that area regardless of a path or not. She would like something to make it easier for those that are using Joslyn Road.

Mr. Marzolf stated that makes sense, but it is a tough area and needs further investigation.

Mr. Mendieta noted the presentation was very good, noticing how busy the Department has been. He mentioned a business owner purchased the property with the stairs at Auburn Road and Oakmont, and the path area has been fenced in. There is a need for some type of crosswalk to accommodate those pedestrians.

Ms. Verbeke explained staff from the Community Development Department spoke with that property owner, noting the fence was installed legally. There are talks of an easement to remedy the situation.

Mr. Cohen stated the City is trying to obtain an easement to help fix the current situation. People were crossing through the property, and the owner was concerned with liability issues.

Mr. Hitchcock stated he had the opportunity to attend a child’s birthday party at Hawk Woods and it was a great experience for both the kids and the parents. He asked why a path was constructed on Dutton Road, in front of the new soccer field, when the path will lead nowhere.

Mr. Marzolf noted the path process must begin somewhere, and eventually will be connected over time.

Mr. Hitchcock questioned if the Orion side of Dutton Road would have a pathway.

Mr. Cohen stated he wasn’t sure, and will check with OHM.

Mr. Ouellette appreciated the presentation and was happy to hear the Recreation Department is part of the Complete Streets and asked Mr. Marzolf to elaborate on the corporate sponsors. An idea had been brought up about corporate volunteerism, as well as young people wanting to volunteer during the day. He suggested during site plan review more departments in the City become involved or establish a welcoming committee for businesses who are becoming residents of the City.

Mr. Marzolf stated there is an event sponsorship package that can be shared by Community Development with all of the developers. There have been talks to work on a similar program for facilities, such as the Riverwalk, for corporate sponsors to lend a hand. There has been corporate sponsorship on projects throughout communities, and could be very beneficial for Auburn Hills. There are many corporate sponsors and volunteers for the many events the City supports.
Mr. Keenan noted there is a link on the City’s website for different volunteer opportunities; also a brochure is being developed for volunteer activities.

Mr. Marzolf stated Parks and Rec has been working with the Chamber of Commerce and the Young Professionals program, offering younger folks the opportunity to volunteer their time.

Mr. Ouellette wanted to make sure asking companies to volunteer, isn’t misconstrued as asking for favors. He asked if there is a local company that rents canoes and kayaks to use on the Clinton River.

Mr. Marzolf stated the company is Clinton River Canoe and Kayak Company, a full service operation that can drop and pick up water enthusiasts at different along points on the river. The company allows canoes travel the length of the river, and they are also very good stewards of the river; they not only use it, but improve it.

Mr. Ouellette asked if there was the possibility of extending the path to old Adams Road, the stretch of land along M-59.

Mr. Marzolf explained the pathway goes through River Woods Park onto Forester Boulevard, where a permanent public easement is to use Forester Boulevard to get to Adams Road. Continuing, Mr. Marzolf explained there is a portion of pathway missing along Adams Road, south to the trail. Mr. Marzolf stated that missing part of the pathway should be added to the plan.

Mr. Cohen stated he believes when Moceri completes their portion of the Parkways, the City will complete theirs as well, so it will all be done at the same time.

Mr. Pierce asked what is the most logical, last up-stream input location on the Clinton River in mid-spring.

Mr. Marzolf stated Riverside Park.

Mr. Marzolf noted the Action Plan will be updated with the information discussed this evening, and will be brought back to the next meeting for more discussion and review. The Action Plan is an important component of the Draft Plan.

Mr. Marzolf confirmed he will include language that Auburn Hills is an age friendly community.

5c. Adjourn as Recreation Commission / Reconvene as Planning Commission

Moved by Mr. Pierce to adjourn as the Recreation Commission and reconvene as the Planning Commission.

Supported by Ms. Verbeke

VOTE: Yes: All
No: None
Motion Carried (8-0)

6. PETITIONERS – none.

7. OLD BUSINESS

7a. Potential Planning Commission Meeting Date Change for Y2014 (7:53)

Mr. Cohen explained the Planning Commission adopted a meeting change at the last meeting; however, after speaking with Mr. Auger, it was determined Monday night meetings may not be the best solution. City Council prefers to leave Monday evenings opened in the event a special Council meeting must be convened. He suggested moving the Planning Commission meetings back to Thursdays, scheduled 11 days prior to the first City Council meeting of the month. The one ramifications of this meeting date proposal is the developer would have to wait an additional four days prior to appearing before City Council with a project.

The draft is as follows:

Article IV - Meetings
Section 1. Regular meetings of the Planning Commission will be held on the Thursday that generally proceeds Monday preceding the 1st City Council meeting of the month by eleven days, at 7:00 p.m., at the City Council Chamber at 1827 N. Squirrel Road, Auburn Hills, MI 48326 unless otherwise stipulated. The Chairperson may authorize, as determined by necessity, a date and time change of the regular meeting in accordance with the requirements of the Michigan Open Meetings Act.

Moved by Mr. Hitchcock to amend Article IV. Meetings, Section 1 of the City of Auburn Hills Planning Commission By-Laws as drafted.

Supported by Mr. Spurlin.

VOTE: Yes: Beidoun, Hitchcock, Mendieta, Ouellette, Pierce, Shearer, Spurlin, Verbeke
No: None
Motion Carried (8-0)

7b. Update: Age Friendly Auburn Hills – Karen Adcock, Senior Services Director and Steve Cohen, Director of Community Development (7:56)

Ms. Adcock stated she and Mr. Cohen went to Washington D.C. for an intense workshop, meeting with counterparts from across the country; there are 17 livable communities in the Unites States. Many of the communities shared their ideas and processes of how they have done things.
There was a game plan discussed with City staff of how to move forward with the process over the next 12 to 16 months. Starting in January 2014, working with AARP, a survey will be finalized and sent out to the City’s registered voters age 50 and older and to any AARP members who are not registered voters. This will be an eight page survey, containing critical information that was tweaked to better apply to Auburn Hills. The process for the survey will be 8 to 12 weeks, from the time the survey is mailed, until the time that AARP will have all the information compiled and supply the City with a finished product. Since the City is a partner with AARP, the cost will be a 50/50 split. During the survey time, the City will be divided into neighborhoods, with Neighborhood Blitzes.

Mr. Cohen explained a decision hasn’t been made of to divide the City into five or eight neighborhood meetings. The intent is to have all the meetings relatively close together to keep the momentum of the project going; this is a huge commitment. The idea is to have all the meetings held during February and March, which translates to holding a meeting every week during these months. The meetings would be scheduled for Wednesday evenings, except for those weeks when there is a Thursday the Planning Commission meeting.

Mr. Cohen asked the Planning Commissioner’s how they felt about the number of meetings for the two months.

Ms. Adcock noted the meetings will also be attended by a whole team of volunteers who will be helping to facilitate the neighborhood meetings. The meetings will probably last for one and a half to two hours. Continuing, she explained the meetings will be held in a similar fashion as speed dating; groups of people will spend approximately 10 minutes at each station before moving on to the next station. A Planning Commissioner will be moderating at each of the eight domain stations; there will also be a scribe and volunteer at each station able to help.

Mr. Cohen stated him and Ms. Adcock, as well as other members of the team will be visiting the senior housing developments independently from the neighborhood meetings.

Mr. Ouellette asked if all Planning Commissioners would attend all the meetings, or could the meetings and Commissioners be split up.

Mr. Cohen explained the Planning Commissioners would attend a meeting and play an active role in moderating the stations, by using their training and expertise. In the event a Planning Commissioner cannot attend a meeting, a volunteer can step in and takeover. Training will be available for both Planning Commissioners and the volunteers on how to moderate and/or facilitate the discussions.

Mr. Cohen explained there will be a study session with City Council to illustrate the entire process of this project, including the Neighborhood Blitzes, so they too will be able to answers residents questions. The plan also includes the Mayor to announce the program at the State of the City address, noting Auburn Hills as an age friendly community. The February meetings will immediately launch after the State of the City speech.

Continuing, Ms. Adcock explained once all the information is gathered from the surveys and the neighborhood meetings, community partners will be called in and teams will be assigned for each of the domains. From that point an action plan can be formed, on how to proceed with what services, and who or what can offer those services in the community.

Mr. Cohen stated the timeline: December meet with Council; January the Mayor’s announcement; February and March intense data collection; April to digest all the information as a group; May and June to bring in all the experts (i.e. Beaumont Hospital); July and August enjoying the summer; and September a big announcement to present the vision plan … enjoy the summer, crunch the data, and formulate a vision.

Responding to Mr. Beidoun, Ms. Adcock stated transportation may be available if there are numerous people that would utilize the service. She is also hoping there will be car buddies, others willing to pickup those residents who have difficulty driving at night. Residents will continuously be updated on the progress of the project through the web site and newsletter.

Mr. Cohen stated there will be a communication strategy developed so all residents will know about the program.

Ms. Adcock stated after the first neighborhood blitz, they will have a better idea of what to expect.

Ms. Adcock asked if the Planning Commissioners are willing to make the commitment.

The consensus of the Planning Commission was to move forward.

Ms. Adcock suggested the Planning Commissioners use a sign-up sheet for the dates they are available for the neighborhood blitz meetings.

8. NEW BUSINESS

8a. Update: Planning, Zoning, and Development Items – Steve Cohen, Director of Community Development and Shawn Keenan, Water Resources Coordinator (8:11)

Mr. Cohen reviewed some of the items the Planning Commission will be reviewing and discussing over the next few meetings:

November 26th: Dollar General – Site Plan; Review Draft - Parks and Recreation Plan
December 10th: SW Corner Auburn/Squirrel Project – PUD Step 1 & 2; Text Amendment – EV Infrastructure Update; Text Amendment – Automatic Changeable Copy Signs

January 23rd: Six Acre Parcel – North of Forester Square (28 lots) – Site Plan; Public Hearing – Parks and Recreation Plan: Public Discussion – Alberta Curb Cut; Text Amendment – Parking Standards; Text Amendment – Outside Seating Standards

8b. Approve Planning Commission Meeting Date Change from November 27th to November 26th (8:16)
Mr. Cohen noted the City calendar shows the next Planning Commission meeting is November 27th in error, it should be held on November 26th.

9. COMMUNICATIONS

Mr. Keenan explained the status report for approved developments will be ready for the next meeting.

Mr. Ouellette noted during the budget discussion there was a mention of reconstructing the University Drive bridge, if the road was pulled back by Spargo’s to the east, for an entrance into the industrial park to the south. This would allow a left hand turn off of University into the industrial park

10. ANNOUNCEMENT OF NEXT MEETING
The next scheduled meeting is November 26, 2013 at 7:00 p.m. in the City Council Chamber.

11. ADJOURNMENT
The meeting was adjourned at 8:20 p.m.

Respectfully Submitted,

Kathleen Novak
Records Retention Clerk
DATE: NOVEMBER 11, 2013

AGENDA ITEM No. 8A.

To: Mayor and City Council

From: Peter E. Auger, City Manager; Doreen E. Olko, Director of Emergency Services; Jim Manning, Deputy Director of Emergency Services/Fire

Submitted: November 7, 2013

Subject: Implementation of AHFD Full Transport EMS

INTRODUCTION AND HISTORY

When police and fire services were combined into the Department of Emergency Services in January 2012 one of the goals was to analyze the current delivery model of emergency medical services and evaluate whether it was feasible and financially responsible to discontinue the contract with Star Ambulance and fully implement transport medical with our current staff and equipment.

Deputy Director Manning and his staff produced a comprehensive report that looked at current response levels and compared 4 models of service delivery. That report was evaluated by the Public Safety Advisory Committee at meetings on July 29, 2013, Sept. 24, 2013 and October 15, 2013. In addition there was a joint workshop with City Council on August 29, 2013.

At the last meeting of the Public Safety Advisory Commission on October 15, 2013, the Committee voted 3-0 (two absences) to recommend to City Council that they adopt the full transport model of emergency medical service delivery.

If Council were to adopt this model, we would move to full implementation after several preliminary steps were completed. Among those are the close out of the current contract with Star and issuance of a Request for Proposal to award a billing services contract. Because these steps will take several months to complete, we will give regular progress updates to Council.

STAFF RECOMMENDATION

Staff recommends implementation of full transport advanced life support services by the AHFD.

MOTION

Move to direct the City Manager to implement full transport emergency medical services by the AHFD; terminate the current contract with Star Ambulance; negotiate a contract for ambulance back up services and seek bids for ambulance billing services.

I CONCUR: 

PETER E. AUGER, CITY MANAGER
Acronyms and Definitions:

- **AED**: Automated External Defibrillator: Electronic device that allows BLS personnel to provide life saving electrical therapy to patients in cardiac arrest.
- **AHFD**: Auburn Hills Fire Department
- **ALS**: Advanced Life Support: is a set of life-saving protocols and skills that extend Basic Life Support to further support the circulation and provide an open airway and adequate ventilation (breathing). Advanced Life Support incorporates the use of drugs.
- **Alpha1**: Auburn Hills Owned Advanced Life Support Ambulance located at Station 1.
- **Alpha2**: STAR EMS Owned Advanced Life Support Ambulance Located at Station 2. (Staffed with 1-AHFD Medic & 1-STAR Medic 24/7)
- **BLS**: Basic Life Support: is the level of medical care which is used for victims of life-threatening illnesses or injuries until they can be given full medical care at a hospital. Basic Life Support does not include the use of drugs or invasive skills.
- **Bravo1**: Auburn Hills Owned Basic Life Support Ambulance located at Station 1.
- **Bravo2**: STAR EMS Owned Basic Life Support Ambulance Located at Station 2.
- **Bravo 3**: STAR EMS Owned Basic Life Support Ambulance Located at Station 2.
- **EMD**: Emergency Medical Dispatcher: provides pre arrival medical preparation
- **EMS**: Emergency Medical Services
- **EMT**: Emergency Medical Technician: EMTs are trained to assess a patient's condition, and to perform such emergency medical procedures as are needed to maintain a patent airway with adequate breathing and cardiovascular circulation until the patient can be transferred to an appropriate destination for advanced medical care.
- **Est.**: Estimated
- **IO Drill**: Intraosseous Infusion Drill: Medical device that allows Paramedics to deliver fluids and medications to critically ill adults & infants for whom they are unable to obtain a conventional IV.
- **Life Pack**: Medical device manufactured by Physio Control that allows paramedics to monitor, diagnose, and treat cardiac rhythm abnormalities.
- **MABAS**: Mutual Aid Box Alarm System: Mutual Aid Association is to facilitate the mutual sharing of municipal fire service resources and ideas to provide members with a trained, equipped, and coordinated response for all hazards and technical operations beyond their local capabilities.
- **Med**: Paramedic: a person who is trained to assist a physician or to give first aid or other health care in the absence of a physician. Is capable of administering some drugs.
- **Non Transport**: Provide on the scene medical care and service, but does not provide patient service from the scene to the hospital or location
- **POC**: Paid on Call Auburn Hills Fire/EMS Staff :
- **Pulse OX**: Pulse Oximetry Meter: Medical device that allows emergency responders to measure and evaluate oxygen levels in the patient’s blood stream.
- **STAR**: STAR EMS: the company currently under agreement with the city providing joint EMS service.
AHFD EMS Service Data Report Summary

EMS CALL DATA
• Average Run Time: 56 Minutes (Dispatch to EMS Clear)
• Average Response Time: 6.3 Minutes
• (2012) Total AHFD Calls: 3,084
• Top Call Type: EMS Rescue 2,055 calls (68%)
• 3 Year Average BLS Calls: 224
• 3 Year Average ALS Calls: 1,171
• Total POC Responses:
  o Medical: 4,918.81 Hrs (Year 2012 Total)
  o Transport: 1,116.39 Hrs (Year 2012 Total)

EMS DESTINATION DATA
• Call Destination Type:
  o Residential: 915 (45%)  
  o Commercial: 1,077 (54%)
• Top Commercial Address: 153 Responses  
  Meadows of Auburn Hills 3131 N. Squirrel  
  (Senior Apartments)
• Oakland University Calls:
  o 2012 Total calls: 144
  o Percent Increase from Previous Year: 5.109%
• Top Transport Destination: 486 (23.72%)  
  McLaren-Oakland Medical Center/POH  
  50 N. Perry St. Pontiac, MI 48342

EMS TEMPORAL DATA
• Weekday Run Analysis:
  o Primary Day: Monday (319) 16%
  o Secondary Day: Friday (311) 15%
• Time of Day Peak Shift Time:
  0800 Hrs- 1700 Hrs (8:00am- 5:00pm)
  o Time accounts for over 50% of daily calls
• Runs By Month:
  o Peak Month of the Year: October 221
  o Secondary Month(s): September 202, August 202

EMS TREATMENT DATA
• Auburn Hills Resident EMS Treatment
  o 2010: 765
  o 2011: 900
  o 2012: 975
  ▪ 3 Year Change: Increase 27.45%
• Top Incident Type: General Medical Complaint 243
• Top Impression Type: Traumatic Injury 246

*The calculations within this report used data reflecting trends within the past three (3) years as well as information reflecting the most recent city demographical, geographical, social characteristics and demands.*
**EMS Service Statistical Data Analysis**

**AHFD EMS DESTINATION DATA**

Residential vs. Commercial Responses (2012):

<table>
<thead>
<tr>
<th>Response Type</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>EMS Commercial Total:</td>
<td>1077</td>
</tr>
<tr>
<td>EMS Residential Total:</td>
<td>915</td>
</tr>
<tr>
<td>EMS Unknown Total:</td>
<td>61</td>
</tr>
</tbody>
</table>

Top 5 EMS Responder Commercial Addresses (2012)

| Location                              | Address            | Responses |
|---------------------------------------|--------------------|
| Meadows of Auburn Hills               | 3131 N Squirrel    | 153       |
| Oakland University                     | 2200 N Squirrel    | 143       |
| Public Safety Bldg (Does not include blood draws) | 1899 N Squirrel | 100       |
| Chrysler                              | 800 Chrysler Dr    | 80        |
| Great Lakes Crossing                  | 4000 Baldwin       | 72        |

3 Year EMS Response totals for Oakland University

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Percent Change Prev. Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>127</td>
<td>N/A</td>
</tr>
<tr>
<td>2011</td>
<td>137</td>
<td>Increase. 7.874%</td>
</tr>
<tr>
<td>2012</td>
<td>144</td>
<td>Increase. 5.109%</td>
</tr>
</tbody>
</table>

Senior Complex EMS Responses (2012)

| Location                              | Address            | Responses |
|---------------------------------------|--------------------|
| Meadows of Auburn Hills               | 3131 N Squirrel    | 153       |
| Meadow Creek Village                  | 2185 Squirrel Blvd | 55        |
| Harbor Chase of Auburn Hills          | 3033 N. Squirrel   | 44        |
| Total                                 |                    | 225       |

Top 5 Transport Destinations (2012)

<table>
<thead>
<tr>
<th>Destination</th>
<th># of Runs</th>
<th>% of Runs</th>
</tr>
</thead>
<tbody>
<tr>
<td>McLaren- Oakland Medical Center/POH</td>
<td>486</td>
<td>23.72%</td>
</tr>
<tr>
<td>Crittenton Hospital Medical Center</td>
<td>440</td>
<td>21.47%</td>
</tr>
<tr>
<td>St. Joseph Mercy Oakland</td>
<td>423</td>
<td>20.64%</td>
</tr>
<tr>
<td>William Beaumont Hospital-Troy</td>
<td>159</td>
<td>7.76%</td>
</tr>
<tr>
<td>William Beaumont Hospital- Royal Oak</td>
<td>57</td>
<td>2.78%</td>
</tr>
</tbody>
</table>

**AHFD EMS CALL DATA**

Additional EMS Call Statistics

- Average Total Run Time: 56 Minutes
  (Dispatch to EMS All Clear)
- Average Response Time: 6.3 Minutes
  (State Law Regulations require under 7 Minutes at least 90% of the time)
- 3 Year Average BLS Calls: 224
  (2012- Total Medicals: 208)
- 3 Year Average ALS Calls: 1171
  (2012-Total Medicals: 1,502)

EMS Paid on Call (POC) Station Response Breakdown (2012)

<table>
<thead>
<tr>
<th>Station</th>
<th>POC Medical</th>
<th>POC Transport</th>
<th>Total Hours</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Station 1</td>
<td>1,630.70</td>
<td>261.3</td>
<td>1,892.00</td>
<td>$27,071.52</td>
</tr>
<tr>
<td>Station 2</td>
<td>1,720.20</td>
<td>739.41</td>
<td>2,459.61</td>
<td>$28,843.32</td>
</tr>
<tr>
<td>Station 3</td>
<td>847.91</td>
<td>115.68</td>
<td>963.59</td>
<td>$12,891.63</td>
</tr>
<tr>
<td>Total</td>
<td>4,198.81</td>
<td>1,116.39</td>
<td>5,315.20</td>
<td>$68,806.47</td>
</tr>
<tr>
<td>City’s 401k Contribution (68%)</td>
<td></td>
<td></td>
<td></td>
<td>$22,160</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td>$90,966.47</td>
</tr>
</tbody>
</table>

EMS ALS & BLS Transport Incident Breakdown (2012)

- Incident Type: EMS call, excluding vehicle accident with injury
  Actions Taken
  - BLS 188
  - ALS 1,377

- Incident Type: Vehicle accident with injuries
  Actions Taken
  - BLS 20
  - ALS 19

- Incident Type: Motor vehicle/pedestrian accident (MV Ped)
  Actions Taken
  - BLS 0
  - ALS 6

Top 5 Types of Calls for Service (2012)

<table>
<thead>
<tr>
<th>Type of Calls</th>
<th>Number of Calls</th>
<th>Percent of calls</th>
</tr>
</thead>
<tbody>
<tr>
<td>EMS/Rescue</td>
<td>2,055</td>
<td>68.3%</td>
</tr>
<tr>
<td>Good Intent</td>
<td>306</td>
<td>10.2%</td>
</tr>
<tr>
<td>Service Call</td>
<td>290</td>
<td>9.7%</td>
</tr>
<tr>
<td>False Call</td>
<td>267</td>
<td>8.8%</td>
</tr>
<tr>
<td>Fire (see pg 16)</td>
<td>93</td>
<td>3.0%</td>
</tr>
</tbody>
</table>
**EMS Service Statistical Data Analysis**

**AHFD EMS TEMPORAL DATA**

*Weekday Run Analysis (2012)*

- **Peak Day:** Monday (319)
- **Secondary Day:** Friday (311)

**2012 Time-of-Day Run Analysis**

- **Peak Shift Time:** 0800-1700Hrs (8:00-5:00pm)

**2012 Runs-By-Month Analysis**

- **Peak Month:** October (221)
- **Secondary Month:** September (202) & August (202)

**AHFD EMS TYPE DATA**

**Top 10 Incident Types (2012)**

<table>
<thead>
<tr>
<th>Type</th>
<th>Number Calls</th>
<th>Perc. Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Medical Complaint</td>
<td>243</td>
<td>11.86%</td>
</tr>
<tr>
<td>Traffic Transport</td>
<td>211</td>
<td>10.30%</td>
</tr>
<tr>
<td>Fall Victim</td>
<td>161</td>
<td>7.86%</td>
</tr>
<tr>
<td>Chest pain</td>
<td>160</td>
<td>7.81%</td>
</tr>
<tr>
<td>Breathing Problem</td>
<td>146</td>
<td>7.13%</td>
</tr>
<tr>
<td>Unconscious/ Fainting</td>
<td>136</td>
<td>6.64%</td>
</tr>
<tr>
<td>Seizure/ Convulsions</td>
<td>100</td>
<td>4.88%</td>
</tr>
<tr>
<td>Sick person</td>
<td>82</td>
<td>4.00%</td>
</tr>
<tr>
<td>Pain</td>
<td>81</td>
<td>3.95%</td>
</tr>
<tr>
<td>Traumatic Injury</td>
<td>64</td>
<td>3.12%</td>
</tr>
</tbody>
</table>

**Top 10 Impression Types (2012)**

<table>
<thead>
<tr>
<th>Impression</th>
<th>Number of Calls</th>
<th>Perc. Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traumatic Injury</td>
<td>246</td>
<td>12.01%</td>
</tr>
<tr>
<td>Other</td>
<td>213</td>
<td>10.40%</td>
</tr>
<tr>
<td>Pain</td>
<td>197</td>
<td>9.61%</td>
</tr>
<tr>
<td>Chest pain/ Discomfort</td>
<td>66</td>
<td>4.69%</td>
</tr>
<tr>
<td>Syncope/Fainting</td>
<td>89</td>
<td>4.34%</td>
</tr>
<tr>
<td>Seizure</td>
<td>85</td>
<td>4.15%</td>
</tr>
<tr>
<td>Abdominal Pain/Problems</td>
<td>71</td>
<td>3.47%</td>
</tr>
<tr>
<td>Behavior/ Psychiatric Disorder</td>
<td>57</td>
<td>2.78%</td>
</tr>
<tr>
<td>Weakness</td>
<td>56</td>
<td>2.73%</td>
</tr>
<tr>
<td>Other Illness/Injury</td>
<td>54</td>
<td>2.64%</td>
</tr>
</tbody>
</table>

**Top 5 Patients Treated by City of Residence**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Auburn Hills</td>
<td>765</td>
<td>Inc. 17.65%</td>
<td>900</td>
<td>Inc. 8.33%</td>
<td>975</td>
</tr>
<tr>
<td>Pontiac</td>
<td>109</td>
<td>Inc. 9.174%</td>
<td>119</td>
<td>Dec. 3.361%</td>
<td>115</td>
</tr>
<tr>
<td>Waterford</td>
<td>36</td>
<td>Inc. 2.778%</td>
<td>37</td>
<td>Dec. 24.32%</td>
<td>28</td>
</tr>
<tr>
<td>Rochester</td>
<td>44</td>
<td>Dec. 47.72%</td>
<td>23</td>
<td>Inc. 13.04%</td>
<td>26</td>
</tr>
<tr>
<td>Rochester Hills</td>
<td>13</td>
<td>Inc. 153.8%</td>
<td>33</td>
<td>Dec. 24.24%</td>
<td>25</td>
</tr>
</tbody>
</table>
### ALS TRANSPORT

**Personnel Scheduling:**
- Alpha 1-Med 1-EMT
- Engine 1-Med 1-EMT
- Bravo Unit 2-EMT’s (P/T-POC)
  
  **(Peak Time 8-5pm)**

6 Staff for EMS/Fire

---

### ALS NON-TRANSPORT

**Personnel Scheduling:**
- 2 Fire Fighters
- 1 Lieutenant

3 Staff for Fires

---

### BLS NON-TRANSPORT

**Personnel Scheduling:**
- 2 Fire Fighters
- 1 Lieutenant

3 Staff for Fires

---

### STAR SERVICE

**Personnel Scheduling:**
- 1 Star Medic 24/7
- 1 AHFD Medic 24/7
- 1 Fire Fighter
- 1 Lieutenant

3 Staff for EMS/Fire (+1 STAR Employee)

---

### Advantages

**Equipment:**
- Sell Bravo 1 and Alpha 1
- Ambulance cost yearly savings

**Personnel:**
- Reduction in POC yearly costs

**Billing:**
- Contract company for billing and transport

---

### Disadvantages

**Personnel:**
- Low staffing for multiple calls
- Staff retention and development

**Equipment:**
- Maintenance/ equipment repair / fuel costs
- Depletion of Fire Engine life span

**Billing:**
- Contract with EMS Service provider.
- No flexibility in billing
- No recoverable revenue

**Liability:**
- MABAS Agreement

---

### Grants:
- Maximum grant opportunities

---

### Personnel:
- Does not require additional staff
- High retention and development
- 1-med/1-EMT State Ratio

---

### Equipment:
- AHFD already owns primary equipment
- Reduce fire engine use

---

### Liability:
- Lower POC Response Liability
- Optional flexibility in hardship and residential billing
- Bill service maintains reporting and state licensing

---

### Disadvantages:
- All Fuel/Main/Insurance. Costs
- Supplies and Med Box Costs
- Upgrade and Replacement Costs

**Billing:**
- Contract with company for 3-5 years

---

### Advantages:

**Equipment:**
- Sell Ambulances and Monitors
- Ambulance yearly cost savings

**Personnel:**
- Reduction in POC yearly costs

**Billing:**
- Only require Med Basic

---

### Disadvantages:

**Personnel:**
- STAR Staffing issues
- AHFD Medic assigned to STAR
- State Ratio 1-med/1med
- AHFD responsible for POC

**Equipment:**
- Alpha 1 & Bravo 1 Fuel/Main/Ins
- Life Pack Use/Maint/Repair Costs
- Infusion drill/Pulse Meter use
- Cannot use City name or Logo

**Billing:**
- Third party limitations on the flexibility of public hardship billing
- Revenue based on 2006 call ratio

---

### Liability:
- Accountable for STAR units in city

---

### Grants:
- Minimal grant opportunities
**ALS TRANSPORT**

Revenue Before Expenses

Estimated Collectable Revenue

$575,505.35

Expenses

- Personnel
- Supplies
- EMD Service
- Billing Service
- Med Box
- Equipment Maint/Repair
- Bravo 1
  - Maintenance
  - Fuel
  - Insurance
  - Annual Cost
  - Overhead Cost
- Alpha 1
  - Maintenance
  - Fuel
  - Insurance
  - Annual Cost
  - Overhead Cost

Estimated Total 2013 Expense Cost

$513,915.54

Revenue AFTER Expenses

Estimated Total Revenue After Expenses

$61,039.81

**ALS NON- TRANSPORT**

Revenue Before Expenses

Estimated Collectable Revenue

$0.00

Expenses

- Personnel
- Supplies
- Equipment Maint/Repair
- Additional Fire Engine Costs
  - Fuel
  - Maintenance
  - Increased Depreciation
- Med Box

Estimated Equip 2013 Expense Cost

$10,653.00

Revenue AFTER Expenses

Estimated Total Revenue After Expenses

$0.00

**BLS NON-TRANSPORT**

Revenue Before Expenses

Estimated Collectable Revenue

$0.00

Expenses

- Personnel
- Supplies
- Equipment Maint/Repair
- Additional Fire Engine Costs
  - Fuel
  - Maintenance
  - Increased Depreciation

Estimated Equip 2013 Expense Cost

$7,000.00

Revenue AFTER Expenses

Estimated Total Revenue After Expenses

$0.00

**CONTINUE STAR SERVICE**

Revenue Before Expenses

Estimated Collectable Revenue

$46,800.00

Expenses

- Personnel
- Additional Supplies
- Equipment Maint/Repair
- Bravo 1
  - Maintenance
  - Fuel
  - Insurance
  - Annual Cost
  - Overhead Cost
- Alpha 1
  - Maintenance
  - Fuel
  - Insurance
  - Annual Cost
  - Overhead Cost

Approx. Total 2012 Expense Cost

$333,908.74

Estimated Total 2013 Expense Cost

$278,032.27

Revenue AFTER Expenses

Estimated Total Revenue After Expenses

$0.00

**DOES NOT INCLUDE**

- Grants

---

Revenue AFTER Expenses

Estimated Total Revenue After Expenses

$0.00

---

Revenue AFTER Expenses

Estimated Total Revenue After Expenses

$0.00

---

Revenue AFTER Expenses

Estimated Total Revenue After Expenses

$0.00
### Current AHFD ALS Equipment Investment

<table>
<thead>
<tr>
<th>Description</th>
<th>FULL ALS TRANSPORT</th>
<th>ALS NON TRANSPORT</th>
<th>BLS NON TRANSPORT</th>
<th>STAR EMS SERVICE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ALPHA 1</strong> - was purchased for</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>- 2008 Lifeline / Chevrolet C4500 Type III</td>
<td>$145,267.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>BRAVO 1</strong> - was purchased for</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>- 2003 Wheeled Coach / Ford E450 Type III</td>
<td>$92,000.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Life Pack(s)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physio Control Life Pack 12 Monitors.</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Monitor 1 - Purchase Price</td>
<td>$21,000.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monitor 2 - Purchase Price</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monitor 3 - Purchase Price</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td><strong>Intraosseous Infusion Drills</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drill 1 - Purchase Price</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drill 2 - Purchase Price</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Drill 3 - Purchase Price</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td><strong>Pulse Oximetry Meters</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Meters - (560.00 per unit)</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td><strong>AED</strong></td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>2 Units</td>
<td>$5,556.50</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>STRETCHER</strong></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Donated</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Paramedic Training</strong></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>approx.</td>
<td>$120,800.00</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*List incorporates approximate costs associated with the purchase of a large amount of ALS equipment for AHFD. This is not an exhaustive list.

**AHFD Approx 10 Year EMS Investment**

$437,923.50

Does not Include EMT Training Costs
2012 Department Equipment Distribution List

*Ambulance data calculated using information obtained and estimated via DPS annual fleet information*

**Alpha 1** — ALS 2008 Lifeline / Chevrolet C4500 Type III
- Purchase Price: $145,267.00
- Fuel: $1,622.13
- Insurance: $3,631.68
- Maintenance: $2,002.37
- Monthly Fixed Cost: $2,830.51
- Annual Overhead: $700.00

<table>
<thead>
<tr>
<th>Item</th>
<th>Increment</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>AHFD Pulse Ox</td>
<td>3 x $560.00</td>
<td>$1,680.00</td>
</tr>
<tr>
<td>AHFD IO Drill</td>
<td>1 unit</td>
<td>$300.00</td>
</tr>
</tbody>
</table>

**Bravo 1** — BLS 2003 Wheeled Coach / Ford E450 Type III
- Purchase Price: $92,000.00
- Fuel: $1402.52
- Insurance: $2,300.00
- Maintenance: $1,850.17
- Monthly Fixed Cost: $250.00
- Annual Overhead: $700.00

<table>
<thead>
<tr>
<th>Item</th>
<th>Increment</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>AHFD Pulse Ox</td>
<td>1 unit</td>
<td>$560.00</td>
</tr>
<tr>
<td>Stretcher</td>
<td></td>
<td>$550.00</td>
</tr>
</tbody>
</table>

**Bravo 2**
- AHFD Pulse Ox: Purchase Price $560.00
- Lifepack 15: Purchase Price $45,000.00
- IO Drill: Purchase Price $300.00
- Stretcher: Avg. Yearly Maint. $550.00

**Alpha 2**
- Lifepack 15: Purchase Price $45,000.00
- Maintenance: $4,500.00

<table>
<thead>
<tr>
<th>Item</th>
<th>Increment</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>AHFD Pulse Ox</td>
<td>1 unit</td>
<td>$560.00</td>
</tr>
<tr>
<td>AHFD IO Drill</td>
<td>1 unit</td>
<td>$300.00</td>
</tr>
</tbody>
</table>

**Engine 2** — ALS
- Lifepack 12: Purchase Price $24,000.00
- Maintenance: $1,022.00

<table>
<thead>
<tr>
<th>Item</th>
<th>Increment</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>AHFD Pulse Ox</td>
<td>1 unit</td>
<td>$560.00</td>
</tr>
<tr>
<td>AHFD IO Drill</td>
<td>1 unit</td>
<td>$300.00</td>
</tr>
</tbody>
</table>

**Bravo 3**
- AHFD Pulse Ox: Purchase Price $560.00

**Equipment TEXT Key:**
- **BLUE TEXT**— indicates units owned/maintained/ and operated by STAR
- **BOLD HIGHLIGHTED**— Indicates unit owned/ maintained/ and operated by AHFD
- **BOLD TEXT**— Indicates equipment purchased and price paid by AHFD
- **RED TEXT**— Indicates estimated yearly equipment costs incurred by AHFD

*Life pack 15 yearly maintenance costs approx. $4,500.00 is paid by AHFD but used on a STAR EMS Ambulance*

*2012 POC Station 1 Medical Response costs approx $27,071.52 a year paid by AHFD using AHFD equipment under STAR EMS Service.*

*In 2012 AHFD paid $6,900.32 in additional EMS Supplies used on STAR and AHFD Ambulances.*

*AHFD paid approx. $550.00 per year for stretcher maintenance in Alpha1 and Bravo 1.*
CONTINUE STAR SERVICE

Advantages

Personnel:
- STAR provides 1-Medic 24/7

Equipment:
- STAR provides 2-Bravo Units and 1-Alpha Unit which they pay for Fuel, Maintenance, and Insurance
- STAR provides and pays for a majority of the primary supplies and secondary Med Boxes

Billing:
- STAR pays AHFD $3,900 monthly which totals $46,800 per year as revenue
- STAR is responsible for all billing services and liability

Disadvantages

Personnel:
- STAR staff call offs and missed back fill
- AHFD must provide one Medic staff assigned to STAR 24/7
- Due to STAR being a private company staff ratio 1-Med/ 1 Med in ALS units
- AHFD must pay for POC Med Response

Equipment:
- AHFD is responsible for fuel, insurance, maintenance of Alpha 1 and Bravo 1
- AHFD pays for the repair and maintenance of Life Packs used on STAR Units
- STAR uses AHFD Infusion Drills and Pulse Meters
- AHFD is responsible for additional supply costs

Billing:
- Third party limitations on the flexibility of public hardship billing
- When STAR uses AHFD ambulances they are unable to bill for service
- STAR pays revenue based on 2006 call ratio

Liability:
- AHFD is accountable for the presence of STAR units and staff within the city.

Grants:
- Private EMS service contract decreases opportunity for governmental grants

<table>
<thead>
<tr>
<th>ITEM</th>
<th>INCREMENT</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 STAR Medic 24/7</td>
<td>Approx $15.00hr</td>
<td>+/- $131,490.00</td>
</tr>
<tr>
<td>1 AHFD Medic 24/7</td>
<td>Variable Hr.</td>
<td>-$229,749.37*</td>
</tr>
<tr>
<td></td>
<td>Wage</td>
<td></td>
</tr>
<tr>
<td>Monthly Revenue</td>
<td>$3,900.00 Month</td>
<td>$46,800.00*</td>
</tr>
<tr>
<td>Life Pack Maint.</td>
<td>$1,022.00</td>
<td>-$6,544.00*</td>
</tr>
<tr>
<td></td>
<td>$1,022.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$4,500.00</td>
<td></td>
</tr>
<tr>
<td>Stretcher</td>
<td>Avg. Yearly Maint.</td>
<td>-$550.00*</td>
</tr>
<tr>
<td>POC Med Response</td>
<td>5,315.2 hrs</td>
<td>-$90,966.47*</td>
</tr>
<tr>
<td>Supplies</td>
<td>$(7.00 per Call)</td>
<td>+/- $12,600.00</td>
</tr>
<tr>
<td>AHFD Supplies</td>
<td>Year 2012</td>
<td>-$6,960.32*</td>
</tr>
<tr>
<td>STAR ALS 1</td>
<td>Estimation</td>
<td>+/- $12,000.00</td>
</tr>
<tr>
<td>STAR BLS 1</td>
<td>Estimation</td>
<td>+/- $11,500.00</td>
</tr>
<tr>
<td>STAR BLS 2</td>
<td>Estimation</td>
<td>+/- $8,500.00</td>
</tr>
<tr>
<td>AHFD Bravo 1</td>
<td>2012 Annual Cost</td>
<td>-$7,890.21*</td>
</tr>
<tr>
<td>Fuel-2012</td>
<td>Insurance-2012</td>
<td></td>
</tr>
<tr>
<td>Maintenance 2012</td>
<td>Monthly Fixed Cost 2012</td>
<td></td>
</tr>
<tr>
<td>AHFD Alpha 1</td>
<td>2012 Annual Cost</td>
<td>-$38,048.36*</td>
</tr>
<tr>
<td>Fuel-2012</td>
<td>Insurance-2012</td>
<td></td>
</tr>
<tr>
<td>Maintenance 2012</td>
<td>Monthly Fixed Cost 2012</td>
<td></td>
</tr>
<tr>
<td>AHFD Costs</td>
<td>Estimated 2012 Total</td>
<td>+/- 333,908.74</td>
</tr>
</tbody>
</table>

*Indicates the approximate totals calculated for AHFD 2012 Cost
Numbers in RED are totals Paid by AHFD
Numbers in GREEN are Totals Paid by STAR
Number in YELLOW indicates total paid by STAR to AHFD
Advantages

**Equipment:**
- Sell Ambulances and Monitors
- Ambulance Fuel, Insurance, and repair cost savings

**Personnel:**
- Reduction in POC yearly costs

**Billing:**
- Contract company will be responsible for billing and transport

**Liability:**
- Reduce POC night response

Disadvantages

**Personnel:**
- Staff retention, 68% of EMS is D/C POC
- Minimal secondary staff response while already at fire or medical
- Low staff retention or development

**Liability:**
- MABAS Agreement violations due to lack of personnel

**Billing:**
- The city will have to contract with an outside EMS Service provider.
- Provide staff to regulate contract EMS response times
- There will be little or no city input in service or flexibility in billing
- There is no recoverable revenue

**Equipment:**
- Depletion of Fire Engine/Truck life span
- Additional fuel and maintenance expenses

Personnel Implementation:

<table>
<thead>
<tr>
<th>Staff Only for Fires</th>
</tr>
</thead>
<tbody>
<tr>
<td>- 2 Fire Fighters</td>
</tr>
<tr>
<td>- 1 Lieutenant</td>
</tr>
<tr>
<td>- 3 Staff for Fires</td>
</tr>
<tr>
<td>12 Hrs Shifts</td>
</tr>
</tbody>
</table>

Estimated Revenue Loss Before Expenses

<table>
<thead>
<tr>
<th>STAR EMS SERVICE</th>
<th>$3,900.00 Month</th>
<th>$46,800.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALS Transport</td>
<td>Approx. Total</td>
<td>$61,039.81</td>
</tr>
</tbody>
</table>

Estimated Annual Equipment Costs

| Supplies         | $7,000          |

*DOES NOT INCLUDE*
- Fire Fighter Wages
- Additional Fire Engine Costs
  - Fuel
  - Maint
  - Insurance

One Time Equipment Sale Cost Recovery

<table>
<thead>
<tr>
<th>Item</th>
<th>Approx. Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bravo 1</td>
<td>Est. $13,500.00</td>
</tr>
<tr>
<td>Alpha 1</td>
<td>Est. $60,000.00</td>
</tr>
<tr>
<td>Intraosseous Infusion Drills</td>
<td>Est. $200.00</td>
</tr>
<tr>
<td>Life Pack 12’s and 15</td>
<td>Est. $30,000.00</td>
</tr>
<tr>
<td>Total</td>
<td>Est. $103,700.00</td>
</tr>
</tbody>
</table>
ALS NON-TRANSPORT

Advantages

**Equipment:**
- Sell Bravo 1 and Alpha 1
- Ambulance Fuel, Insurance, and repair cost savings

**Personnel:**
- Reduction in POC yearly costs

**Billing:**
- Contract company will be responsible for billing and transport

**Liability:**
- Reduce POC night response

Disadvantages

**Personnel:**
- A reduction of Fire personnel for all shifts.
- Minimal secondary staff response while already at fire or medical
- Low staff retention or development
- Provide staff to regulate contract EMS response times

**Equipment:**
- Maintenance, repair of Life Packs, and equipment
- Depletion of Fire Engine life span
- If drug box is opened/used staff will need to leave city to the hospital to retrieve a new one
- Additional fuel and maintenance expenses

**Billing:**
- The city will have to contract with an outside EMS Service provider
- There will be little or no city input in service or flexibility in billing
- There is no recoverable revenue

**Liability:**
- MABAS Agreement violations due to lack of personnel

Personnel Implementation:

Staff Only for Fires

- 2 Fire Fighters 12 Hrs Shifts
- 1 Lieutenant 12 Hr Shifts
- 3 Staff for Fires (only station 2)

Estimated Revenue Loss Before Expenses

<table>
<thead>
<tr>
<th>Service Provider</th>
<th>Monthly Estimate</th>
<th>Total Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>STAR EMS SERVICE</td>
<td>$3,900.00</td>
<td>$46,800.00</td>
</tr>
</tbody>
</table>

OR

<table>
<thead>
<tr>
<th>Service Provider</th>
<th>Approx. Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALS Transport</td>
<td>$61,039.81</td>
</tr>
</tbody>
</table>

Estimated Annual Equipment Costs

<table>
<thead>
<tr>
<th>Item</th>
<th>Approx. Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Life Pack Service Agreement</td>
<td>3,548.00</td>
</tr>
<tr>
<td>Supplies</td>
<td>6,960.32</td>
</tr>
<tr>
<td>Med Box Per Year</td>
<td>145.00</td>
</tr>
<tr>
<td>Total</td>
<td>10,653.00</td>
</tr>
</tbody>
</table>

Does not include:
- Fire Fighter Wages
- Additional Fire Engine Costs
  - Fuel
  - Maint
  - Insurance

One Time Equipment Sale Cost Recovery

<table>
<thead>
<tr>
<th>Item</th>
<th>Approx. Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bravo 1</td>
<td>Est. $13,500.00</td>
</tr>
<tr>
<td>Alpha 1</td>
<td>Est. $60,000.00</td>
</tr>
<tr>
<td>Total</td>
<td>Est. $73,500.00</td>
</tr>
</tbody>
</table>
Advantages

Grants:
- As a full in house ALS/BLS Transport service provider there is increased opportunity for governmental grants - (ie. Power Cots)

Personnel:
- The department is currently staffed with enough personnel to efficiently operate the service without hiring additional fulltime personnel.
- The schedule will allow for more retention and development of current POC staff through a steady rotating schedule.
- State licensing allows 1-Med / 1 EMT ratio for Non-Private ALS service

Equipment:
- The department currently owns and maintains the primary equipment required to facilitate the service.
- Reduces the continuous use and depletion of fire engine lifespan

Liability:
- The city will lower its Paid on Call Response Liability through the use of a rotating schedule rather than POC emergency response.
- Reciprocal medical response flexibility with surrounding cities

Billing:
- City determination as to residential and hardship billing flexibility
- Billing company will maintain state reporting, Medicaid/Medicare licensure, and hospital requirements helping to also reduce additional liability
- Report writing and records stored electronically

Disadvantages

Equipment
- The department will be responsible for all insurance, maintenance, and fuel costs of all EMS equipment
- The department will be responsible for the ordering and stocking of all medical supplies and Med Boxes

Billing:
- The department will have to sign a 3 or 5 year contract with a billing company

Personnel Schedule Implementation:
- Alpha 1 1-MED /1 EMT ALS Transport
- Engine 2 1-Med /1 EMT ALS Non-Transport*Cost Associated with Fire
- Bravo 1 1-EMT / 1 EMT BLS (P/T) - 8-5pm (Peak Time)

<table>
<thead>
<tr>
<th>Item</th>
<th>Rate</th>
<th>Increment</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Avg. ALS Runs</td>
<td>1171</td>
<td>$575.00</td>
<td>$673,325.00</td>
</tr>
<tr>
<td>Avg. BLS Runs</td>
<td>224</td>
<td>$425.00</td>
<td>$95,200.00</td>
</tr>
<tr>
<td>Loaded Miles</td>
<td>11,160</td>
<td>$13.00</td>
<td>$145,080.00</td>
</tr>
<tr>
<td>Oxygen</td>
<td>840</td>
<td>$45.00</td>
<td>$37,800.00</td>
</tr>
<tr>
<td>Estimate Billable</td>
<td>1 Year</td>
<td>n/a</td>
<td>$951,405.00</td>
</tr>
<tr>
<td>Estimate Recovery</td>
<td>1 Year</td>
<td>7.74%</td>
<td>-$44,544.11</td>
</tr>
<tr>
<td>Estimate AccuMed Service</td>
<td>1 Year</td>
<td>7.74%</td>
<td>-$44,544.11</td>
</tr>
<tr>
<td>Supplies Avg.</td>
<td>1800</td>
<td>$7.00 per call</td>
<td>-$12,600.00*</td>
</tr>
<tr>
<td>County Med Box</td>
<td>1 Year</td>
<td>$145.00</td>
<td>-$145.00*</td>
</tr>
<tr>
<td>Stretcher Main. Avg</td>
<td>1 Year</td>
<td>$550.00</td>
<td>-$550.00*</td>
</tr>
<tr>
<td>Bravo 1</td>
<td>1 Year</td>
<td>Yearly AVG.</td>
<td>-$13,622.04*</td>
</tr>
<tr>
<td>Fuel-Estimated Avg. Insurance: 2013</td>
<td></td>
<td>$4,603.00</td>
<td></td>
</tr>
<tr>
<td>Maintenance</td>
<td></td>
<td>$920.00</td>
<td></td>
</tr>
<tr>
<td>Monthly Fixed Cost: 2013</td>
<td></td>
<td>$6,579.00</td>
<td></td>
</tr>
<tr>
<td>Annual Overhead</td>
<td></td>
<td>$1,220.04</td>
<td></td>
</tr>
<tr>
<td>Maintenance</td>
<td></td>
<td>$300.00</td>
<td></td>
</tr>
<tr>
<td>Monthly Fixed Cost: 2013</td>
<td></td>
<td>$3,517.00</td>
<td></td>
</tr>
<tr>
<td>Annual Overhead</td>
<td></td>
<td>$1,752.72</td>
<td></td>
</tr>
<tr>
<td>Alpha 1</td>
<td>1 Year</td>
<td>Yearly AVG.</td>
<td>-$14,427.39*</td>
</tr>
<tr>
<td>Fuel-Estimated Avg. Insurance: 2013</td>
<td></td>
<td>$7,405.00</td>
<td></td>
</tr>
<tr>
<td>Maintenance</td>
<td></td>
<td>$145.00</td>
<td></td>
</tr>
<tr>
<td>Monthly Fixed Cost: 2013</td>
<td></td>
<td>$3,517.00</td>
<td></td>
</tr>
<tr>
<td>Annual Overhead</td>
<td></td>
<td>$1,752.72</td>
<td></td>
</tr>
<tr>
<td>EMD</td>
<td>1800</td>
<td>$8.00 per call</td>
<td>-$14,400.00*</td>
</tr>
<tr>
<td>Life Pack Maint</td>
<td>Yearly</td>
<td>Service Agree</td>
<td>-$3,548.00*</td>
</tr>
<tr>
<td>Alpha Med 24/7</td>
<td>8760 hrs</td>
<td>1 Year</td>
<td>-$229,749.00*</td>
</tr>
<tr>
<td>Alpha EMT 24/7</td>
<td>8760 hrs</td>
<td>$14.00</td>
<td>-$122,640.00*</td>
</tr>
<tr>
<td>2 EMTs Peak Hrs.</td>
<td>4160 hrs</td>
<td>$14.00 Hr</td>
<td>-$58,240.00*</td>
</tr>
<tr>
<td>Approx. Total</td>
<td>n/a</td>
<td>Estimated</td>
<td>+/- $61,039.81</td>
</tr>
</tbody>
</table>

*Indicates numbers used to calculate approx. total
Projected Time Line

Projection variables:
The process in which the most accurate analysis is based incorporates past trends to depict future projections. Over the previous five (5) years the City of Auburn Hills has witnessed:
- Economic Downfall
- Reduction of insured residents
- Housing and Development Reduction
- Jurisdictional inclusion of Oakland University
- Fluctuating Fuel Costs

The City of Auburn Hills will see additional variables within the next three (3) to five (5) years.
- Population/housing/development/economic increase
- Federal Government healthcare (increase of insured residents)
- Continued Fluctuating Fuel Costs
- City Demographics (aging population)
- Purchase of a Life Pack in 2014 and 2015
- Purchase of Bravo Ambulance to replace Bravo 1
  (Estimated cost $105, 800.00) (Estimated monthly payment $600.00)

The process in which the most accurate analysis is based incorporates past trends to depict future projections. Over the previous five (5) years the City of Auburn Hills has witnessed:
- Economic Downfall
- Reduction of insured residents
- Housing and Development Reduction
- Jurisdictional inclusion of Oakland University
- Fluctuating Fuel Costs

The City of Auburn Hills will see additional variables within the next three (3) to five (5) years.
- Population/housing/development/economic increase
- Federal Government healthcare (increase of insured residents)
- Continued Fluctuating Fuel Costs
- City Demographics (aging population)
- Purchase of a Life Pack in 2014 and 2015
- Purchase of Bravo Ambulance to replace Bravo 1
  (Estimated cost $105, 800.00) (Estimated monthly payment $600.00)

The process in which the most accurate analysis is based incorporates past trends to depict future projections. Over the previous five (5) years the City of Auburn Hills has witnessed:
- Economic Downfall
- Reduction of insured residents
- Housing and Development Reduction
- Jurisdictional inclusion of Oakland University
- Fluctuating Fuel Costs

The City of Auburn Hills will see additional variables within the next three (3) to five (5) years.
- Population/housing/development/economic increase
- Federal Government healthcare (increase of insured residents)
- Continued Fluctuating Fuel Costs
- City Demographics (aging population)
- Purchase of a Life Pack in 2014 and 2015
- Purchase of Bravo Ambulance to replace Bravo 1
  (Estimated cost $105, 800.00) (Estimated monthly payment $600.00)

The process in which the most accurate analysis is based incorporates past trends to depict future projections. Over the previous five (5) years the City of Auburn Hills has witnessed:
- Economic Downfall
- Reduction of insured residents
- Housing and Development Reduction
- Jurisdictional inclusion of Oakland University
- Fluctuating Fuel Costs

The City of Auburn Hills will see additional variables within the next three (3) to five (5) years.
- Population/housing/development/economic increase
- Federal Government healthcare (increase of insured residents)
- Continued Fluctuating Fuel Costs
- City Demographics (aging population)
- Purchase of a Life Pack in 2014 and 2015
- Purchase of Bravo Ambulance to replace Bravo 1
  (Estimated cost $105, 800.00) (Estimated monthly payment $600.00)

The process in which the most accurate analysis is based incorporates past trends to depict future projections. Over the previous five (5) years the City of Auburn Hills has witnessed:
- Economic Downfall
- Reduction of insured residents
- Housing and Development Reduction
- Jurisdictional inclusion of Oakland University
- Fluctuating Fuel Costs

The City of Auburn Hills will see additional variables within the next three (3) to five (5) years.
- Population/housing/development/economic increase
- Federal Government healthcare (increase of insured residents)
- Continued Fluctuating Fuel Costs
- City Demographics (aging population)
- Purchase of a Life Pack in 2014 and 2015
- Purchase of Bravo Ambulance to replace Bravo 1
  (Estimated cost $105, 800.00) (Estimated monthly payment $600.00)

Yearly Projection Rate Change

<table>
<thead>
<tr>
<th>Item</th>
<th>Approx % Rate Change</th>
<th>Increment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loaded Miles</td>
<td>7% Inc.</td>
<td>Per Year</td>
</tr>
<tr>
<td>Oxygen</td>
<td>2% Inc.</td>
<td>Per Year</td>
</tr>
<tr>
<td>Recovery</td>
<td>39.51%</td>
<td>Of Billable</td>
</tr>
<tr>
<td>Supplies</td>
<td>5% Inc.</td>
<td>Per Year</td>
</tr>
<tr>
<td>EMD</td>
<td>5% Inc.</td>
<td>Per Year</td>
</tr>
</tbody>
</table>

BLS Ambulance Yearly Projection

<table>
<thead>
<tr>
<th>Item</th>
<th>Fuel</th>
<th>Insurance</th>
<th>Maintenance</th>
<th>Overhead</th>
<th>Fixed Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 2014</td>
<td>$500.00</td>
<td>$777.00 Quoted</td>
<td>$600.00</td>
<td>$300.00</td>
<td>$100.00</td>
</tr>
<tr>
<td>Year 2015*</td>
<td>$550.00</td>
<td>$777.00 Quoted</td>
<td>$125.00</td>
<td>$300.00</td>
<td>$600.00</td>
</tr>
<tr>
<td>Year 2016*</td>
<td>$600.00</td>
<td>$777.00 Quoted</td>
<td>$125.00</td>
<td>$300.00</td>
<td>$600.00</td>
</tr>
<tr>
<td>Chnge Rate</td>
<td>$50.00 Inc</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Increment</td>
<td>Per Month</td>
<td>Per Year</td>
<td>Per Month</td>
<td>Per Month</td>
<td>Per Month</td>
</tr>
</tbody>
</table>

*Indicates estimates after the purchase of a new BLS ambulance.

All Projections were calculated and determined using past city financial trends and rates as well as external quotes. They are only to serve at estimates and are not guarantees. All estimates are subject to additional variables. Projections are based on fixed wages and the purchase of additional equipment throughout the analysis.
### 3 Year Projected Time Line

<table>
<thead>
<tr>
<th>Item</th>
<th>Year 2014</th>
<th>Rate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Est. ALS Runs</td>
<td>1236 x $575.00</td>
<td>+$710,700.00</td>
<td></td>
</tr>
<tr>
<td>Est. BLS Runs</td>
<td>366x $425.00</td>
<td>+$155,550.00</td>
<td></td>
</tr>
<tr>
<td>Loaded Miles</td>
<td>12,816 x $13.00</td>
<td>+$166,608.00</td>
<td></td>
</tr>
<tr>
<td>Est. Oxygen</td>
<td>856 x $45.00</td>
<td>+$38,520.00</td>
<td></td>
</tr>
<tr>
<td>Est. Billable</td>
<td>1 year</td>
<td>$1,071,378.00</td>
<td></td>
</tr>
<tr>
<td>Est. Recovery</td>
<td>1 year</td>
<td>+$648,076.55*</td>
<td></td>
</tr>
<tr>
<td>Estimate</td>
<td>7.74%</td>
<td>-$50,161.13*</td>
<td></td>
</tr>
<tr>
<td>AccuMed Service</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplies Avg.</td>
<td>1900 x $7.00</td>
<td>-$13,300.00*</td>
<td></td>
</tr>
<tr>
<td>County Med Box</td>
<td>1 Year</td>
<td>-$145.00*</td>
<td></td>
</tr>
<tr>
<td>Est. stretcher main.</td>
<td>1 Year</td>
<td>-$200.00*</td>
<td></td>
</tr>
<tr>
<td>Est. Bravo 1</td>
<td>Yearly Est.</td>
<td>-$15,477.00*</td>
<td></td>
</tr>
<tr>
<td>Fuel-Estimated Avg.</td>
<td>$6,000.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Insurance: quoted</td>
<td>$777.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintenance</td>
<td>$7,200.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monthly Fixed Cost:</td>
<td>$1,200.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ann. Overhead</td>
<td>$300.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Est. Alpha1</td>
<td>Yearly Est.</td>
<td>-$10,817.00*</td>
<td></td>
</tr>
<tr>
<td>Fuel-Estimated</td>
<td>$4,800.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Insurance: quoted</td>
<td>$777.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintenance</td>
<td>$3,500.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monthly Fixed Cost:</td>
<td>$1,440.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ann. Overhead</td>
<td>$300.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EMD</td>
<td>1900 x $8.00</td>
<td>-$15,200.00*</td>
<td></td>
</tr>
<tr>
<td>Life Pack Maint</td>
<td>Serv. Agree</td>
<td>-$3,548.00*</td>
<td></td>
</tr>
<tr>
<td>Alpha Med 24/7</td>
<td>8760 hrs</td>
<td>-$229,749.00*</td>
<td></td>
</tr>
<tr>
<td>Alpha EMT 24/7</td>
<td>8760 Hrs</td>
<td>-$122,640.00*</td>
<td></td>
</tr>
<tr>
<td>2 EMTs Peak Hrs.</td>
<td>4160 hrs</td>
<td>-$58,240.00*</td>
<td></td>
</tr>
<tr>
<td>Approx. Total Est.</td>
<td>$128,599.42*</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>Year 2015</th>
<th>Rate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Est. ALS Runs</td>
<td>1269 x $575.00</td>
<td>+$729,675.00</td>
<td></td>
</tr>
<tr>
<td>Est. BLS Runs</td>
<td>468 x $425.00</td>
<td>+$198,900.00</td>
<td></td>
</tr>
<tr>
<td>Loaded Miles</td>
<td>13,897 x $13.00</td>
<td>+$180,661.00</td>
<td></td>
</tr>
<tr>
<td>Est. Oxygen</td>
<td>873x $45.00</td>
<td>+$39,285.00</td>
<td></td>
</tr>
<tr>
<td>Est. Billable</td>
<td>1 Year</td>
<td>$2,148,157.00</td>
<td></td>
</tr>
<tr>
<td>Est. Recovery</td>
<td>1 Year</td>
<td>+$694,520.17*</td>
<td></td>
</tr>
<tr>
<td>Estimate</td>
<td>7.74%</td>
<td>-$53,755.86*</td>
<td></td>
</tr>
<tr>
<td>AccuMed Service</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplies Avg.</td>
<td>2000 x $7.00</td>
<td>-$14,000.00*</td>
<td></td>
</tr>
<tr>
<td>County Med Box</td>
<td>1 Year</td>
<td>-$145.00*</td>
<td></td>
</tr>
<tr>
<td>Est. stretcher main.</td>
<td>1 Year</td>
<td>-$200.00*</td>
<td></td>
</tr>
<tr>
<td>Est. Bravo 1</td>
<td>Yearly Avg.</td>
<td>-$16,377.00*</td>
<td></td>
</tr>
<tr>
<td>Fuel-Estimated Avg.</td>
<td>$6,600.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Insurance: 2013</td>
<td>$777.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintenance</td>
<td>$1,500.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monthly Fixed Cost:</td>
<td>$7,200.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ann. Overhead</td>
<td>$300.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Est. Alpha1</td>
<td>Yearly Est.</td>
<td>-$11,117.00*</td>
<td></td>
</tr>
<tr>
<td>Fuel-Estimated</td>
<td>$5,000.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Insurance:</td>
<td>$777.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintenance</td>
<td>$3,600.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monthly Fixed Cost:</td>
<td>$1,440.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ann. Overhead</td>
<td>$300.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EMD</td>
<td>2000 x $8.00</td>
<td>-$16,000.00*</td>
<td></td>
</tr>
<tr>
<td>Life Pack Maint</td>
<td>Purchase</td>
<td>42,000.00</td>
<td></td>
</tr>
<tr>
<td>Alpha Med 24/7</td>
<td>8760 hrs</td>
<td>-$229,749.00*</td>
<td></td>
</tr>
<tr>
<td>Alpha EMT 24/7</td>
<td>8760 Hrs</td>
<td>-$122,640.00*</td>
<td></td>
</tr>
<tr>
<td>2 EMTs Peak Hrs.</td>
<td>4160 hrs</td>
<td>-$58,240.00*</td>
<td></td>
</tr>
<tr>
<td>Approx. Total Est.</td>
<td>$130,296.31*</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>Year 2016</th>
<th>Rate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Est. ALS Runs</td>
<td>1303 x $575.00</td>
<td>+$749,225.00</td>
<td></td>
</tr>
<tr>
<td>Est. BLS Runs</td>
<td>599 x $425.00</td>
<td>+$254,575.00</td>
<td></td>
</tr>
<tr>
<td>Loaded Miles</td>
<td>14,869 x $13.00</td>
<td>+$193,297.00</td>
<td></td>
</tr>
<tr>
<td>Est. Oxygen</td>
<td>890 x $45.00</td>
<td>+$40,050.00</td>
<td></td>
</tr>
<tr>
<td>Est. Billable</td>
<td>1 Year</td>
<td>$2,123,147.00</td>
<td></td>
</tr>
<tr>
<td>Est. Recovery</td>
<td>1 Year</td>
<td>+$746,350.22*</td>
<td></td>
</tr>
<tr>
<td>Estimate</td>
<td>7.74%</td>
<td>-$57,767.51*</td>
<td></td>
</tr>
<tr>
<td>AccuMed Service</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplies Avg.</td>
<td>2100 x $7.00</td>
<td>-$14,700.00*</td>
<td></td>
</tr>
<tr>
<td>County Med Box</td>
<td>1 Year</td>
<td>-$145.00*</td>
<td></td>
</tr>
<tr>
<td>Est. stretcher main.</td>
<td>1 Year</td>
<td>-$200.00*</td>
<td></td>
</tr>
<tr>
<td>Est. Bravo 1</td>
<td>Yearly Est.</td>
<td>-$16,577.00*</td>
<td></td>
</tr>
<tr>
<td>Fuel-Estimated Avg.</td>
<td>$6,800.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Insurance: 2013</td>
<td>$777.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintenance</td>
<td>$1,500.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monthly Fixed Cost:</td>
<td>$7,200.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ann. Overhead</td>
<td>$300.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Est. Alpha1</td>
<td>Yearly Est.</td>
<td>-$11,917.00*</td>
<td></td>
</tr>
<tr>
<td>Fuel-Estimated</td>
<td>$5,200.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Insurance:</td>
<td>$777.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintenance</td>
<td>$4,200.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monthly Fixed Cost:</td>
<td>$1,440.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ann. Overhead</td>
<td>$300.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EMD</td>
<td>2100 x $8.00</td>
<td>-$16,800.00*</td>
<td></td>
</tr>
<tr>
<td>Life Pack Maint</td>
<td>Purchase</td>
<td>-$42,000.00</td>
<td></td>
</tr>
<tr>
<td>Alpha Med 24/7</td>
<td>8760 hrs</td>
<td>-$229,749.00*</td>
<td></td>
</tr>
<tr>
<td>Alpha EMT 24/7</td>
<td>8760 Hrs</td>
<td>-$122,640.00*</td>
<td></td>
</tr>
<tr>
<td>2 EMTs Peak Hrs.</td>
<td>4160 hrs</td>
<td>-$58,240.00*</td>
<td></td>
</tr>
<tr>
<td>Approx. Total Est.</td>
<td>$175,614.71*</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- 2015 & 2016- Life Pack: Indicates an estimated purchase price of $42,000.00 which includes 5 years of service. The estimate includes the purchase of one (1) life pack per year, for the years 2014 & 2015 at $42,000.00 each.
- 2015 & 2016-Bravo: The analysis includes the purchase of a new bravo ambulance at an estimated replacement cost of $105,800.00. The estimate includes an increased fixed monthly cost of $600.00 a month or $7,200.00 a year for the years 2014 and 2015.
- Stretcher maintenance price based on routine maintenance on power stretchers.
Fire Incident Type

1/1/2012 – 12/31/2012

<table>
<thead>
<tr>
<th>Fire Incident Type</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Other</td>
<td>5</td>
</tr>
<tr>
<td>Building Fire</td>
<td>21</td>
</tr>
<tr>
<td>Fires in structures other than a building</td>
<td>1</td>
</tr>
<tr>
<td>Cooking fire, confined to a container</td>
<td>6</td>
</tr>
<tr>
<td>Chimney or flue fire, confined to chimney or flue</td>
<td>2</td>
</tr>
<tr>
<td>Trash or rubbish fire, contained</td>
<td>3</td>
</tr>
<tr>
<td>Mobile property (vehicle) fire other</td>
<td>5</td>
</tr>
</tbody>
</table>

| Passenger vehicle fire                                  | 27|
| Road freight or transport vehicle fire                  | 1 |
| Forest, woods, or wildland fire                         | 1 |
| Brush or brush grass mixture fire                       | 5 |
| Grass fire                                              | 4 |
| Outside rubbish, trash or waste fire                   | 5 |
| Dumpster r other outside trash receptacle fire          | 1 |
| Special outside fire, other                            | 1 |
| **Total fires**                                         | 93|

Page 14: Future Projections Calculations

Assumptions were not used within the analysis. We used only statistical calculations. We calculated the average rate of change and standard deviation for ALS, BLS, and ALL CFS using the past three years (2010, 2011, 2012). We used that average rate of change to calculate the estimated totals for each year (2014, 2015, 2016). Short answer- we used the average rate of change from previous years to calculate future. The standard deviation is used to determine the +/- buffer.

Report updated: 11/05/13  DEO
INTRODUCTION AND HISTORY
The Galloway Drain is located in the northeast corner of the City. Its drainage area stretches from the southeast corner of Orion Township, down through Auburn Hills, and into the northeast corner of the City of Pontiac where it joins with the Galloway Creek. Potential growth and development of the northeast corner of the City prompted the city to conduct a study, which was completed on May 15, 2002. At the time the study was completed, approximately 266 acres of the 3,000 acre drainage area was wetlands. The remaining 2,734 acres was split between undeveloped woodlands and meadows, developing industrial parks and residential subdivisions.

As development continues in the northeast corner of the City, and the existing wetlands continue to degrade, stormwater runoff will become an even greater issue. Note: Approximately 3.7 acres of wetlands, on the parcel pictured below, were illegally filled sometime in the mid 1980’s.

To help alleviate the numerous issues related to stormwater runoff in the drainage area, the City undertook and completed in year 2010, Phase I of the Galloway Drain stormwater project. Phase I utilized Fieldstone Golf Course in which the 2002 study identified as a viable site to manage and control excess stormwater volumes from the drainage area upstream.

The intent of Phase II is to construct features, including wetlands restoration, on part of the 11.76 acre parcel (pictured below) that will further improve stormwater quality and provide additional detention along the Galloway Drain. The parcel, which is owned by the City, is located adjacent to the drain, east of Lapeer Road and north of I-75/M-24 Connector.
The City will be able to utilize the restored wetlands that are part of Galloway Phase II, for the required mitigation of wetlands for the N. Squirrel Road project at the Tienken Road intersection, which is budgeted in 2015. The wetlands along the west side of Squirrel Road near Tienken Road are under a MDEQ conservation easement. The easement covers the wetlands that are within the future right-of-way for N. Squirrel Road and will need to be modified to provide room for the future Squirrel Road project.

The Scope of Services includes the following four tasks:

1. Project Initiation and Obtain Information
   - Deliverable – Topographic survey

2. Preliminary Road Design for Tienken and Squirrel Road Intersection
   - Deliverables – Preliminary road & pathway design, traffic concepts, drainage design and calculations, utilities design, and road cross-sections

3. Lift Conservation Easement
   - Deliverables – Description of proposed easement modification, legal description of the proposed change approved Concept Plan

4. Final Design - Wetland Habitat Restoration
   - Development of plans
   - Completion of MDEQ application

For a complete description of each task, please see the attached Scope of Services.

The Concept Plan will utilize the information and recommendations contained in the Galloway Ditch Drainage Study and will also explore the concept of utilizing wetlands created on this parcel to meet future mitigation requirements for the North Squirrel Road widening project. The goals of Phase II include:

- Meet the goals of the Clean Water Acts, Phase II Stormwater Permit Program
- Meet the goals of the Clinton Main Subwatershed Management Plan
- Improve stormwater quality
- Reduce flow variability
- Protect and restore aquatic habitat
- Increase stormwater travel time and on-site infiltration
- Further improve drainage within the Galloway Drainage District.

OHM’s work to begin this project is the first step towards improving the Lapeer Road property. Once the City receives buy-in from the MDEQ and the City approves a concept, additional design will be necessary to advance towards construction.

**STAFF RECOMMENDATION**

The project is a cost efficient and effective way to initiate the implementation of environmentally sound non-point source water pollution control alternatives. The plan will help reduce the quantity of stormwater runoff and improve its quality as well as establish a mitigation site and plan for the wetlands disruption at N. Squirrel and Tienken Road construction footprint. Therefore, staff recommends approval of OHM Scope of Engineering Services for the Galloway Drain Stormwater Management Plan – Phase II and Preliminary Road Design for Squirrel Road and Tienken Road Intersection.

**MOTION**

Move to approve the costs associated with the Scope of Engineering Concept Design Services provided by OHM Engineering Services, for the Galloway Drain Stormwater Management Plan – Phase II and Preliminary Road Design for Squirrel Road and Tienken Road Intersection in the not-to-exceed amount of $91,500.00.

I CONCUR:  

PETER E. AUGER, CITY MANAGER
October 28, 2013

Mr. Ron Melchert
City of Auburn Hills
1500 Brown Road
Auburn Hills, Michigan 48326

Regarding:   Galloway Drain Stormwater Management – Phase II
             Squirrel Road Corridor Conservation Easement Revisions
             Squirrel Road Corridor and Lapeer Property Wetland Permitting

Dear Mr. Melchert:

Outlined below is a Scope of Work for the above referenced project based upon previous
conversation, site visits and meetings with the Michigan Department of Environmental Quality
(MDEQ).

PROJECT UNDERSTANDING

The intent of this project is to allow the City to construct the Squirrel Road Improvements
scheduled for 2015, by lifting a conservation easement, filling the necessary wetlands, and
providing mitigation measures required by the MDEQ to permit the filling of wetlands at the Squirrel
and Tienken Intersection. The mitigation measures proposed will improve storm water quality and
provide additional detention along the Galloway Drain on a parcel adjacent to the drain, east of
Lapeer Road and north of the I-75/M-24 Connector. The City’s goals are: modify conservation
easements as necessary at Squirrel and Tienken Rd, obtain a permit for the wetland impacts 1000
feet north and 1000 feet south of Tienken Rd (filling wetlands), improve storm water quality,
increase storm water travel time and on-site infiltration, and meet the goals set forth by the Clinton
River Watershed’s Management Plan. We have teamed with Niswander Environmental to assist us
with the environmental components of this project.

SCOPE OF SERVICE

We have prepared the following scope of services necessary for the City to achieve its project
goals as stated above.

Task 1 – Project Initiation and Obtain Information

- Organize and attend a kickoff meeting with City staff to review project objectives, prepare
design criteria, and establish a specific delivery schedule.
- Review existing utility information and record drawings for the Squirrel Road corridor.
- Perform a site review to identify elements that are sensitive to project, including the
previously completed wetland delineation of the wetlands at the Squirrel and Tienken
Intersection.
- Perform topographic survey of Squirrel Road 1000’ north and South of Tienken Road and
500’ east along Tienken Road. Wetland flagging with be identified on the survey.
- Notify known utility agencies of the proposed work and verify locations of existing known
utilities, including both public and private, within the project limits for conflicts and
coordinate resolution as necessary to determine impacts to the existing wetlands.
Task 2 – Prelim Road Design for Tienken and Squirrel Intersection
Complete preliminary design of the road improvements for Squirrel Road and Tiekend Road intersection area as necessary to determine the amount of wetland impacts that will be required for construction.

- Prepare a preliminary horizontal and vertical road and pathway design. This alignment information will be used to generate grading limits for the road improvements to determine wetlands impacts.
- Prepare preliminary maintenance of traffic concepts in sufficient detail to understand if measures will require impacts to the adjacent wetlands.
- Prepare drainage design and calculations to determine proposed storm water discharges and potential wetland impacts.
- Prepare preliminary utilities design for potential wetland impacts
- Prepare typical road cross-sections with special cross-sections anticipated for the wetlands areas that are known to contain poor soils.

Task 3 – Lift Conservation Easement
PRELIMINARY INVESTIGATIONS AND DEVELOPMENT OF ALTERNATIVES
Prior to requesting a modification to the existing Conservation Easement (CE), Our team will perform an on-site assessment of the areas affected by the CE, including the two parcels west of Squirrel at Tienken. In addition, a review of MDEQ and City of Auburn Hills (City) files pertaining to the subject area will be necessary to gather information and build a case that will allow MDEQ to lift the CE. It is critical to recognize that in order for the MDEQ to issue a CE Modification it must be demonstrated that:

- There is a compelling need to change the easement.
- There are no feasible and prudent alternatives to changing the easement, and the requested change is the minimum required to accomplish the requestor’s objective.
- The proposed modification shall be consistent with the intent and purpose of the original easement.
- The proposed modification will enhance the intent and purpose of the original easement.

The OHM and Niswander Environmental team will work with the City to develop and evaluate the alternatives available. It is critical to have a high level of confidence that the MDEQ will support the CE Modification prior to proceeding with the formal CE Modification Request. The team will meet with the City, and/or MDEQ to provide information, discuss alternatives, and devise the best path forward. A total of four two-hour meetings are assumed in this proposal.

CONSERVATION EASEMENT MODIFICATION
Once we have performed a site assessment, reviewed all pertinent information, discussed alternatives with the City and MDEQ, and have a high level of confidence that the CE Modification will be approved by the MDEQ, We will complete the MDEQ Conservation Easement Modification procedure and formally request the Conservation Easement Modification. The following information must be contained within the Conservation Easement Modification:

- A copy of the easement.
- A description of the proposed easement modification and the need for the modification.
- An assessment of the impacts of the proposed modification to the conservation values of the easement.
- Alternatives to the easement modification.
• The existing site conditions – baseline documentation.
• The current property title holder and any other interest holders.
• A site location map.
• Photographs of the easement area to be modified.
• A legal description of the proposed change.
• Copies of any MDEQ permits associated with the easement site.
• A proposal to compensate for impacts to the easement.
• A signed, notarized statement that affirms compliance with the easement terms and conditions.
• The signed approval of all other parties who are subject to the same easement.
• Written documentation that the person who owns the property or has the authority to convey land on behalf of the property owner is willing to modify the easement. The names and addresses of all adjacent property owners to the easement and other land affected by the proposal must be included.
• Documentation that demonstrates that the criteria listed above are met.

Task 4– Final Design – Wetland Habitat Restoration, Lapeer Road Property and obtain Wetland Permit

Under this task the project team will finalize the design and specifications for the wetland habitat restoration on the City owner Lapeer Road property and apply for a Michigan Department of Environmental Quality, Inland Lakes and Streams, Floodplain and Wetlands Permit (Joint Permit Application) for the impacts at the Squirrel and Tienken intersection, as well as the proposed wetland habitat restoration for the Galloway Drain on the Lapeer property. It is anticipated that in order for the MDEQ to lift the conservation easement and allow filling of a small portion of wetlands at the Squirrel and Tienken intersection, the wetland habitat restoration plan will be required to be completed. This task will include the following major items of work.

• Development of plans that avoid, reduce, and minimize wetland impacts.
• Coordination with MDEQ throughout the entire process.
• Completion of all calculations and typical illustrations for the JPA. This includes cross section for all cut and fill impacts to existing wetlands for both the Squirrel and Tienken intersection and the Lapeer property.
• Completion of the application form with attachments and wetland data forms as required.
• Documentation of Feasible and Prudent Alternatives in sufficient detail to facilitate MDEQ review and acceptance.
• Completion of conceptual mitigation plans for submittal with the application.
• Attendance at public hearings, if held.
• Meetings with the MDEQ to discuss the permit application
• Clarifications as requested by MDEQ/USACE

PROJECT SCHEDULE
We anticipate that work for this project will begin immediately upon authorization to proceed. The estimated duration of each task is as follows:

<table>
<thead>
<tr>
<th>Task</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Task 1</td>
<td>6 weeks</td>
</tr>
<tr>
<td>Task 2</td>
<td>4 weeks</td>
</tr>
<tr>
<td>Task 3</td>
<td>6+ months (MDEQ dependent)</td>
</tr>
<tr>
<td>Task 4</td>
<td>8 weeks</td>
</tr>
</tbody>
</table>
A wetlands permit will need to be obtained prior to the submission of the final plans for the N. Squirrel Road project to MDOT. This submission is tentatively scheduled for January of 2015 to allow for construction to start in the spring of 2015.

COMPENSATION
The services outlined above will be performed on an hourly basis for the not-to-exceed amount of $91,500. This amount includes the fees associated with Niswander Environmental for their sub-consultation on this project. 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:

<table>
<thead>
<tr>
<th>Task Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Task 1: Project Initiation and Obtain Information</td>
<td>$ 19,000</td>
</tr>
<tr>
<td>Task 2: Prelim Road Design for Squirrel and Tienken Intersection</td>
<td>$ 15,000</td>
</tr>
<tr>
<td>Task 3: Lift Conservation Easement</td>
<td>$ 19,000</td>
</tr>
<tr>
<td>Task 4: Final Design, Lapeer Property, and Wetland Permit</td>
<td>$ 38,500</td>
</tr>
<tr>
<td><strong>Project Total</strong></td>
<td><strong>$ 91,500</strong></td>
</tr>
</tbody>
</table>

Estimated Funding  
Category Breakdown  
Storm Water  
Rods  
$ 55,000  
$ 36,500

FURTHER CLARIFICATIONS AND ASSUMPTIONS
The above-listed scope of services was prepared with the following assumptions.

- Extensive hydrologic/hydraulic modeling is not included in this scope or fee.
- Permit fees for the Oakland County Water Resources Commissioner (Soil Erosion and Sedimentation Control, and MDEQ pre-application and permit process are not included.
- Presentations to the Planning Commission and City Council will not be required.
- No construction related services are included in this scope or fee; construction services will be included in a future proposal to the City.
- No additional consultant fees (such as soils investigation) are included.

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,

ORCHARD, HILTZ & McCLIMENT, INC.

James C Stevens, P.E.
City of Auburn Hills
Galloway Drain Stormwater Management – Phase II
Squirrel Road Corridor Conservation Easement Revisions
Squirrel Road Corridor and Lapeer Property Wetland Permitting

Accepted By:_____________________________________________________

Printed Name:_____________________________________________________

Title:____________________________________________________________

Signature:_________________________________________________________
DATE: NOVEMBER 11, 2013

To: Mayor and City Council
From: Peter E. Auger, City Manager; Doreen E. Olko, Director, Emergency Services; Thom Hardesty, Deputy Director, Emergency Services/Police
Submitted: November 6, 2013
Subject: Repeal of Article III, Mechanical Amusement Devices, Video Games and Pool Tables of Chapter 10, “Amusements and Entertainments”

INTRODUCTION AND HISTORY

Since at least the mid 1980s the city has licensed and regulated mechanical amusement devices, pool tables and video games in places open to the public. The numbers of establishments vary slightly but currently there are about 14 places in the City with devices that fall under the ordinance. Each of these establishments must pay $250 annually to be licensed for the first device and another $50 for each additional device. The licenses expire each year on March 31. The licensing requires inspections by police, fire and building departments, a significant investment of personnel time. While there may have been a concern at one point for the welfare of the community’s youth, changes in technology and social norms have made the regulation of these devices unnecessary. While state law does not require cities to regulate the devices, it does permit them to be regulated. We have consulted with City Attorney, Mr. Beckerleg who advised that it is legally permissible to repeal.

Licensed locations include Rainforest Café, Jeepers, Bass Pro, Duffy’s Pub, Meijer’s, Red Ox, to name a few. We believe that the license serves no purpose but to unnecessarily burden businesses in the community.

Repeal requires the same process as enacting an ordinance: the proposed repeal is in an Ordinance format and should be placed on first reading at this meeting and at a second subsequent meeting there should be a public hearing and action on the repeal.

STAFF RECOMMENDATION

Staff recommends approval of the Ordinance to repeal Chapter 10, Articles III, Mechanical Amusement Devices, Video Games and Pool Tables, of Chapter 10, “Amusements and Entertainments.”

MOTION

Move to place the Ordinance repealing Article III, Mechanical Amusement Devices, Video Games and Pool Tables of Chapter 10, “Amusements and Entertainments” of the Auburn Hills Code of Ordinances on the first reading with a public hearing and action on the item at the next Council meeting on November 18, 2013.

I CONCUR: __________

PETER E. AUGER, CITY MANAGER
THE CITY OF AUBURN HILLS ORDAINS:

Section 1.

Chapter 10, Amusements and Entertainment, of the Auburn Hills Code of Ordinances, as amended, is hereby amended by repealing Article III, Mechanical Amusement Devices, Video Games and Pool Tables, including Sections 10-51 thru 10-100 of Chapter 10 of the Auburn Hills Code of Ordinances.

Section 2. Repealer.

Any and all Ordinances and resolutions heretofore adopted inconsistent herewith are hereby repealed to the extent that the provisions thereof are inconsistent with the provisions hereof.

Section 3. Severability.

If any one (1) or more provisions of this Ordinance shall ever be held by any Court of competent jurisdiction to be invalid or unenforceable for any reason, the remaining provisions hereof shall nevertheless be continued in full force and effect, it being expressly recited and declared that such remaining provisions would have been enacted despite the invalidity of such provision or provisions so held to be invalid.

Section 4. Savings.

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.
Section 5. Effective Date.

This Ordinance shall take effect immediately upon publication in the manner prescribed by the Auburn Hills City Charter.

Section 6. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Auburn Hills at a meeting thereof duly called and held on the ______ day of ______________________, 2013, and ordered to be given publication in the manner prescribed by the Charter of the City of Auburn Hills.

AYES:
NAYES:
ABSTENTIONS:

STATE OF MICHIGAN  )
    ) ss.
COUNTY OF OAKLAND  )

I, the undersigned, the duly qualified Clerk of the City of Auburn Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. _____ adopted by the City Council of the City of Auburn Hills on the _____ day of ______________________, 2013 the original of which is in my office.

_______________________________________
Terri Kowal, City Clerk
City of Auburn Hills
To: Mayor and City Council
From: Peter E. Auger, City Manager; Doreen E. Olko, Director of Emergency Services; Thomas Hardesty, Deputy Director/Police
Submitted: November 7, 2013
Subject: Motion – Accept an Ordinance to Amend Chapter 10 as amended to add Article III, Smoking Lounges to the Auburn Hills City Code

INTRODUCTION AND HISTORY

Since the State of Michigan enacted Public Act 188 of 2009 to prohibit smoking in public places, smoking lounges have become increasingly popular. Cigar Bars and Tobacco Specialty Retail Stores that qualified and were in existence on May 1, 2010, are exempt from the smoking in public prohibition. Currently there are 2 established lounges in the City with 1 in development. It is unknown how many Tobacco Specialty Retail exemptions exist in the state. Licenses can be transferred into the City at any time without limit from anywhere in the state. The State has no process or criteria for removing any license.

On August 5, 2013 City Council placed a moratorium on the opening of new smoking lounge businesses in the City for 180 days. We recommend that the City establish a regulatory ordinance to limit the negative aspects of this type of business. We are not suggesting that the current businesses be closed. At current, the City has no power to regulate any aspect of a smoking lounge and no voice in how many lounges locate in the City.

The proposed ordinance, modeled on current ordinances from Troy and W. Bloomfield, provides for an annual license with a fee to be determined.

Adverse impacts associated with these establishments have been identified such as large numbers of patrons in the evening with peak hours from 11 pm to 2 am, overcrowding above the limit set by the Fire Department, crowds overflowing into parking areas and impeding on nearby businesses, leaving behind trash, broken alcohol bottles and debris, incidents requiring police response, fights, alcohol possession on unlicensed premises, traffic, noise, and complaints from neighboring businesses and residents.

The ordinance is designed to establish reasonable and uniform regulations to prevent potential adverse impacts.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance to amend Chapter 10 of “Amusements and Entertainments” and add Article III, Smoking Lounges.

MOTION

Motion to approve Ordinance No._______ to amend Chapter 10 of the Auburn Hills Code of Ordinances, as amended, to add Article III, “Amusements and Entertainments,” and to place the Ordinance on first reading with public hearing and action at the next Council meeting November 18, 2013.

I CONCUR: 

PETER E. AUGER, CITY MANAGER
CITY OF AUBURN HILLS

ORDINANCE NO. _______

SMOKING LOUNGES ORDINANCE

An Ordinance to amend Chapter 10 of the Auburn Hills Code of Ordinances, as amended, entitled Amusements and Entertainments, to add Article III, Smoking Lounges, to license and regulate smoking establishments for the public health, safety and welfare of the City and persons within its jurisdictional boundaries.

THE CITY OF AUBURN HILLS ORDAINS:

Section 1

Chapter 10 of the City of Auburn Hills Code of Ordinances, as amended, is hereby amended by adding Article III, entitled Smoking Lounges, containing sections 10-50 through 10-153, to read as follows:

ARTICLE VI. SMOKING LOUNGES

DIVISION 1. GENERALLY

Sec.10-101. Purpose.

Since the State of Michigan enacted Public Act 188 of 2009 to prohibit smoking in public places smoking lounges have become increasingly popular. Cigar Bars and Tobacco Specialty Retail Stores that qualify and were in existence on May 1, 2010, are exempt from the smoking in public prohibition. The State issues exemption certificates that may be transferred resulting in an increase in the number of establishments in the City.

Potential adverse impacts associated with these establishments have been identified such as large numbers of patrons during the evening and night time, crowds overflowing into parking areas and impeding on nearby businesses, leaving behind trash, broken alcohol bottles and debris, incidents requiring police response, fights, alcohol possession on unlicensed premises, traffic, noise, and complaints from neighboring businesses and residents. The purpose of this article is to regulate smoking lounges for the public health, safety, and welfare of the City and persons within its jurisdictional boundaries; to prevent access to tobacco and non-tobacco smoking products by minors at these establishments, and to prevent the spread of smoke fumes to adjacent properties, and persons passing by these establishments.

This article is designed to establish reasonable and uniform regulations to prevent potential adverse impacts relating to these establishments. The regulations adopted are designed to provide objective and orderly procedures for the administration of this article.
Sec. 10-102. Definitions.

For purposes of this article, the words, terms, and phrases shall be defined as follows:

*Cigar* shall mean any roll of tobacco weighing three (3) or more pounds per 1,000, which roll has a wrapper or cover consisting of tobacco.

*Cigar bar* shall mean an establishment or area within an establishment that is open to the public and is designated for the smoking of cigars that has a State issued exemption certificate.

*Disqualifying criminal act* shall mean any of the following:

(1) Any of the following misdemeanor or felony offenses under any of the following statutes, as amended, for which less than seven (7) years elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date:

i Michigan Penal Code, Chapter X, Arson and Burning;
ii Michigan Penal Code, Chapter XI, Assaults, except MCL 750.81(1) and (2);
iii Michigan Penal Code, Chapter XVII, Bribery and Corruption;
iv Michigan Penal Code, Chapter XXII, Compounding Offenses;
v Michigan Penal Code, Chapter XXVA, Criminal Enterprises;
vi Michigan Penal Code, Chapter XXVIII, Disorderly Persons;
vii Michigan Penal Code, Chapter XXXI, Embezzlement;
viii Michigan Penal Code, Chapter XXXIII, Explosives, Bombs, Harmful Devices;
ix Michigan Penal Code, Chapter XXXIV, Extortion;
x Michigan Penal Code, Chapter XLIII, Frauds and Cheats;
xi Michigan Penal Code, Chapter XLIV, Gambling;
xxi Michigan Penal Code, Chapter LXXVIII, Robbery;
xv Michigan Penal Code, Chapter LXXVII, Prostitution;
xvi Michigan Penal Code, Chapter LXXVIA, Human Trafficking;
xvii Michigan Penal Code, Chapter LXXVI, Sexual Conduct;
xviii Michigan Penal Code, Chapter LXXXIII-A, Michigan Anti-Terrorism Act;
xx Michigan Compiled Laws, 333, Part 74, Controlled Substances – Offense and Penalties;
xxi Michigan Compiled Laws Section 205.27, Taxation-Prohibited Acts, including tax evasion;

(2) Any attempt, solicitation, or conspiracy to commit one of the foregoing offenses; or

(3) Any offense enumerated in the City Code of Ordinances which substantially corresponds to one of the foregoing state offenses; or
(4) Any offense in another jurisdiction that, had the predicate act(s) been committed in Michigan, would have constituted any of the foregoing offenses.

_Influential interest_ shall mean any of the following:

(1) actual power to operate or control the operation, management, or policies of a current or prospective business; including the manager of the prospective business, or

(2) ownership of a financial interest in the business, or ownership of an interest that is ten percent (10%) or more of the total interest of a current or prospective business, including such business entities as a firm, partnership, limited partnership, association, limited liability company, or corporation; or

(3) holding an office, such as, e.g., president, vice president, secretary, treasurer, managing member, managing director, etc., in a legal entity which operates a current or prospective business.

_Minor_ shall mean any person under eighteen (18) years of age.

_Non-tobacco smoking products or substances_ shall include any product or substance that can be consumed by smoking such as, but is not limited to: e-cigarettes, bidis, kretexs, clover cigarettes, herbal cigarettes, electronic and herbal hookah, steam stones, smoking gels or other smoked product.

_Premises_ shall mean the location for which a smoking lounge establishment operates under a State issued exemption certificate and includes the land, and all improvements located thereon, including the primary building and all accessory and out-buildings, and is not limited to the smoking area.

_Sale_ shall mean, the exchange, barter, traffic, furnishing, or giving away of tobacco products and non-tobacco smoking products and substances which is regulated by the State of Michigan and pursuant to this article.

_Smoking lounge_ shall mean an establishment, which has a State issued smoking ban exemption certificate, and that allows smoking of tobacco products or non-tobacco products or substances on the premises. The term “smoking lounge” includes, but is not limited to, facilities commonly described as tobacco retail specialty stores, cigar bars and lounges, hookah cafés and lounges, tobacco bars and lounges, tobacco clubs or 0% nicotine establishments.

_State_ shall mean the State of Michigan.

_State issued exemption certificate_ shall mean a valid exemption certificate issued by the State of Michigan for the premises, from the Public Act 188 of 2009 smoking in public ban which allows indoor smoking on the premises in compliance with the Act.

_Tobacco product_ shall mean a product that contains tobacco and is intended for human consumption, including, but not limited to, cigars, cigarettes, non-cigarette smoking
tobacco or smokeless tobacco as defined by the Tobacco Products Tax Act, MCL 205.422.

_Tobacco specialty retail store_ shall mean an establishment that has a State issued exemption certificate and for which the primary purpose is the retail sale of tobacco products, non-tobacco smoking products and substances, and smoking paraphernalia.

**Sec.10-102 to 10-107. Reserved.**

**DIVISION 2. LICENSE**

**Sec. 10-108. Business license required.**

A person shall not operate a smoking lounge in the City without first obtaining a smoking lounge business license issued pursuant to the provisions of this article.

**Sec. 10-109. Application.**

(a) _Information required_. An applicant for a smoking lounge license shall annually file in person at the office of the City Clerk, a completed application made on a form provided by the Clerk. The application shall be signed as required herein and shall be notarized. An application shall be considered complete when it contains, for each person required to sign the application, the information and/or items required in paragraphs (1) through (8) below, accompanied by the required fee.

(1) The applicant's full true name and any other names used by the applicant in the preceding seven (7) years. If the applicant is a partnership, corporation, limited liability company, or other legal entity, then all persons with an influential interest in the entity shall be deemed an applicant and shall provide the information required by this article. Each applicant must be qualified under section 10-110, and each applicant shall be considered a licensee if a license is granted.

(2) Current business address or another mailing address of the applicant.

(3) Written proof of identity, in the form of a driver's license or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency.

(4) The business name, location, zoning classification, legal description, parcel identification number, mailing address and phone number.

(5) A copy of the State issued exemption certificate for the premises; or if a transfer has been applied for, a copy of the application filed with the State.

(6) The name and business address of the designated local agent who is responsible to supervise the premises and activities and who is authorized to receive service of process.
(7) A statement of whether any applicant has been convicted of or has pled guilty or nolo contendere to a disqualifying criminal act as defined in this article, and if so, specify each criminal act involved, including the date, place, and jurisdiction of each, as well as, the dates of conviction and release from confinement, where applicable.

(8) A statement as to whether any business in which an applicant has had an influential interest, has, in the previous seven (7) years, and at the time during which the applicant had the influential interest:

i. Been declared by a court of law to be a nuisance, as defined under the Revised Judicature Act, MCL 600.3801; or

ii. Been subject to a court order of closure or padlocking.

(9) Statement of nature of proposed operation

The information provided pursuant to paragraphs (1) through (9) of this subsection shall be supplemented in writing by certified mail, return receipt requested, to the City Clerk within ten (10) working days of a change of circumstances which would render the information originally submitted false or incomplete.

(b) Signature required. If a person who wishes to operate the business is an individual, the person shall sign the application. If a person who wishes to operate a business is other than an individual, each person with an influential interest in the business shall sign the application for a license as applicant.

(c) Disclosure. The information provided by an applicant in connection with an application for a license under this article shall be maintained by the City Clerk’s Office and all personal information shall be deemed confidential and may be disclosed only as required by law or by court order.

Sec. 10-110. Issuance of license.

(a) Pre-existing businesses. All smoking lounges operating pursuant to a valid certificate of occupancy on the effective date of this ordinance are hereby granted a de facto temporary license to continue operating for a period of one hundred and eighty (180) days following the effective date. During this period all smoking lounge businesses shall apply for a license pursuant to this article; and by the expiration date of the one hundred and eighty (180) days shall conform to all requirements for issuance of a license.

(b) Application review. Upon the filing of a completed application for a smoking lounge business license, the City Clerk shall forward a copy to the following departments: Department of Emergency Services Administration, Community Development, Treasurer’s Office, Department of Public Works and any other Department, to review the application for compliance with the requirements of all applicable ordinances and codes.

(c) The City Clerk shall issue a license to the applicant, or issue to the applicant a written notice to deny the application. The City Clerk shall issue a license unless:

(1) Information. An applicant has failed to provide information as required by
section 10-109 for issuance of a license, or has falsely answered a question or a request for information on the application form;

(2) Fee. The license application fee required by this article has not been paid;

(3) State exemption certificate. The applicant does not have a valid State issued exemption certificate, the State has denied the application for a transfer, or the exemption has been revoked;

(4) Code compliance. The subject premises lacks a current certificate of occupancy or does not comply with applicable building, zoning, plumbing, mechanical, electrical, health, or fire prevention codes. Upon filing an application for a building permit, plan review, or certificate of occupancy, the applicant shall also file a copy with the City Clerk;

(5) Ventilation and parking. The Community Development Department has indicated that the premises lack the ventilation or parking required for the proposed use;

(6) Unpaid fees. The Community Development Department, the Treasurer’s Office, the Department of Public Works, or the Department of Emergency Services has indicated that there are unpaid fees or uncured violations under its purview related to the subject premises;

(7) Taxes. The City Treasurer’s Office has denied a real estate tax clearance pertaining to the subject premises;

(8) Ownership/lease. The business does not own the premises for which a license is sought or does not have a lease for the full period for which the license is sought;

(9) Previous revocation/non-renewal. An applicant has had a smoking exemption revoked, or not renewed for cause, in the last seven (7) years under this article or a comparable city or township ordinance or state law, whether in Michigan or otherwise;

(10) Prior nuisance. Any business in which the applicant has had an influential interest, has, in the previous seven (7) years, and at the time during which the applicant had the influential interest:

i. Been declared by a court of law to be a nuisance, as defined under the Revised Judicature Act, MCL 600.3801; or

ii. Been subject to an order of closure or padlocking.

(11) Disqualifying criminal act. An applicant has been convicted of, or pled guilty, or nolo contendere, or no contest or entered an Alford plea, to a disqualifying criminal act as defined in this article;

(12) Additional licensing. The business is not licensed to do business in Michigan or has not obtained a sales tax license;
(d) *Reservation of authority.* Notwithstanding anything to the contrary in this article, no applicant has a right to the issuance of a license; and the City hereby reserves the right to determine who, if anyone, shall be entitled to the issuance of such a license, based on the objective criteria listed in this ordinance which relate to concerns for public health, safety, and welfare as identified herein.

(e) *License contents; posting; possession.* The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and, the address of the business. The business license shall be posted in a conspicuous place at or near the entrance to the business so that it may be read at any time.

(f) *Other laws applicable.* Nothing in this article shall be construed to exempt the licensee from any other requirements set forth by City ordinance, state or federal law.

**Sec. 10-111. Fees.**

The fees for a license under this article shall be established by resolution adopted by the City Council and shall be placed on file, and made available, at the office of the City Clerk.

**Sec. 10-112. Inspection.**

Filing an application for a smoking lounge shall constitute consent to inspection by City officials as provided herein, for the purpose of ensuring compliance with the specific regulations of this article. During City business hours or at other mutually agreeable time, the applicant shall allow the representatives of City departments onto the property and into the proposed licensed premises to complete an inspection. This section shall be narrowly construed by the City to authorize reasonable inspections of the licensed premises pursuant to this article.

**Sec. 10-113. Transfer of license.**

(a) A licensee shall not transfer the license to another, nor shall a licensee operate a smoking lounge under the authority of a license at any place other than the address designated in the smoking lounge license application. Any transfer shall be grounds for suspension and revocation. A proposed transfer shall require a new application be filed and shall be subject to the same procedures, standards and fees required for a new license. Each location operated by a licensee requires a separate license.

(b) Approval of the transfer of a State issued exemption certificate by the State of Michigan shall not abrogate the requirement to apply for and obtain a smoking lounge license as required by this article. There shall be no transfer into the City of Auburn Hills of a State of Michigan Exemption Permit under the Dr. Ron L. Davis Act of 2009; MCL 333.12601, et. Seq., as amended.

**Sec. 10-114. Annual license, expiration.**

Each license shall expire annually on the thirty-first day of March unless otherwise suspended
or revoked. Such license may be renewed only by making application and payment of the fee as required by this article.

Sec. 10-115 to 10-125. Reserved.

DIVISION 3. DENIAL, SUSPENSION, REVOCATION, HEARING

Sec. 10-126. Denial.

In the event the City Clerk issues a written notice to deny for failure to comply with the requirements of section 10-110, the provisions of section 10-129 providing for an appeal hearing shall apply.

Sec. 10-127. Suspension.

The City Clerk shall suspend the license for a period of thirty (30) days if the licensee has knowingly violated this article or has knowingly allowed an employee to violate this article. Upon receiving notice of a violation, the Clerk shall issue a written notice to suspend, which shall include the grounds for the suspension, the effective date of the suspension, and that the licensee may within twenty (20) days, request in writing, an appeal hearing before the City Council pursuant to the provisions of section 10-129. The suspension shall take effect twenty-one (21) days after the date of the notice of suspension.

Sec. 10-128. Revocation; non-renewal.

(a) Violation after previous suspension. The City Clerk shall issue a written notice of revocation if the licensee knowingly violates this article or has knowingly allowed an employee to violate this article and the licensee's license has been suspended within the previous twelve (12) month period.

(b) Grounds for revocation/non-renewal. The City Clerk shall issue written notice to revoke or non-renewal of the license if:

(1) The licensee would not meet the standards set forth in section 10-110 if the licensee were an applicant for a new license.

(2) The licensee has knowingly or recklessly allowed two (2) or more violations of the regulations of this article in the preceding twelve (12) month period.

(3) The licensee has knowingly or recklessly allowed a nuisance, as defined under the Revised Judicature Act, MCL 600.3801, to be maintained upon the premises.

(4) The subject premises have existing violations of building, zoning, plumbing, mechanical, electrical, health or fire prevention codes.

(5) The operation of the licensed establishment has resulted in a pattern of patron conduct in the neighborhood of the establishment that substantially disturbs the peace, order, and tranquility of the neighborhood.

(6) The licensee has failed to maintain the grounds and exterior of the licensee’s establishment by allowing litter, débris, and/or refuse to unreasonably remain on the
property or adjoining properties.

(7) The licensee knowingly or recklessly operated the business during a period of time when the license was suspended.

(8) The licensee has knowingly or recklessly engaged in illegal activity or allowed any illegal activity to occur in or on the licensed premises.

(c) Effect of appeal of conviction. The fact that any relevant conviction is being appealed shall have no effect on the revocation/non-renewal of the license, provided that, if any conviction which serves as a basis of a license revocation/non-renewal is overturned or reversed on appeal, that conviction shall be treated as null and of no effect and the license shall be reinstated.

(d) Effective date. The revocation/nonrenewal shall not take effect for twenty-one (21) days from the date of the notice of revocation/non-renewal.

(e) Appeal. The written notice to revoke/non-renewal, shall include the grounds for the revocation/non-renewal, the effective date of the revocation/non-renewal, and that the licensee may request in writing, within twenty (20) days of the date of the notice of suspension, or revocation/non-renewal, an appeal hearing before the City Board pursuant to the provisions of section 10-129. If not appealed, the suspension shall take effect twenty-one (21) days after the date of the notice of suspension.

Sec. 10-129. Appeal hearing.

(a) Notice of hearing. Upon receipt of a request for appeal, the City Council shall provide the licensee with notice and an opportunity to be heard. The City Council shall serve notice upon the licensee by certified mail, not less than twenty (20) days prior to the hearing date. The notice shall state:

(1) The date, time and place of the hearing.

(2) A statement that the licensee may present evidence and testimony, and may be represented by an attorney.

(b) Hearing and decision. The hearing shall be conducted by the City Council and shall be open to the public. The City Council shall submit to the licensee a written statement of its findings, decision, specific grounds for its decision, and a statement that the decision may be appealed to a court of competent jurisdiction.

Sec. 10-130- to 10-135. - Reserved.

DIVISION 4. REGULATIONS

Sec. 10-136. Hours of operation.

Businesses operating a licensed smoking lounge shall be closed between the hours of 12:00 a.m. and 8:00 a.m. on any day. No one shall be allowed on the premises except employees after midnight. Only a minimum of three (3) employees shall remain on the premises after midnight and shall carry proof of employment, such as an identification badge.
The manager and/or employees shall provide proof of employment when requested to do so by a member of the Police Department.

**Sec. 10-137. Local agent on premises.**

The licensee, or the local agent designated in the application, shall remain on the premises while open for business to supervise the activities and shall be responsible to ensure compliance with the regulations of this article. In the event a licensee changes the local agent, the licensee shall immediately notify the Clerk in writing of the name and business address of the new local agent. All managers or local agents shall be over the age of twenty-one (21) years old.

**Sec. 10-138. Mechanical ventilation required.**

Mechanical ventilation shall be supplied in compliance with the Michigan Mechanical Code to ensure sufficient ventilation of the smoking lounge. The recirculation and the natural ventilation of air from the smoking lounge is prohibited; and the air supplied to the smoking lounge shall be exhausted and discharged to an approved location in compliance with the Michigan Mechanical Code.

**Sec. 10-139. Off-street parking required.**

Off-street parking shall be provided for the smoking lounge business. The minimum amount of parking shall be calculated by utilizing the parking requirements listed for sit down restaurants contained in the Auburn Hills Zoning Ordinance.

**Sec. 10-140. Storage lockers prohibited.**

Storage lockers shall be prohibited on the premises of a smoking lounge, except that on-site humidors may be permitted in the smoking area of a cigar bar.

**Sec. 10-141. Outdoor activities prohibited.**

There shall not be any outdoor activities, outdoor public admission events, or outdoor seating. The business activities shall be conducted wholly indoors. In no event shall designated on-site parking areas be used for any other purpose than parking of passenger vehicles. To ensure that the smoke is contained within the smoking area, all windows and doors shall remain closed to ensure that the smoke does not infiltrate nonsmoking areas and is not emitted to passersby.

**Sec. 10-142. Loitering, exterior lighting, and monitoring requirements.**

It shall be the duty of the licensee or the designated local agent to:

(a) **Signs.** Post conspicuous signs stating that no loitering is permitted on the premises; no minors are permitted on the premises; and patrons must leave the parking area immediately upon close of the business;

(b) **Monitor.** Designate one (1) or more employees to monitor, while the premises are open
for business, the activities of persons on the premises by visually inspecting the interior and exterior of the premises at least once every ninety (90) minutes or inspecting the premises by use of video cameras and monitoring;

(c) **Exterior.** Ensure lighting of the exterior premises is provided, including all parking areas, for visual inspection and security. All exterior lighting shall comply with all provisions of the Auburn Hills Zoning Ordinance;

(d) **Parking area.** The licensee shall ensure that patrons are not parking in adjacent or neighboring parking lots or in residential areas that are not part of the parking area approved on the site plan for the licensed premises.

**Sec. 10-143. Disturbing the peace.**

The licensee or local agent, shall be responsible to maintain the premises to ensure there is not a violation of the Code of Ordinances, section 46-157, for disturbing the peace. If the licensee or designated local agent is convicted for a violation of 46-157, the conviction shall be grounds for revocation, denial or suspension of a license.

**Sec. 10-144. Prohibited activities.**

It is unlawful for a licensee or local agent to knowingly violate the following regulations or to knowingly allow an employee, patron or any other person to violate the following regulations. The licensee or local agent shall remove anyone violating the following regulations:

(a) **Minors prohibited.** No one shall be allowed on the premises of a smoking lounge business unless the individual is eighteen (18) years of age or older. The licensee and local agent shall ensure that identifications of individuals on the premises have been checked to determine that every individual is eighteen (18) years of age or older before entry into the premises. The exit doors shall be monitored to ensure that no one is attempting to gain secret entry into the premises. A sign shall be posted near the entrance stating “No one under the age of eighteen (18) allowed.”

(b) **Alcoholic liquor.** No person shall sell, offer for sale, trade, provide, allow, possess, consume or attempt to consume any alcoholic liquor on the premises unless the licensee has obtained the appropriate license from the Liquor Control Commission pursuant to MCL 436.1101 et seq., as amended.

(c) **Nudity prohibited.** No one shall be allowed on the premises of a smoking lounge business to appear nude or in a state of nudity as defined in section 6-125 of this article.

(d) **Controlled substances prohibited.** It shall be unlawful to permit No person shall sell, sales, offer for sale, trade, provide, allow, possession, consumption or attempt to consume any controlled substance on the premises in violation of Article 7 of the Public Health Code, MCL 333.1101 et seq.

**10-145 to 10-150. Reserved.**
DIVISION 6. PENALTIES AND ENFORCEMENT

Sec. 10-151. Penalties and enforcement.

(a) Misdemeanor. A person who violates or fails to comply with any of the provisions of this article shall be guilty of a misdemeanor, punishable by a maximum fine of five hundred dollars ($500.00) and/or a maximum of ninety (90) days imprisonment. Each day a violation is committed, or permitted to continue, it shall constitute a separate offense and shall be treated as a separate offense.

(b) Civil proceedings. The City Attorney or designee is hereby authorized to institute civil proceedings necessary for the enforcement of this article to restrain or correct ordinance violations, and for the recovery of costs and expenses incurred by the City, as authorized by law. Such proceedings, including injunctive relief, shall be brought in the name of the City, however, the institution of civil proceedings shall not preclude enforcement of misdemeanor, administrative, or any other proceeding authorized by ordinance, state or federal law.

Sec. 10-152 to 10-153. Reserved.

Section 2. Repealer

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Severability.

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 4. Savings.

The proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 5. Effective Date.

The provisions of this Ordinance are hereby ordered to take effect upon publication in the manner prescribed by the Charter of the City of Auburn Hills.

Section 6. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Auburn Hills at a meeting thereof duly called and held on the _____day of _____, 2013, and ordered to be given publication in a manner prescribed by the Charter of the City of Auburn Hills.
AYES:
NAYES:
ABSTENTIONS:

STATE OF MICHIGAN )
 ) ss.
COUNTY OF OAKLAND )

I, the undersigned, the duly qualified Clerk of the City of Auburn Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete comply of Ordinance No. ____adopted by the Auburn Hills City Council on the ____day of ____2013, the original of which is in my office.

___________________________________
Terri Kowal, City Clerk
CITY OF AUBURN HILLS

RESOLUTION ADOPTING A MORATORIUM ON SMOKING LOUNGES AND FACILITIES

At a regular meeting of the City Council, City of Auburn Hills, Oakland County, Michigan, held on August 5, 2013 at the City Hall, 1827 N. Squirrel Road, Auburn Hills, Michigan, the following preamble and resolution were offered by Councilmember Knight, and supported by Councilmember McDaniel:

WHEREAS, the City Council for the City of Auburn Hills finds that a need has emerged to study and develop regulations for public health, safety and welfare applicable to establishments that operate smoking lounges and facilities commonly described as Tobacco Retail Specialty Shops, Cigar Bars, 0% Nicotine Establishments, Hookah Lounges and Bars, and other Smoking Facilities by any other name; and

WHEREAS, the City Council for the City of Auburn Hills finds that it is necessary to develop consistent, cohesive, and objective land use, development, and regulatory standards applicable to facilities and establishments commonly described as Tobacco Retail Specialty Shops, Cigar Bars, 0% Nicotine Establishments, Hookah Lounges and Bars, and other Smoking Facilities by any other name, that may desire to operate within the City; and

WHEREAS, the City Council finds that it would be counterproductive to approve the operation of these establishments within the City while the City studies and develops and adopts applicable, consistent regulations.

THEREFORE, BE IT RESOLVED, that the City Administration and City Council shall study the need for regulation and develop consistent, cohesive and objective land use, development and regulatory standards for the operation of Tobacco Retail Specialty Shops, Cigar Bars, 0% Nicotine Establishments, Hookah Lounges and Bars, and other Smoking Facilities by any other name.

BE IT FURTHER RESOLVED, that during the course of study and deliberations as to the appropriate zoning and regulatory ordinance regulations for Tobacco Retail Specialty Shops, Cigar Bars, 0% Nicotine Establishments, Hookah Lounges and Bars, and other Smoking Facilities by any other name, a moratorium is hereby declared effective immediately for a period of 180 days from the date hereof. Effective August 5, 2013, City review and approval of all applications, related to Tobacco Retail Specialty Shops, Cigar Bars, 0% Nicotine Establishments, Hookah Lounges and Bars, and other Smoking Facilities by any other name, during the period of moratorium shall be deferred.

BE IT FURTHER RESOLVED, that during the period of this moratorium, there shall be no consideration or action taken by the City, any elected or appointed official, or any employee on any request to operate a Tobacco Retail Specialty Shop, Cigar Bar, 0% Nicotine Establishment, Hookah Lounge or Bar, or any other Smoking Facilities whether a new operation or a license location transfer.
BE IT FURTHER RESOLVED, that during this period of a moratorium, an aggrieved property owner or business petitioner may request and be entitled to a hearing before the City Council for the purpose of attempting to demonstrate that the moratorium will preclude all viable economic use of their property or otherwise violate applicable provisions of State or federal law. A hearing shall be requested in a written submittal to the City Clerk that describes the grounds for the request and will be scheduled for the next regular City Council meeting. Upon concluding the hearing, the City Council shall determine whether the petitioner has made the required demonstration, and if so, shall grant relief from the moratorium to the extent necessary to cure that effect or violation.

BE IT FURTHER RESOLVED, that this moratorium shall expire automatically upon adoption of an ordinance regulating Tobacco Retail Specialty Shops, Cigar Bars, 0% Nicotine Establishments, Hookah Lounges or Bars, or other Smoking Facilities.

AYES: Doyle, Hammond, Kittle, Knight, McDaniel, McDonald
NAYES: None
ABSENT: Verbeke

RESOLUTION DECLARED ADOPTED THIS 5th DAY OF August, 2013.

CERTIFICATION

STATE OF MICHIGAN  )
COUNTY OF OAKLAND  )

I, Terri Kowal, the duly qualified Clerk of the City of Auburn Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Auburn Hills the 5th day of August, 2013; the original is on file in the Office of the Clerk.

_______________________________
TERRI KOWAL, MMC
CITY CLERK
The proposed ordinance would allow the City reasonable regulation in the interests of health and safety:

- Requires application process (similar to LCC ordinance)
- Investigation by Police, Fire and Building Department prior to opening
- Application can be denied for prior violation or conviction of some types of crimes
- Location Restrictions: 100 feet away from schools
- No Transfer of License if not under this ordinance
- Requires Management and Owners information to be on file with City
- Limits hours of operation, must close by midnight, only 3 employees in bar after midnight, cannot open before 8:00 am
- Parking Regulations- no one in lot after 12:15 am
- Code of conduct for employees and managers
- No live entertainment, alcohol consumption or illegal narcotics
- The filing of an application for a smoker’s lounge license shall constitute consent to permit the City’s Police, Building Department, Planning Department or any other department or agent of the city to conduct routine inspections of any licensed smoker's lounge
- Allows for revocation of license & penalties for violations
- Current businesses would be notified that they have 180 days to comply

Since the City passed the moratorium the activity at the smoke lounges has been primarily been walkthroughs (19) conducted by the Police Department. From the walkthroughs by the Police Department the following issues were found:

- Overcapacity violation was found at Exhale Hookah on August 23, 2013. The Fire Department issued a citation. Their maximum capacity is 94 people, 163 people were found inside.
- October 13, 2013 during an area check officers found people in the woods next to the Exhale Hookah with sales and use of marijuana and drug sales packaging materials. They admitted that they met at the Exhale.
- Complaint was made to city officials about the employees hanging around the back door that faces Pontiac Road creating disturbances including one instance where it was reported that the field caught fire and was extinguished by someone with a garden hose. No call to emergency services but the complainant is a neighbor who says that the noise and disturbance is a problem.
- Both Hookah Lounges passed our tobacco sales compliance checks on November 6th, 2013, by asking for identification from the underage decoys and refusing service to them.
- Exhale was cited to the State Dept of Community Health 3 times based on reports from AHPD of service to people under 18. Also cited by the AHFD for over capacity.
- Grizzly is not known to have been cited at any time, for any reason.

**Ordinances Regulating Smoke Lounges**

- **West Bloomfield** was under a moratorium earlier this year and they have since passed an ordinance regulating Smoke Lounges within their city. [News Article]
• **Southfield:** As of May 02, 2013 determined that there was a need to study. The city enacted a moratorium for 180 days.

• **East Lansing:** The City of East Lansing amended their City ordinance No. 1292, on February 5, 2013 which prohibits any new hookah lounges within the city but permits existing hookah lounges to transfer locations within the city provided they meet all other requirements of the chapter.

• **West Bloomfield:** The Township stated they have at least 1 hookah lounge currently open and are preparing for the opening of the largest hookah lounge in Michigan. An Ordinance was passed in October 2013. Lounges must remain closed between the hours of 2:00 am and 8:00 am. Lux Lounge (reported to be the largest hookah lounge in Michigan) opened in early September 2013.

• **Troy:** Troy approved a city ordinance on May 13, 2013. Highlights include:
  - Eliminates the transferability or change of ownership from other jurisdictions into Troy
  - A registered manager must be on the premises at all times of business hours. The individuals must meet all standards set by the city clerk’s office.
  - Operating hours are limited requiring them to close at 12:00 am and cannot open before 8:00 am. All patrons must leave the premises by 12:30 am and no more than 3 identified employees are allowed within the location after hours.

**Information on Other Cities**

**Dearborn:** Dearborn treats hookah lounges as restaurants and bars. There is specific language in the city ordinances that references hookah/smoking lounges as restaurants/bars. The City of Dearborn currently has no plans to create a specific ordinance for hookah lounges. The city clerk did mention that hookah lounges have become more of an issue in terms of calls for service and the need for police intervention.

**Dearborn Heights:** Dearborn Heights treats its hookah lounges as its restaurants and bars. There is specific language in the city ordinances that references hookah/smoking lounges as the restaurants/bars.

**Mount Clemens:** Mount Clemens does not have specific language in its zoning ordinance regarding hookah lounges. However, it was determined by the Planning Commission that they would be allowed as a Special Land Use in the Central Business Zoning District. There has been only one request in approximately the last 5 years. It was approved, but the business was subsequently shut down by the county sheriff due to liquor license violations.

*May 23, 2013 the Detroit Free Press:* Mt. Clemens Mayor Barb Dempsey was quoted in the Detroit Free Press as saying she was relieved that the city shut down its only hookah lounge after a police raid two years ago. “We had tons of problems with it. They were selling liquor after hours, and we had a lot of underage kids puking on the sidewalk — just a lot of issues,” Dempsey said. “We do have one business that sells the hookah paraphernalia, but it's not open like a bar.”

**Rochester:** The City of Rochester had one location which attempted to create an outdoor patio hookah bar. The city contacted the Oakland County Health Department which stated there are no regulatory issues with the outdoor use. The City Economic Development and Planning Commission determined there needed to be a formalized plan for outdoor use which incorporated the use of a fence
and additional standards. This formalized plan prohibited established business from developing ad hoc hookah or smoking bars around their business. The city has had not had any major issues with hookah lounges or smoking establishments attempting to move into the downtown area due to the high lease rates. The city is researching a Wayne County Model which prohibits smoking with a pre-determined number of feet from any public business entrance. This plan would essentially eliminate all types of smoking in and around the downtown area.

**Rochester Hills:** The City of Rochester Hills does not currently have a specific ordinance regulating hookah bars and specialty smoke shops. The city treats hookah establishments within zoning ordinances as they do with restaurants and bars. The city only requires proof of the state exemption. They reported they have not had an overwhelming interest and are currently monitoring as interest increases in the surrounding areas.

**Shelby Township:** In the May 2013 board meeting, Rob Huth, Shelby Township’s attorney, said that there are currently no requirements for hookah lounges to register as licensed businesses. The Township has had several incidents involving the city’s hookah lounges that have warranted the planning director and law enforcement to look into enacting an ordinance similar to Troy’s. The main problem the Township cites is with the hours of operation. As of October 14, 2013, nothing further has been discussed.

**Sterling Heights:** The City of Sterling Heights has not listed hookah bars as a specified land use within their city zoning ordinances. Because it is not listed it has not been permitted. The option of applying for a special land use allows applicants to apply with the zoning board which approved two locations. After the approval of these two locations there were four more immediate requests that were denied. There have not been any more requests for approximately 8 months. May 23, 2013 the Detroit Free Press reported city spokesman Steve Guitar stating that after the city allowed two hookah bars to open several years ago, officials received enough complaints to justify blocking any new applications. “We do not allow them, based on our zoning ordinance,” Guitar said.
Effective May 01, 2010: Ron Davis Law Sec. 12603

On May 1, 2010 the State of Michigan implemented the Dr. Ron Davis Smoke Free Air Law, which prohibits an individual from smoking in a public place or at a meeting of a public body, and a state or local governmental agency or the person who owns, operates, manages, or is in control of a public place shall make a reasonable effort to prohibit individuals from smoking in that public place.

- **A public place:** An enclosed, indoor area owned or operated by a state or local governmental agency and used by the general public or serving as a meeting place for a public body, including an office, educational facility, home for the aged, nursing home, county medical care facility, hospice, hospital long-term care unit, auditorium, arena, meeting room, or public conveyance. An enclosed, indoor area that is not owned or operated by a state or local governmental agency that is used by the general public and unless exempt, any place of employment.

- **Place of employment** is defined as an enclosed indoor area that contains 1 or more work areas for 1 or more persons employed by a public or private employer.

- **Smoking or “smoke”** is defined as the burning of a lighted cigar, cigarette, pipe, or any other matter or substance that contains a tobacco product.

**State Exemption:**
The State of Michigan permitted existing establishments to apply for a tobacco specialty retail store exemption under the new law. This required them to meet the following requirements on or before June 01, 2010. Though the date of issuance for new exemptions has passed existing and transferred exemptions must continue to meet the State’s renewal dates as well as all additional state law requirements. When an exemption is sold or transferred both the owner and the purchaser of the establishment must notify the Department of Community Health of the sale in order to update the exemption information on file. The establishment will retain its exemption for the remainder of the calendar year, but the new owner/operator must file an affidavit with the Department after January 1 but before January 31 of each subsequent year. A hookah bar may qualify as a tobacco specialty retail store but is prohibited from having a food service license, a liquor license, or both.

**Tobacco Specialty Retail Stores:**
The Dr. Ron Davis Smoke Free Air Law sets forth the minimum requirements for indoor workplaces and public places where smoking is regulated and these minimum standards apply state-wide.
THE CITY OF TROY ORDAINS:

Section 1. Short Title: This Ordinance shall be known and may be cited as an amendment to Chapter 77 – Smoking Lounges of the Code of the City of Troy.

Section 2. Amendment.

Chapter 77 of the Troy Code of Ordinances is hereby amended as follows:

Chapter 77 – Smoking Lounges

1. **Definitions.** The following definitions shall apply in this Chapter.

   a. **“Smoking Lounge”** means an establishment, which, as one of its principal business purposes, is dedicated to the smoking of tobacco products or other legal substances on its premises. The term “Smoking Lounge” includes, but is not limited to: cigar lounges, hookah cafés, tobacco lounges, tobacco clubs or tobacco bars.

   b. **“Principal Business Purpose”** means:

      i. The dedication of more than 50 percent of its interior floor space for the smoking of tobacco products or other legal substances at the establishment; or

      ii. The receipt of more than 35 percent of its revenues from one or both of the following:

          1. The smoking of tobacco products or other legal substances to be consumed at the establishment or;

          2. The renting or furnishing of smoking paraphernalia including but not limited to: rolling papers, pipes, hookahs or narghiles to be used at the establishment

      iii. The dedication of more than 35 percent of its advertising expenditures to the advertising of smoking tobacco products or other legal substances at the establishment.

   c. **“Tobacco Products”** mean cigars, cigarettes, or non-cigarette smoking tobacco.
d. “Other Legal Substances” include clove cigarettes, kreteks, herbal cigarettes, and any other legal substance that can be consumed by smoking.

2. **License Required**

No person shall operate a Smoking Lounge in the City of Troy without first obtaining a smoking lounge license issued pursuant to the provisions of this Chapter.

3. **Application for Smoking Lounge License**

   a. An applicant shall submit to the City Clerk a fully completed application, on a form that is prepared and furnished by the City Clerk.

   b. The application shall include at least the following information:

      i. The full and complete name and current address of the applicant(s).

         1. If the applicant is a partnership, the name and address of each partner shall be listed, and a copy of any partnership agreement shall be attached to the application.

         2. If the applicant is a privately held corporation, the name and address of each corporate officer, member of board of directors, and stockholder shall be listed, and a copy of the articles of incorporation shall be attached to the application.

         3. If the applicant is a publicly held corporation, the name and address of each corporate officer, each member of the board of directors and each stockholder who owns ten (10) percent or more of the corporate stock shall be listed on the application.

         4. If the applicant is a limited liability company, the name and address of each member, manager and assignee of a membership interest shall be listed, and the articles of organization shall be attached to the application.

      ii. The complete name, address, and telephone number of the proposed licensed business;

      iii. Written statement as to the applicant’s experience in operating similar businesses;
iv. A concise statement as to the individual applicant’s past employment;

v. Any other information pertinent to the applicant and the operation of the proposed licensed business.

c. An applicant shall attach to the completed application a floor plan, drawn to scale, showing the interior of the proposed business, and uses of the proposed spaces.

4. **Licensing**

Smoking Lounge Licenses shall be subject to the provisions of Chapter 59 of this Code.

5. **License Fees**

The fee for a Smoking Lounge License shall be as specified in Chapter 60 of this Code.

6. **Investigation**

a. After the City Clerk has received a completed application, it shall be, at a minimum, forwarded to the following City Departments for review and investigation:

   i. Police
   ii. Fire
   iii. Building Inspection

b. During City business hours or at another mutually agreeable time, the applicant shall allow the representatives of the above referenced City Departments onto the property and into the proposed licensed premises to complete an investigation.

c. If all of the above listed City Departments approve the application, and it conforms to the provisions of this Chapter, the City Clerk shall issue a Smoking Lounge License to the applicant.

7. **Reasons for Denial**

a. Requirements for Applicants. A license may be denied as a result of one or more of the following factors:
i. An individual applicant, who has previously received a Smoking Lounge License, has had the license revoked for cause, as defined in Chapter 59 of this Code.

ii. If the applicant is a co-partnership, and any of the members of the co-partnership fail to qualify to obtain a Smoking Lounge License.

iii. A corporation if any officer, manager or director or a stock owner or stockholders owning in the aggregate more than ten (10) percent of the stock of such corporation, would not be eligible to receive a license or related permit hereunder for any reason.

iv. If the applicant proposes to hire a manager or agent to handle the business operations, and the proposed manager or agent does not possesses the same qualifications as those required of the licensee.

v. If any of the individuals who are required to be identified on the application, as set forth in section 3 above, have been convicted or found responsible for a violation of any federal, state, or local law involving moral turpitude, dishonesty, fraud, violence, controlled substances, the sale, distribution, or furnishing of tobacco, or the sale, distribution, or furnishing of alcoholic liquors.

vi. If an applicant does not own the premises for which a Smoking Lounge License is sought or does not have a lease or other right of exclusive possession of the premises proposed for the business for the full period for which the license is issued.

b. Requirement for the Proposed Licensed Premises. Smoking Lounge License shall not be issued if there are any violation(s) of the applicable building, electrical, mechanical, plumbing, or fire prevention codes, applicable zoning regulations, or applicable public health regulations, unless such violation can be remedied within a stated period of time as determined by the Fire Department or Building Department.

c. Location. No license shall be issued to a business located within 500 feet (500’), from the nearest lot line to the nearest lot line, on a straight line basis, of a school.

8. Display of Smoking Lounge License

A Smoking Lounge License issued pursuant to the provisions of this Chapter shall be prominently displayed near the entrance of the licensed premises.

9. No Transferability; Change of Ownership
a. Licenses issued under this Chapter shall not be transferable except as provided herein. There shall be no transfer into the City of Troy of a State of Michigan Exemption Permit under the Dr. Ron Davis Act of 2009; MCL 333.12601, et. seq., as amended. Any transfer of ownership or control within the City of Troy by a licensee holding a City of Troy smoking lounge license shall result in termination of the license unless such licensee, within thirty (30) days prior to any such transfer files a written notice of such transfer accompanied by the application fee and an investigation fee as required by this Chapter. Any such transfer shall be reported on forms provided by the City Clerk and shall require the names of all new principal owners and any information as required by this Chapter. Approval or denial by the City Clerk of such transfer shall be based on the same terms as provided for in this Chapter for the approval or denial of a smoker’s lounge license.

b. Each license issued under this Chapter is separate and distinct, and no person shall exercise any of the privileges granted under any license other than that which he/she holds. A separate license shall be issued for each specific smoking lounge business within the City of Troy.

10. Manager; Change of Manager

a. A registered manager shall be on the premises of a smoking lounge business at all times that the business is open. It shall be unlawful for any person to work as a manager of a smoking lounge business without first registering with the City Clerk. The registration form shall require the applicant to provide his/her legal name and any aliases, home address, telephone numbers, date of birth, and driver’s license number. All managers must be over the age of twenty-one (21) years old.

b. In the event a licensee changes a manager of a smoking lounge business, the licensee shall report such change and register any new manager on forms provided by the City Clerk within ten (10) days of such change. Any new manager shall pay the investigation fee approved by resolution of City Council and shall be subject to approval or denial in accordance with the provisions of this Chapter.

11. Hours of Operation

It shall be unlawful for a smoking lounge business to be open for business or for the licensee, manager or any employee of a licensee to allow patrons on the licensed premises from twelve o’clock (12:00) midnight until eight (8:00) A.M. All
individuals except employees of the smoking lounge business shall be required to leave or be removed from the building by midnight (12:00 a.m.). Only a minimum of three (3) employees shall remain on the premises after midnight and shall carry proof of employment, such as an identification badge. The manager and/or employees shall provide proof of employment when requested to do so by a member of the Troy Police Department.

12. **Age Restrictions**

No one shall be allowed on the premises of a smoking lounge business unless the individual is the age of eighteen (18) years of age or older. The manager and/or employees shall ensure that identifications of individuals on the premises have been checked to determine that every individual is over the age of eighteen (18) years of age or older before entry into the premises. The manager and/or employees shall secure exit doors to ensure that no one is attempting to gain secret entry into the premises.

13. **Parking Restrictions**

The manager and/or employees shall require patrons to leave the parking lot of the smoking lounge business by 12:15 a.m. The manager and/or employees shall insure that patron of the smoking lounge business are not parking in adjacent or neighboring parking lots or in residential areas that are not part of the parking area provided to the business premises.

14. **Standard of Conduct**

   a. The following standards of conduct must be adhered to by managers and employees of any smoker’s lounge business:

   i. **Alcohol and Liquor:** No smoking lounge business shall serve or engage in the sale of alcoholic beverages, including, but not limited to, any spirituous, vinous, malt or fermented liquor, beverages, liquids and compounds. The sale or service of alcohol at a smoking lounge business shall be controlled by the Michigan Liquor Control Code, M.C.L. 436.1101, et. seq., as amended and Chapter 101 of the Troy Code of Ordinances.

   ii. **Consumption of alcohol:** It shall be unlawful to permit the consumption of alcoholic beverages in any smoking lounge business except in relation to a liquor license granted and in compliance with the Michigan Liquor Control Code, M.C.L. 436.1101, et. seq., as amended and Chapter 101 of the City of Troy Code of Ordinances. The manager and/or employees shall
immediately remove any one opening or consuming alcoholic beverages in the smoking lounge business.

iii. Controlled Substances: It shall be unlawful to permit the use, sale or presence of controlled substances as defined under MCL 333.7212, et. seq, of the Public Health Code as amended, or a rule promulgated under that Act or Code, on the smoking lounge premises. The manager and/or employees shall immediately remove any one possessing, distributing, selling, consuming and/or using controlled substances in the smoking lounge business.

iv. There shall be no live entertainment in a smoking lounge business.

v. It is the duty of the licensee of the premises to ensure that at least one employee is on duty and situated in each manager’s station at all times that any patron is present inside the premises.

vii. It is the duty of the licensee and managers of the premises to ensure that any doors to public areas on the premises remain unlocked during business hours.

14. Compliance with Laws

The business licensee, the manager and/employees shall comply with all federal and state laws and the City of Troy Code of Ordinances, including, but not limited to, building and fire codes.

15. Right of Entry.

The filing of an application for a smoker’s lounge license shall constitute consent of the applicant and licensee and his/her or its agents, managers and/or employees to permit the City’s Police Department, Building Department, Planning Department or any other department or agent of the city to conduct routine inspections of any licensed smoker’s lounge business during the hours the establishment is conducting business. The Troy Police Department and the Troy Fire Department shall be allowed unannounced access to the smoking lounge premises to inspect for violation of this Chapter.

16. Revocation and Suspension of a License

The City Manager, or his or her designee, may immediately revoke or suspend a Smoking Lounge License, upon the applicant’s violation of any provisions of this
Ordinance or for other good cause. The procedure for the suspension and revocation of the license shall be governed by the provisions of Chapter 59 of this Code.

17. Violations and Penalties

Any person, firm or corporation convicted of violating any provision of this Chapter shall be guilty of a misdemeanor, punishable by a fine not to exceed $500 and/or 90 days in jail, as well as the penalties provided herein.

Section 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 5. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 6. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on Monday, _________________, 2013.

Dane Slater, Mayor
An Ordinance to amend Chapter 6 of the Code of Ordinances entitled Amusements and Entertainments, to add Article VI, Smoking Lounges, to license and regulate smoking establishments for the public health, safety and welfare of the Township and persons within its jurisdictional boundaries.

THE CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS:

Section 1 of Ordinance

Chapter 6 of the West Bloomfield Charter Township Code of Ordinances is hereby amended by adding Article VI, entitled Smoking Lounges, containing sections 6-191 through 6-234, to read as follows:

ARTICLE VI. SMOKING LOUNGES

DIVISION 1. GENERALLY

Sec. 6-191. Purpose.

Since the State of Michigan enacted Public Act 188 of 2009 to prohibit smoking in public places smoking lounges have become increasingly popular. Cigar Bars and Tobacco Specialty Retail Stores that qualify and were in existence on May 1, 2010, are exempt from the smoking in public prohibition. The State issues exemption certificates that may be transferred resulting in an increase in the number of establishments in the Township.

Potential adverse impacts associated with these establishments have been identified such as large numbers of patrons during the evening and night time, crowds overflowing into parking areas and impeding on nearby businesses, leaving behind trash, broken alcohol bottles and debris, incidents requiring police response, fights, alcohol possession on unlicensed premises, traffic, noise, and complaints from neighboring businesses and residents. The purpose of this article is to regulate smoking lounges for the public health, safety, and welfare of the Township and persons within its jurisdictional boundaries; to prevent access to tobacco and non-tobacco smoking products by minors at these establishments, and to prevent the spread of smoke fumes to adjacent properties, and persons passing by these establishments.

This article is designed to establish reasonable and uniform regulations to prevent potential adverse impacts relating to these establishments. The regulations adopted are designed to provide objective and orderly procedures for the administration of this article.
Sec. 6-192. Definitions.

For purposes of this article, the words, terms, and phrases shall be defined as follows:

*Cigar* shall mean any roll of tobacco weighing three (3) or more pounds per 1,000, which roll has a wrapper or cover consisting of tobacco.

*Cigar bar* shall mean an establishment or area within an establishment that is open to the public and is designated for the smoking of cigars that has a State issued exemption certificate.

*Disqualifying criminal act* shall mean any of the following:

(1) Any of the following misdemeanor or felony offenses under any of the following statutes, as amended, for which less than seven (7) years elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date:

i  Michigan Penal Code, Chapter X, Arson and Burning;
ii Michigan Penal Code, Chapter XI, Assaults, except MCL 750.81(1) and (2);
iii Michigan Penal Code, Chapter XVII, Bribery and Corruption;
iv Michigan Penal Code, Chapter XXII, Compounding Offenses;
v Michigan Penal Code, Chapter XXVA, Criminal Enterprises;
vi Michigan Penal Code, Chapter XXVIII, Disorderly Persons;
vii Michigan Penal Code, Chapter XXXI, Embezzlement;
viii Michigan Penal Code, Chapter XXXIII, Explosives, Bombs, Harmful Devices;
ix Michigan Penal Code, Chapter XXXIV, Extortion;
x Michigan Penal Code, Chapter XLIII, Frauds and Cheats;
xi Michigan Penal Code, Chapter XLIV, Gambling;
xii Michigan Penal Code, Chapter XLV, Homicide;
xiii Michigan Penal Code, Chapter XLVIII, Indecency and Immorality;
xiv Michigan Penal Code, Chapter LVIII, Mayhem
 xv Michigan Penal Code, Chapter LXVII, Prostitution;
xvi Michigan Penal Code, Chapter LXVIIA, Human Trafficking;
xvii Michigan Penal Code, Chapter LXXVI, Sexual Conduct;
xviii Michigan Penal Code, Chapter LXXXIII, Robbery;
xix Michigan Penal Code, Chapter LXXXIII-A, Michigan Anti-Terrorism Act;
xx Michigan Compiled Laws, 333, Part 74, Controlled Substances – Offense and Penalties;
xxi Michigan Compiled Laws Section 205.27, Taxation-Prohibited Acts, including tax evasion;

(2) Any attempt, solicitation, or conspiracy to commit one of the foregoing offenses; or

(3) Any offense enumerated in the Township Code of Ordinances which substantially corresponds to one of the foregoing state offenses; or
(4) Any offense in another jurisdiction that, had the predicate act(s) been committed in Michigan, would have constituted any of the foregoing offenses.

_Influential interest_ shall mean any of the following:

(1) actual power to operate or control the operation, management, or policies of a current or prospective business; or

(2) ownership of a financial interest in the business, or ownership of an interest that is ten percent (10%) or more of the total interest of a current or prospective business, including such business entities as a firm, partnership, limited partnership, association, limited liability company, or corporation; or

(3) holding an office, such as, e.g., president, vice president, secretary, treasurer, managing member, managing director, etc., in a legal entity which operates a current or prospective business.

_Minor_ shall mean any person under eighteen (18) years of age.

_Non-tobacco smoking products or substances shall_ include any product or substance that can be consumed by smoking such as, but is not limited to: e-cigarettes, bidis, kreteks, clover cigarettes, herbal cigarettes, electronic and herbal hookah, steam stones, smoking gels or other smoked product.

_Premises_ shall mean the location for which a smoking lounge establishment operates under a State issued exemption certificate and includes the land, and all improvements located thereon, including the primary building and all accessory and out-buildings, and is not limited to the smoking area.

_Sale_ shall mean, the exchange, barter, traffic, furnishing, or giving away of tobacco products and non-tobacco smoking products and substances which is regulated by the State of Michigan and pursuant to this article.

_Smoking lounge_ shall mean an establishment, which has a State issued smoking ban exemption certificate, and that allows smoking of tobacco products or non-tobacco products or substances on the premises. The term “smoking lounge” includes, but is not limited to, facilities commonly described as tobacco retail specialty stores, cigar bars and lounges, hookah cafés and lounges, tobacco bars and lounges, tobacco clubs or 0% nicotine establishments.

_State_ shall mean the State of Michigan.

_State issued exemption certificate_ shall mean a valid exemption certificate issued by the State of Michigan for the premises, from the Public Act 188 of 2009 smoking in public ban which allows indoor smoking on the premises in compliance with the Act.

_Tobacco product_ shall mean a product that contains tobacco and is intended for human consumption, including, but not limited to, cigars, cigarettes, non-cigarette smoking
tobacco or smokeless tobacco as defined by the Tobacco Products Tax Act, MCL 205.422.

_Tobacco specialty retail store_ shall mean an establishment that has a State issued exemption certificate and for which the primary purpose is the retail sale of tobacco products, non-tobacco smoking products and substances, and smoking paraphernalia.

**Sec. 6-193 to 6-194. Reserved.**

**DIVISION 2. LICENSE**

**Sec. 6-195. Business license required.**

A person shall not operate a smoking lounge in the Township without first obtaining a smoking lounge business license issued pursuant to the provisions of this article.

**Sec. 6-196. Application.**

(a) _Information required._ An applicant for a smoking lounge license shall annually file in person at the office of the Township Clerk, a completed application made on a form provided by the Clerk. The application shall be signed as required herein and shall be notarized. An application shall be considered complete when it contains, for each person required to sign the application, the information and/or items required in paragraphs (1) through (8) below, accompanied by the required fee.

(1) The applicant's full true name and any other names used by the applicant in the preceding seven (7) years. If the applicant is a partnership, corporation, limited liability company, or other legal entity, then all persons with an influential interest in the entity shall be deemed an applicant and shall provide the information required by this article. Each applicant must be qualified under section 6-197, and each applicant shall be considered a licensee if a license is granted.

(2) Current business address or another mailing address of the applicant.

(3) Written proof of identity, in the form of a driver's license or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency.

(4) The business name, location, zoning classification, legal description, parcel identification number, mailing address and phone number.

(5) A copy of the State issued exemption certificate for the premises; or if a transfer has been applied for, a copy of the application filed with the State.

(6) The name and business address of the designated local agent who is responsible to supervise the premises and activities and who is authorized to receive service of process.
(7) A statement of whether any applicant has been convicted of or has pled guilty or nolo contendere to a disqualifying criminal act as defined in this article, and if so, specify each criminal act involved, including the date, place, and jurisdiction of each, as well as, the dates of conviction and release from confinement, where applicable.

(8) A statement as to whether any business in which an applicant has had an influential interest, has, in the previous seven (7) years, and at the time during which the applicant had the influential interest:

i. Been declared by a court of law to be a nuisance, as defined under the Revised Judicature Act, MCL 600.3801; or

ii. Been subject to a court order of closure or padlocking.

The information provided pursuant to paragraphs (1) through (8) of this subsection shall be supplemented in writing by certified mail, return receipt requested, to the Township Clerk within ten (10) working days of a change of circumstances which would render the information originally submitted false or incomplete.

(b) Signature required. If a person who wishes to operate the business is an individual, the person shall sign the application. If a person who wishes to operate a business is other than an individual, each person with an influential interest in the business shall sign the application for a license as applicant.

(c) Disclosure. The information provided by an applicant in connection with an application for a license under this article shall be maintained by the Township Clerk’s Office and all personal information shall be deemed confidential and may be disclosed only as required by law or by court order.

Sec. 6-197. Issuance of license.

(a) Pre-existing businesses. All smoking lounges operating pursuant to a valid certificate of occupancy on the effective date of this ordinance are hereby granted a de facto temporary license to continue operating for a period of one hundred and eighty (180) days following the effective date. During this period all smoking lounge businesses shall apply for a license pursuant to this article; and by the expiration date of the one hundred and eighty (180) days shall conform to all requirements for issuance of a license.

(b) Application review. Upon the filing of a completed application for a smoking lounge business license, the Township Clerk shall forward a copy to the following departments: Police Administration, Fire, Community Development, Treasurer’s Office, Water and Sewer and any other Department, to review the application for compliance with the requirements of all applicable ordinances and codes.

(c) The Township Clerk shall issue a license to the applicant, or issue to the applicant a written notice to deny the application. The Township Clerk shall issue a license unless:
(1) **Information.** An applicant has failed to provide information as required by section 6-196 for issuance of a license, or has falsely answered a question or a request for information on the application form;

(2) **Fee.** The license application fee required by this article has not been paid;

(3) **State exemption certificate.** The applicant does not have a valid State issued exemption certificate, the State has denied the application for a transfer, or the exemption has been revoked;

(4) **Code compliance.** The subject premise’s lacks a current certificate of occupancy or does not comply with applicable building, zoning, plumbing, mechanical, electrical, health, or fire prevention codes. Upon filing an application for a building permit, plan review, or certificate of occupancy, the applicant shall also file a copy with the Township Clerk;

(5) **Ventilation and parking.** The Community Development Department has indicated that the premises lack the ventilation or parking required for the proposed use;

(6) **Unpaid fees.** The Community Development Department, the Treasurer’s Office, the Water and Sewer Department, or the Fire Department has indicated that there are unpaid fees or uncured violations under its purview related to the subject premises;

(7) **Taxes.** The Township Treasurer’s Office has denied a real estate tax clearance pertaining to the subject premises;

(8) **Ownership/lease.** The business does not own the premises for which a license is sought or does not have a lease for the full period for which the license is sought;

(9) **Previous revocation/non-renewal.** An applicant has had a smoking exemption revoked, or not renewed for cause, in the last seven (7) years under this article or a comparable city or township ordinance or state law, whether in Michigan or otherwise;

(10) **Prior nuisance.** Any business in which the applicant has had an influential interest, has, in the previous seven (7) years, and at the time during which the applicant had the influential interest:

    i. Been declared by a court of law to be a nuisance, as defined under the Revised Judicature Act, MCL 600.3801; or

    ii. Been subject to an order of closure or padlocking.

(11) **Disqualifying criminal act.** An applicant has been convicted of, or pled guilty, or nolo contendere, or no contest or entered an Alford plea, to a disqualifying criminal act as defined in this article;
(12) **Additional licensing.** The business is not licensed to do business in Michigan or has not obtained a sales tax license;

(d) **Reservation of authority.** Notwithstanding anything to the contrary in this article, no applicant has a right to the issuance of a license; and the Township hereby reserves the right to determine who, if anyone, shall be entitled to the issuance of such a license, based on the objective criteria listed in this ordinance which relate to concerns for public health, safety, and welfare as identified herein.

(e) **License contents; posting; possession.** The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and, the address of the business. The business license shall be posted in a conspicuous place at or near the entrance to the business so that it may be read at any time.

(f) **Other laws applicable.** Nothing in this article shall be construed to exempt the licensee from any other requirements set forth by Township ordinance, state or federal law.

**Sec. 6-198. Fees.**

The fees for a license under this article shall be established by resolution adopted by the Township Board and shall be placed on file, and made available, at the office of the Township Clerk.

**Sec. 6-199. Inspection.**

Filing an application for a smoking lounge shall constitute consent to inspection by Township officials as provided herein, for the purpose of ensuring compliance with the specific regulations of this article. The Township shall inspect all portions of the premises where patrons are permitted, during times when the business is occupied by patrons or is open to the public. This section shall be narrowly construed by the Township to authorize reasonable inspections of the licensed premises pursuant to this article.

**Sec. 6-200. Transfer of license.**

(a) A licensee shall not transfer the license to another, nor shall a licensee operate a smoking lounge under the authority of a license at any place other than the address designated in the smoking lounge license application. Any transfer shall be grounds for suspension and revocation. A proposed transfer shall require a new application be filed and shall be subject to the same procedures, standards and fees required for a new license. Each location operated by a licensee requires a separate license.

(b) Approval of the transfer of a State issued exemption certificate by the State of Michigan shall not abrogate the requirement to apply for and obtain a smoking lounge license as required by this article.
Sec. 6-201. Annual license, expiration.

Each license shall expire annually on the thirty-first day of March unless otherwise suspended or revoked. Such license may be renewed only by making application and payment of the fee as required by this article.

Sec. 6-202 to 6-209. Reserved.

DIVISION 3. DENIAL, SUSPENSION, REVOCATION, HEARING

Sec. 6-210. Denial.

In the event the Township Clerk issues a written notice to deny for failure to comply with the requirements of section 6-197, the provisions of section 6-213 providing for an appeal hearing shall apply.

Sec. 6-211. Suspension.

The Township Clerk shall suspend the license for a period of thirty (30) days if the licensee has knowingly violated this article or has knowingly allowed an employee to violate this article. Upon receiving notice of a violation, the Clerk shall issue a written notice to suspend, which shall include the grounds for the suspension, the effective date of the suspension, and that the licensee may within twenty (20) days, request in writing, an appeal hearing before the Township Board pursuant to the provisions of section 6-213. The suspension shall take effect twenty-one (21) days after the date of the notice of suspension.

Sec. 6-212. Revocation; non-renewal.

(a) Violation after previous suspension. The Township Clerk shall issue a written notice of revocation if the licensee knowingly violates this article or has knowingly allowed an employee to violate this article and the licensee's license has been suspended within the previous twelve (12) month period.

(b) Grounds for revocation/non-renewal. The Township Clerk shall issue written notice to revoke or non-renewal of the license if:

(1) The licensee would not meet the standards set forth in section 6-197 if the licensee were an applicant for a new license.

(2) The licensee has knowingly or recklessly allowed two (2) or more violations of the regulations of this article in the preceding twelve (12) month period.

(3) The licensee has knowingly or recklessly allowed a nuisance, as defined under the Revised Judicature Act, MCL 600.3801, to be maintained upon the premises.

(4) The subject premises have existing violations of building, zoning, plumbing, mechanical, electrical, health or fire prevention codes.
(5) The operation of the licensed establishment has resulted in a pattern of patron conduct in the neighborhood of the establishment that substantially disturbs the peace, order, and tranquility of the neighborhood.

(6) The licensee has failed to maintain the grounds and exterior of the licensee’s establishment by allowing litter, debris, and/or refuse to unreasonably remain on the property or adjoining properties.

(7) The licensee knowingly or recklessly operated the business during a period of time when the license was suspended.

(8) The licensee has knowingly or recklessly engaged in illegal activity or allowed any illegal activity to occur in or on the licensed premises.

(c) **Effect of appeal of conviction.** The fact that any relevant conviction is being appealed shall have no effect on the revocation/non-renewal of the license, provided that, if any conviction which serves as a basis of a license revocation/non-renewal is overturned or reversed on appeal, that conviction shall be treated as null and of no effect and the license shall be reinstated.

(d) **Effective date.** The revocation/nonrenewal shall not take effect for twenty-one (21) days from the date of the notice of revocation/non-renewal.

(e) **Appeal.** The written notice to revoke/non-renewal, shall include the grounds for the revocation/non-renewal, the effective date of the revocation/non-renewal, and that the licensee may request in writing, within twenty (20) days of the date of the notice of suspension, or revocation/non-renewal, an appeal hearing before the Township Board pursuant to the provisions of section 6-213. If not appealed, the suspension shall take effect twenty-one (21) days after the date of the notice of suspension.

Sec. 6-213. Appeal hearing.

(a) **Notice of hearing.** Upon receipt of a request for appeal, the Township Board shall provide the licensee with notice and an opportunity to be heard. The Township Board shall serve notice upon the licensee by certified mail, not less than twenty (20) days prior to the hearing date. The notice shall state:

(1) The date, time and place of the hearing.

(2) A statement that the licensee may present evidence and testimony, and may be represented by an attorney.

(b) **Hearing and decision.** The hearing shall be conducted by the Township Board and shall be open to the public. The Township Board shall submit to the licensee a written statement of its findings, decision, specific grounds for its decision, and a statement that the decision may be appealed to a court of competent jurisdiction.
Sec. 6-214 to 6-216. - Reserved.

DIVISION 4. REGULATIONS

Sec. 6-217. Hours of operation.

Businesses operating a licensed smoking lounge shall be closed between the hours of 2:00 a.m. and 8:00 a.m. on any day.

Sec. 6-218. Local agent on premises.

The licensee, or the local agent designated in the application, shall remain on the premises while open for business to supervise the activities and shall be responsible to ensure compliance with the regulations of this article. In the event a licensee changes the local agent, the licensee shall immediately notify the Clerk in writing of the name and business address of the new local agent.

6-219. Mechanical ventilation required.

Mechanical ventilation shall be supplied in compliance with the Michigan Mechanical Code to ensure sufficient ventilation of the smoking lounge. The recirculation and the natural ventilation of air from the smoking lounge is prohibited; and the air supplied to the smoking lounge shall be exhausted and discharged to an approved location in compliance with the Michigan Mechanical Code.

6-220. Off-street parking required.

Off-street parking shall be provided for the smoking lounge business. The minimum amount of parking shall be calculated by utilizing the parking requirements listed for sit down restaurants contained in section 5.8.11 of the Zoning Ordinance.

Sec. 6-221. Storage lockers prohibited.

Storage lockers shall be prohibited on the premises of a smoking lounge, except that on-site humidors may be permitted in the smoking area of a cigar bar.

Sec. 6-222. Outdoor activities prohibited.

There shall not be any outdoor activities, outdoor public admission events, or outdoor seating. The business activities shall be conducted wholly indoors. In no event shall designated on-site parking areas be used for any other purpose than parking of passenger vehicles. To ensure that the smoke is contained within the smoking area, all windows and doors shall remain closed to ensure that the smoke does not infiltrate nonsmoking areas and is not emitted to passersby.
Sec. 6-223. Loitering, exterior lighting, and monitoring requirements.

It shall be the duty of the licensee or the designated local agent to:

(a) Signs. Post conspicuous signs stating that no loitering is permitted on the premises; no minors are permitted on the premises; and patrons must leave the parking area immediately upon close of the business;

(b) Monitor. Designate one (1) or more employees to monitor, while the premises are open for business, the activities of persons on the premises by visually inspecting the interior and exterior of the premises at least once every ninety (90) minutes or inspecting the premises by use of video cameras and monitoring;

(c) Exterior. Ensure lighting of the exterior premises is provided, including all parking areas, for visual inspection and security. All exterior lighting shall comply with all provisions of Section 5.6 of the Zoning Ordinance;

(d) Parking area. The licensee shall ensure that patrons are not parking in adjacent or neighboring parking lots or in residential areas that are not part of the parking area approved on the site plan for the licensed premises.

Sec. 6-224. Disturbing the peace.

The licensee or local agent, shall be responsible to maintain the premises to ensure there is not a violation of the Code of Ordinances, section 15-141, for disturbing the peace. If the licensee or designated local agent is convicted for a violation of 15-141, the conviction shall be grounds for revocation, denial or suspension of a license.

Sec. 6-225. Prohibited activities.

It is unlawful for a licensee or local agent to knowingly violate the following regulations or to knowingly allow an employee, patron or any other person to violate the following regulations. The licensee or local agent shall remove anyone violating the following regulations:

(a) Minors prohibited. No one shall be allowed on the premises of a smoking lounge business unless the individual is eighteen (18) years of age or older. The licensee and local agent shall ensure that identifications of individuals on the premises have been checked to determine that every individual is eighteen (18) years of age or older before entry into the premises. The exit doors shall be monitored to ensure that no one is attempting to gain secret entry into the premises. A sign shall be posted near the entrance stating “No one under the age of eighteen (18) allowed.”

(b) Alcoholic liquor. No person shall sell, offer for sale, trade, provide, allow, possess, consume or attempt to consume any alcoholic liquor on the premises unless the licensee has obtained the appropriate license from the Liquor Control Commission pursuant to MCL 436.1101 et seq., as amended.
(c) Nudity prohibited. No one shall be allowed on the premises of a smoking lounge business to appear nude or in a state of nudity as defined in section 6-125 of this article.

(d) Controlled substances prohibited. No person shall sell, offer for sale, trade, provide, allow, possess, consume or attempt to consume any controlled substance on the premises in violation of Article 7 of the Public Health Code, MCL 333.1101 et seq.

6-226 to 6-229. Reserved.

DIVISION 6. PENALTIES AND ENFORCEMENT

Sec. 6-230. Penalties and enforcement.

(a) Misdemeanor. A person who violates or fails to comply with any of the provisions of this article shall be guilty of a misdemeanor, punishable by a maximum fine of five hundred dollars ($500.00) and/or a maximum of ninety (90) days imprisonment. Each day a violation is committed, or permitted to continue, it shall constitute a separate offense and shall be treated as a separate offense.

(b) Civil proceedings. The Township Attorney or designee is hereby authorized to institute civil proceedings necessary for the enforcement of this article to restrain or correct ordinance violations, and for the recovery of costs and expenses incurred by the Township, as authorized by law. Such proceedings, including injunctive relief, shall be brought in the name of the Township, however, the institution of civil proceedings shall not preclude enforcement of misdemeanor, administrative, or any other proceeding authorized by ordinance, state or federal law.

Sec. 6-231 to 6-234. Reserved.

Section 2 of Ordinance

Should any section, subdivision, sentence, clause, or phrase of this Ordinance, be declared by the Courts to be invalid, it shall not affect the validity of the remainder of the Ordinance or any part other than the part invalidated. It is further declared that such provisions would have been adopted independently of the provision found to be invalid. Should any procedural aspect of this article be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this article.

Section 3 of Ordinance

This Ordinance shall take effect immediately upon publication.
CERTIFICATION

STATE OF MICHIGAN )
COUNTY OF OAKLAND )

I, the duly elected Clerk for the Charter Township of West Bloomfield, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Ordinance adopted by the Township Board for the Charter Township of West Bloomfield at a meeting held on the _____ day of ______________, 2013, the original of which is on file in the Office of the Township Clerk.

I affix my official signature/seal this _____ day of ______________, 2013.

By: ________________________________
    Catherine Shaughnessy, Clerk

INTRODUCED: _______________
ADOPTED: _______________
EFFECTIVE: _______________
PUBLISHED: _______________
During the month of September the department responded to 279 calls for service. This represents an increase of 32 incidents from August 2013. 43% of all calls for service were in Station 2’s district. Responses for station 1 and 3 were 35% and 21% respectively. There were 5 actual fires and 274 non-fire related incidents.

The Fire Departments Staffing did not change this month. We currently employ 16 full-time staff and a total of 32 paid on Call personnel: 7 assigned to Station 1, 17 to Station 2, and 8 to Station 3 with an additional 4 part time medics.
We would like to bring to your attention to a few calls of interest:

High Rise Fire Training at Crest

Fire personnel tests different strategy and tactics during the fourth floor high rise fire simulation at the Crest Center. High Rise fires present tactical and logistical challenges in moving personnel and equipment to the floor involved in fire. Last Wednesday 9/11/13 crews practiced their back up tactics to supplying water to fire crews on the fourth floor of this structure. In most cases fire companies would connect to the fire department connection (FDC) to supply water. In this scenario those FDC’s were not present. Hose had to be stretch up the stairs by personnel in order to supply water to firefighting crews. This training is critical in our city with the amount high rise structures we have.

Fire at Havenwyck Hospital

Fire personnel responded to a fire alarm at Havenwyck hospital on Wednesday September 4th. Upon arrival fire personnel were advised that a box left on top of a stove had caught on fire but was extinguished when a sprinkler head activated. An investigation revealed that an unknown employee had left a box of potato chips on top of an electric stove that is not regularly utilized. Somehow one of the burners was turned on and the cardboard box caught on fire. The sprinkler system activated and extinguished the fire. There were no injuries and no structural damage to the building. This is an excellent example of a disaster being halted by a properly working sprinkler system. An investigation into how the stove was turned on is on-going. Fire personnel met with the management of Havenwyck just last week to update the emergency response plan for the hospital. The type of medical facility, numerous security measures and the recent addition to the building present many challenges during an emergency. Future planning and training sessions revolving around an updated emergency response plan are in the works.
Station 2 continues to be the most requested station for calls for service. This is due to the fact that this area has several high occupancy buildings within its response area, including Oakland University, medical facilities, large office buildings, and several senior housing complexes making up the bulk of the call volume. The department had a total of 173 EMS calls in September. Within that total, 105 of these were actual transports to a local hospital. 63 of the transports were ALS (advance life support) which requires one of the following procedures: drug therapy, advanced airway management or advance cardiac care. 42 were BLS (basic life support), which represents a stable patient who does not require any ALS procedures.
EMS calls remain the highest requested service; moving down to 62% from last month’s reported 67% of our total calls. Fire activity increased to 2% for the month. False alarms decreased to 11%.

Suppression training continued to account for the most hours in September’s training report. This includes the monthly scheduled training dates, FTO and technical rescue. Suppression training of our personnel, particularly the Paid on Call staff is critically important due to the high risk/low frequency nature of fire fighting.
In September, 39% of all emergency responses were to residential occupancies, 16% were at businesses and public places such as restaurants, retail stores and other buildings open to the public.

The data above reflects that Wednesday was our busiest day of the month, reporting 47 calls for service.
We conducted 9 C.P.R. class’s, 1 Fire Extinguisher class as well as 1 tour of the station. Public education continues to be a very important part of the Fire Department. There were a total of 145 programs delivered last year.
The graphs above reflect the activity of the Fire Prevention Division. The main focus of their efforts has been directed at getting new businesses into their buildings in an efficient and timely manner and ensuring fire safety of existing businesses as well.

They have also been working diligently on processing Hazardous Materials applications and issuing permits. As of September 30th they have collected $55,400 in for Hazardous Materials permit fees for 2013.
Fire personnel are encouraged to maintain a healthy lifestyle through proper diet and exercise. During the month of September fire personnel logged 30.83 hours of workout time at station 2. No workout time was recorded at stations 1 and 3.
MEMORANDUM

To: Peter E. Auger, City Manager
CC: Steven J. Cohen, Director of Community Development
From: Shawn Keenan, Water Resources Coordinator
Date: October 21, 2013
Re: Clinton River Water Quality Data

Clinton River Monitoring January 2013 through September 2013

Below are the test results for E-coli.

<table>
<thead>
<tr>
<th>DATE</th>
<th>DRY WEATHER OR WET WEATHER</th>
<th>RIVER LEVEL</th>
<th>OPDYKE BRIDGE</th>
<th>RIVERSIDE PARK</th>
<th>RIVER WOODS PARK</th>
<th>HAMLIN BRIDGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/08/13</td>
<td>Dry Weather</td>
<td>1.41’</td>
<td>58</td>
<td>77</td>
<td>79</td>
<td>62</td>
</tr>
<tr>
<td>2/12/13</td>
<td>Dry Weather</td>
<td>1.89’</td>
<td>88</td>
<td>108</td>
<td>122</td>
<td>88</td>
</tr>
<tr>
<td>3/21/13</td>
<td>Dry Weather</td>
<td>1.80’</td>
<td>35</td>
<td>49</td>
<td>93</td>
<td>63</td>
</tr>
<tr>
<td>4/09/13</td>
<td>Dry Weather</td>
<td>1.36’</td>
<td>129</td>
<td>162</td>
<td>185</td>
<td>161</td>
</tr>
<tr>
<td>5/16/13</td>
<td>Dry Weather</td>
<td>1.43’</td>
<td>81</td>
<td>50</td>
<td>39</td>
<td>38</td>
</tr>
<tr>
<td>6/11/13</td>
<td>Wet Weather</td>
<td>1.96’</td>
<td>816</td>
<td>980</td>
<td>1,046</td>
<td>1,553</td>
</tr>
<tr>
<td>7/09/13</td>
<td>Wet Weather</td>
<td>2.13’</td>
<td>517</td>
<td>649</td>
<td>517</td>
<td>488</td>
</tr>
<tr>
<td>8/13/13</td>
<td>Wet Weather</td>
<td>1.64’</td>
<td>&gt;2,419</td>
<td>&gt;2,419</td>
<td>&gt;2,419</td>
<td>&gt;2,419</td>
</tr>
<tr>
<td>9/04/13</td>
<td>Dry Weather</td>
<td>1.26’</td>
<td>345</td>
<td>179</td>
<td>197</td>
<td>517</td>
</tr>
</tbody>
</table>

Using County Health Department and EPA water quality standards, counts less than 1,000 are safe for partial body contact and counts less than 300 are safe for full body contact.
<table>
<thead>
<tr>
<th>Reporting Entity: Pontiac</th>
</tr>
</thead>
<tbody>
<tr>
<td>Event Type: SSO</td>
</tr>
<tr>
<td>Notification Date/Time: 2/11/2013 10:00:00 AM</td>
</tr>
<tr>
<td>Event Start Date/Time: 2/10/2013 9:45:00 PM</td>
</tr>
<tr>
<td>Event End Date/Time: 2/10/2013 9:55:00 PM</td>
</tr>
<tr>
<td>Volume: 0.0075 MG</td>
</tr>
<tr>
<td>Characterization: The discharge was reported per statutory requirements.</td>
</tr>
<tr>
<td>Precipitation Type: Spill was chlorinated secondary effluent. Flow increased above allowable to pass through tertiary valves given their position (currently manually operated, part of Phase II construction underway)</td>
</tr>
<tr>
<td>Entity Actions to Stop/Min Discharge: Automation of flow control valves are part of current construction project. Until construction is complete, high level floats with audio/visual alarm have been installed.</td>
</tr>
<tr>
<td>Discharge Locations:</td>
</tr>
<tr>
<td>Outfall Description: WWTP - tertiary filters</td>
</tr>
<tr>
<td>Outfall Location: Auburn WWTP-Tertiary</td>
</tr>
<tr>
<td>Receiving Water: Clinton River</td>
</tr>
<tr>
<td>Land Impacted: immediate area around tertiary building</td>
</tr>
<tr>
<td>Volume from this Outfall: 0.0075 Million Gallons</td>
</tr>
<tr>
<td>Discharge Water Quality: Partially treated sewage</td>
</tr>
<tr>
<td>Outfall Discharge Start: 2/10/2013 9:45:00 PM</td>
</tr>
<tr>
<td>Outfall Discharge End: 2/10/2013 9:55:00 PM</td>
</tr>
<tr>
<td>Actions by MDEQ: Evaluation of event has determined that no further action is necessary at this time.</td>
</tr>
<tr>
<td>Schedule of Compliance: This Outfall is not subject to a Schedule of Compliance</td>
</tr>
</tbody>
</table>
**SSO Event Details**

**Reporting Entity:** Pontiac

<table>
<thead>
<tr>
<th>Event Type:</th>
<th>SSO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notification Date/Time:</td>
<td>5/1/2013 12:37:00 PM</td>
</tr>
<tr>
<td>Event Start Date/Time:</td>
<td>5/1/2013 1:07:00 PM</td>
</tr>
<tr>
<td>Event End Date/Time:</td>
<td>5/1/2013 3:50:00 PM</td>
</tr>
<tr>
<td>Volume:</td>
<td>3.409</td>
</tr>
<tr>
<td>Characterization:</td>
<td>The discharge was reported per statutory requirements.</td>
</tr>
<tr>
<td>Precipitation Type:</td>
<td></td>
</tr>
<tr>
<td>Precipitation Amount:</td>
<td></td>
</tr>
<tr>
<td>Reason For Discharge:</td>
<td>Bypass of tertiary filters (discharge received primary, secondary, chlorination and de-chlorination). Programmable logic and HMI malfunction of tertiary filter process unit led to inability to conduct backwashes. New equipment to be troubleshot</td>
</tr>
<tr>
<td>Entity Actions to Stop/Min Discharge:</td>
<td>Diverted flow to tertiary filter and clarifiers that were out of service prior to opening bypass gate. Increased chlorine dosage and sampling.</td>
</tr>
<tr>
<td>Discharge Locations:</td>
<td></td>
</tr>
<tr>
<td>Outfall Description:</td>
<td>Auburn WWTP</td>
</tr>
<tr>
<td>Outfall Location:</td>
<td>Auburn WWTP</td>
</tr>
<tr>
<td>Receiving Water:</td>
<td>Clinton River</td>
</tr>
<tr>
<td>Land Impacted:</td>
<td></td>
</tr>
<tr>
<td>Volume from this Outfall:</td>
<td>3.409 Million Gallons</td>
</tr>
<tr>
<td>Discharge Water Quality:</td>
<td>Partially treated sewage</td>
</tr>
<tr>
<td>Outfall Discharge Start:</td>
<td>5/1/2013 1:07:00 PM</td>
</tr>
<tr>
<td>Outfall Discharge End:</td>
<td>5/1/2013 3:50:00 PM</td>
</tr>
<tr>
<td>Schedule of Compliance:</td>
<td>This Outfall is subject to the following Schedule of Compliance: Phase 1 &amp; 2 CAP improvements to be completed on or before June 1, 2018.</td>
</tr>
</tbody>
</table>
# SSO Event Details

**Reporting Entity:** Pontiac  

<table>
<thead>
<tr>
<th>Event Type</th>
<th>SSO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notification Date/Time</td>
<td>6/10/2013 6:55:00 AM</td>
</tr>
<tr>
<td>Event Start Date/Time</td>
<td>6/10/2013 6:55:00 AM</td>
</tr>
<tr>
<td>Event End Date/Time</td>
<td>6/10/2013 7:10:00 AM</td>
</tr>
<tr>
<td>Volume</td>
<td>0.0105 MG</td>
</tr>
<tr>
<td>Characterization</td>
<td>The discharge was reported per statutory requirements.</td>
</tr>
<tr>
<td>Precipitation Type</td>
<td>Rain</td>
</tr>
<tr>
<td>Precipitation Amount</td>
<td>1</td>
</tr>
<tr>
<td>Precipitation Start Date</td>
<td>6/10/2013 2:00:00 AM</td>
</tr>
<tr>
<td>Precipitation End Date</td>
<td>6/10/2013 10:00:00 AM</td>
</tr>
</tbody>
</table>

**Reason For Discharge:**  
A surge in flow due to rain could not be accommodated quickly enough through the aeration basins causing primary effluent to backup and overflow from the primary diversion structure. The flow through the aeration basins has to be adjusted manually.

**Entity Actions to Stop/Min Discharge:**  
Diverted more flow to aeration basins. E coli sampling performed. After event, installed a high level alarm. Retrained personnel on wet weather protocols.

**Discharge Locations:**  
- **Outfall Description:** Auburn WWTP  
- **Outfall Location:** Auburn WWTP  
- **Receiving Water:** Clinton River  
- **Land Impacted:**  
- **Volume from this Outfall:** 0.0105 Million Gallons  
- **Discharge Water Quality:** Partially treated sewage  
- **Outfall Discharge Start:** 6/10/2013 6:55:00 AM  
- **Outfall Discharge End:** 6/10/2013 7:10:00 AM  

**Actions by MDEQ:** Consent Judgment entered on August 4, 2009.

**Schedule of Compliance:**  
This Outfall is subject to the following Schedule of Compliance:  
Phase 1 & 2 CAP improvements to be completed on or before June 1, 2018.
**SSO Event Details**

**Reporting Entity:** Pontiac  

<table>
<thead>
<tr>
<th>Event Type:</th>
<th>SSO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notification Date/Time:</td>
<td>6/13/2013 8:38:00 AM</td>
</tr>
<tr>
<td>Event Start Date/Time:</td>
<td>6/13/2013 3:50:00 AM</td>
</tr>
<tr>
<td>Event End Date/Time:</td>
<td>6/13/2013 4:20:00 AM</td>
</tr>
<tr>
<td>Volume:</td>
<td>0.021 MG</td>
</tr>
<tr>
<td>Characterization:</td>
<td>The discharge was reported per statutory requirements.</td>
</tr>
<tr>
<td>Precipitation Type:</td>
<td>Rain</td>
</tr>
<tr>
<td>Precipitation Amount:</td>
<td>1.4</td>
</tr>
<tr>
<td>Precipitation Start Date:</td>
<td>6/13/2013</td>
</tr>
<tr>
<td>Precipitation End Date:</td>
<td>6/13/2013 8:44:00 AM</td>
</tr>
<tr>
<td>Reason For Discharge:</td>
<td>Flows exceeded hydraulic capacity, total flow for both plants exceeded 48 MGD. One of the final clarifiers is offline due to plant upgrades.</td>
</tr>
<tr>
<td>Entity Actions to Stop/Min Discharge:</td>
<td>Majority of flow collected in a nearby stormwater pond. The area was cleaned and vactored, then treated with hydrated lime.</td>
</tr>
</tbody>
</table>

**Outfall Locations:**

| Outfall Description: | Final Clarifier influent junction box |
| Outfall Location: | Auburn WWTP - Final Clarifier influent junction box |
| Receiving Water: | Clinton River |
| Land Impacted: | area surrounding box, storm water retention pond |
| Volume from this Outfall: | 0.021 Million Gallons |
| Discharge Water Quality: | Partially treated sewage |
| Outfall Discharge Start: | 6/13/2013 3:50:00 AM |
| Outfall Discharge End: | 6/13/2013 4:20:00 AM |

**Actions by MDEQ:**

**Schedule of Compliance:** This Outfall is not subject to a Schedule of Compliance
**SSO Event Details**

<table>
<thead>
<tr>
<th>Reporting Entity: Pontiac</th>
</tr>
</thead>
<tbody>
<tr>
<td>Event Type: SSO</td>
</tr>
<tr>
<td>Notification Date/Time: 6/13/2013 12:30:00 PM</td>
</tr>
<tr>
<td>Event Start Date/Time: 6/13/2013 11:58:00 AM</td>
</tr>
<tr>
<td>Event End Date/Time: 6/13/2013 2:45:00 PM</td>
</tr>
<tr>
<td>Volume: 2.2 MG</td>
</tr>
<tr>
<td>Characterization: The discharge was reported per statutory requirements.</td>
</tr>
<tr>
<td>Precipitation Type: Rain</td>
</tr>
<tr>
<td>Precipitation Amount: 1.4</td>
</tr>
<tr>
<td>Precipitation Start Date: 6/13/2013</td>
</tr>
<tr>
<td>Precipitation End Date: 6/13/2013 8:00:00 AM</td>
</tr>
<tr>
<td>Reason For Discharge: Primary effluent blended with tertiary effluent. Flows exceeded hydraulic capacities at the WWTP, total flow for both Auburn and East Boulevard WWTP exceeded 48 MGD, flows to Auburn exceeded 37 MGD. Secondary bypass gate was opened</td>
</tr>
<tr>
<td>Entity Actions to Stop/Min Discharge: Filled equalization basin prior to opening bypass.</td>
</tr>
<tr>
<td>Discharge Locations:</td>
</tr>
<tr>
<td>Outfall Description: Auburn WWTP</td>
</tr>
<tr>
<td>Outfall Location: Auburn WWTP</td>
</tr>
<tr>
<td>Receiving Water: Clinton River</td>
</tr>
<tr>
<td>Land Impacted:</td>
</tr>
<tr>
<td>Volume from this Outfall: 2.2 Million Gallons</td>
</tr>
<tr>
<td>Discharge Water Quality: Partially treated sewage</td>
</tr>
<tr>
<td>Outfall Discharge Start: 6/13/2013 11:58:00 AM</td>
</tr>
<tr>
<td>Outfall Discharge End: 6/13/2013 2:45:00 PM</td>
</tr>
<tr>
<td>Schedule of Compliance: This Outfall is subject to the following Schedule of Compliance: Phase 1 &amp; 2 CAP improvements to be completed on or before June 1, 2018.</td>
</tr>
</tbody>
</table>
# SSO Event Details

**Reporting Entity:** Pontiac

<table>
<thead>
<tr>
<th>Event Type:</th>
<th>SSO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notification Date/Time:</td>
<td>6/27/2013 9:38:00 AM</td>
</tr>
<tr>
<td>Event Start Date/Time:</td>
<td>6/27/2013 6:34:00 PM</td>
</tr>
<tr>
<td>Event End Date/Time:</td>
<td>6/27/2013 7:30:00 PM</td>
</tr>
<tr>
<td>Volume:</td>
<td>0.1 MG</td>
</tr>
<tr>
<td>Characterization:</td>
<td>The discharge was reported per statutory requirements.</td>
</tr>
<tr>
<td>Precipitation Type:</td>
<td>Rain</td>
</tr>
<tr>
<td>Precipitation Amount:</td>
<td>3</td>
</tr>
<tr>
<td>Precipitation Start Date:</td>
<td>6/27/2013 5:45:00 PM</td>
</tr>
<tr>
<td>Precipitation End Date:</td>
<td>6/27/2013 6:45:00 PM</td>
</tr>
<tr>
<td>Reason For Discharge:</td>
<td>A rain event of over 3” in one hour caused the flow at E. Blvd to exceed the plant's hydraulic capacity, causing a large quantity of debris to blind the influent bar screens. This caused an overflow of the influent channel into the Clinton River.</td>
</tr>
<tr>
<td>Entity Actions to Stop/Min Discharge:</td>
<td>Additional personnel were brought in to manually clean the bar screens to minimize duration of the event</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Discharge Locations:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outfall Description:</td>
</tr>
<tr>
<td>Outfall Location:</td>
</tr>
<tr>
<td>Receiving Water:</td>
</tr>
<tr>
<td>Land Impacted:</td>
</tr>
<tr>
<td>Volume from this Outfall:</td>
</tr>
<tr>
<td>Discharge Water Quality:</td>
</tr>
<tr>
<td>Outfall Discharge Start:</td>
</tr>
<tr>
<td>Outfall Discharge End:</td>
</tr>
<tr>
<td>Actions by MDEQ:</td>
</tr>
<tr>
<td>Schedule of Compliance:</td>
</tr>
<tr>
<td>Compliance:</td>
</tr>
</tbody>
</table>
### SSO Event Details

<table>
<thead>
<tr>
<th>Reporting Entity: Pontiac</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Event Type:</strong> SSO</td>
</tr>
<tr>
<td><strong>Notification Date/Time:</strong> 6/27/2013 9:38:00 AM</td>
</tr>
<tr>
<td><strong>Event Start Date/Time:</strong> 6/27/2013 7:25:00 PM</td>
</tr>
<tr>
<td><strong>Event End Date/Time:</strong> 6/28/2013 8:13:00 PM</td>
</tr>
<tr>
<td><strong>Volume:</strong> 5.5 MG</td>
</tr>
<tr>
<td><strong>Characterization:</strong> The discharge was reported per statutory requirements.</td>
</tr>
<tr>
<td><strong>Precipitation Type:</strong> Rain</td>
</tr>
<tr>
<td><strong>Precipitation Amount:</strong> 3</td>
</tr>
<tr>
<td><strong>Precipitation Start Date:</strong> 6/27/2013 5:45:00 PM</td>
</tr>
<tr>
<td><strong>Precipitation End Date:</strong> 6/27/2013 6:45:00 PM</td>
</tr>
</tbody>
</table>

**Reason For Discharge:** A rain event of over 3" in a short period of time caused the influent flow into Auburn WWTP to exceed 50 MGD. In order to prevent overflows from plant process structures, the secondary bypass gate was opened.

**Entity Actions to Stop/Min Discharge:** Maximization of plant flows through process changes and pumping.

**Discharge Locations:**

<table>
<thead>
<tr>
<th>Outfall Description: Auburn WWTP</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Outfall Location:</strong> Auburn WWTP</td>
</tr>
<tr>
<td><strong>Receiving Water:</strong> Clinton River</td>
</tr>
<tr>
<td><strong>Land Impacted:</strong></td>
</tr>
<tr>
<td><strong>Volume from this Outfall:</strong> 5.5 Million Gallons</td>
</tr>
<tr>
<td><strong>Discharge Water Quality:</strong> Partially treated sewage</td>
</tr>
<tr>
<td><strong>Outfall Discharge Start:</strong> 6/27/2013 7:25:00 PM</td>
</tr>
<tr>
<td><strong>Outfall Discharge End:</strong> 6/28/2013 8:13:00 AM</td>
</tr>
</tbody>
</table>

**Actions by MDEQ:** Consent Judgment entered on August 4, 2009.

**Schedule of Compliance:**

This Outfall is subject to the following Schedule of Compliance:

Phase 1 & 2 CAP improvements to be completed on or before June 1, 2018.
Auburn Hills strives to increase OU name association

By ANDREW KIDD
andrew.kidd@oakpress.com;
@AndrewJKidd

Ask anyone where Oakland University resides, and they'll probably tell you Rochester.

But there's much debate as to whether the university should relinquish its historically held Rochester postal address for another recognizing its physical location — Auburn Hills.

Search giant Google can't seem to give a decisive answer as to the university's location when searching for directions — the digital giant's map engine seems conflicted, giving drop-down options for both Rochester and Auburn Hills.

Apple's native mapping technology is not sure, either. It gave reporters from The Oakland Press visiting the university a physical location in Auburn Hills while reporting a Rochester address for all locations on the university's west side.

Auburn Hills city officials have been trying to further the city's association with Oakland...

PLEASE SEE OU/A-8
Bloomfield Hills resident and a junior psychology major at the university associates Auburn Hills with the industry residing within — a very particular "vibe," he said.

"My dad owns a shop in Auburn Hills and I've been down there," he said. "It's a bit more industrial. Rochester's a little bit more of a college town."

Not that being known for industry is a bad thing, he added. Around 80 percent of Auburn Hills' tax base is corporate and it's been recognized as one of the fastest-growing communities in the region.

"They're a very effective place to do business in," Stepanian said. "I don't think the two should mix. I think it's rather silly the (boundary) line's completely skewed because of the whole stigma about the areas, but Auburn Hills does what Auburn Hills does well and Rochester does what Rochester does well."

That association is recognized by the City of Rochester as well.

"We don't specifically measure or track OU student impact on our downtown area," said Rochester City Manager Jaynes Vetraino. "Having said that, our downtown area is significantly supported by OU students and that's evidenced by the restaurants and the bars and the signage when students come back on Welcome Weekend."

Vetraino said that newer communities like Auburn Hills and Rochester Hills might not bear the same heritage as older settlements like Rochester hold — or have that college town "vibe" that students seem to find in Rochester.

"Our downtown is a traditional downtown," he said. "It's got great restaurants for the students and great shops for them to be in. Studious, like every other person in a regional area like Rochester, really identify with the community."

Were Oakland University to update its postal address to Auburn Hills, the university could benefit from the city's international marketability, Auger said. "Auburn Hills has an international address," he said, mentioning the university's various foreign outreach programs. "We have over 30 countries represented in our city alone."

The university, however, is unlikely to budge anytime soon, maintaining that the Rochester postal address is of historical significance, hearkening back to the days before Auburn Hills and Rochester Hills even existed.

It does, however, recognize its physical location within Auburn Hills through collaboration with the city on various projects.

"Oakland University values its longstanding partnership with Auburn Hills and is pleased to be working with the city on the University Drive streetscape," a spokesperson for the university said. "The university's postal address is a federal designation with historical roots.

Regardless, it's not necessarily about praying the spotlight away from Rochester — which Auger said would still stand to profit from OU recognizing Auburn Hills as its home.

"People think it's about politics, that it's always territorial," he said. "This isn't about politics; this is about the privilege to tell their story. And as they grow and become more of a regional and international player, I think it helps them as they tell their story to include where they're at."

"And that's in Auburn Hills."
OU paid law firm nearly $100,000 to investigate former basketball coach

By PAUL KAMPE
paul.kampe@oakpress.com,
@PaulKampe

Oakland University has paid nearly as much to investigate the conduct of former women's basketball coach Beckie Francis and her program as it did to employ her annually.

The Rochester-area school has paid nearly $100,000 for an internal review launched some six months ago, according to documents obtained by The Oakland Press through a Freedom of Information Act request, although the firm handling the matter didn't get involved until two months ago.

After firing Francis, Oakland University released a statement a week later noting she had been placed on leave for two weeks prior to being terminated.

The school said Francis had been fired with cause, and an internal review of the women's basketball program had commenced, but did not give a specific start date.

The June statement from Oakland University read: "Indications of conduct and behavior of the women's basketball head coach, that if true could be malfeasance and materially adversely affecting the program and the university's reputation."
COACH
FROM PAGE A-1

affect the orderly or efficient operation of the women’s basketball program, came to the attention of an Oakland University administrator in April."

An August FOIA request seeking details of the investigation’s findings was rejected based on attorney-client privilege and other factors. Another FOIA response from Oakland University from that month regarding potential litigation filed against the school was denied citing the Family Educational Rights and Privacy Act.

The invoices for payment are redacted to exclude the name(s) used to describe the matter.

A payment of $61,703 was made Sept. 6 for services rendered by Detroit law firm Miller Canfield, Paddock and Stone, P.L.C., for services rendered through Aug. 31. The firm has several offices throughout the state as well as international offices.

The billing attorney listed on the invoice specializes in white-collar criminal defense, commercial and other complex litigation, including that which could be very costly or threaten a company’s survival, according to the law firm’s website. The attorney did not return a call seeking comment.

Another payment of $34,917 was authorized Oct. 8 for an invoice spanning the next month, ending Sept. 30.

The invoices are addressed to Oakland University Board of Trustees Chairman Michael Kramer, who also did not return calls seeking comment.

The firm did not become involved in the review until Aug. 12, according to an Oakland University spokesman.

A spokesperson for the firm issued the following statement: “Given our professional responsibilities, it would not be appropriate for us to comment on any work that may or may not be ongoing for Oakland University.”

An Oakland University spokesman said in late-September the review was near completion.

Francis coached at the Rochester-area school from 1997-2002 and then again from 2005 until June 12, when she was fired hours before husband and then-Oakland University president Gary Russi announced his retirement after nearly two decades running the school.

University employees, including director of athletics Tracy Huth, have said simply: “We do not comment on personnel matters.” when asked about the situation.

Former Oakland player and Farmington Hills native Jenna Bachrouche has since said Francis, a devout Christian, infringed on her Muslim beliefs when she played for the school from 2010-12. Bachrouche has also said Francis regularly scrutinized her eating habits, embarrassing her in front of teammates, and even engaged in a weight loss competition with the former North Farmington star.

Bachrouche has said she informed Huth of the situation upon her decision to transfer to Western Michigan University and said she did not plan to take any legal action against the school.

Francis made an annual salary of $126,000 (and performance bonuses) and was in line for a $10,000 raise in base salary July 1. She had a 22-18 all-time record at Oakland and took the Golden Grizzlies to the NCAA tournament twice.

She has declined to comment on her firing, but issued a statement to The Oakland Press in June reading: “It has always been in my nature to stay positive. I have greatly enjoyed coaching the student-athletes over the years at Oakland University. I have challenged myself personally, professionally and spiritually and I am looking forward to the future.”

Francis has been replaced by former associate men’s basketball coach Jeff Tungate. Betty J. Youngblood has taken over presidential duties on an interim basis while the school searches for a permanent replacement.

Youngblood addressed the university community in July, preaching tolerance on the sprawling campus of more than 20,000 students.
Seven candidates compete for five library board positions

By ANDREW KIDD
andrew.kidd@oakpress.com;
@AndewKidd

Seven candidates are in the running for five different seats with varying terms on the Auburn Hills Public Library Board of Directors.

Candidates Scott McCallister and Angela N. River run unopposed for two six-year terms on the board.

McCallister, 34, a current library board member, has a bachelor's degree and works in customer service and said the biggest issue in Auburn Hills is to preserve the family-friendly small-town feel of the community.

If re-elected, he said he would like to bring "current technology into the library for remotely checking out and downloading material while maintaining healthy, diverse and interesting print media for patrons who prefer a more traditional approach."

Angela N. River, 44, a current library board member and local business owner, said the biggest issue in Auburn Hills is the economic decline in tax revenue that provides vital services to the city's residents.

If re-elected, she said she wishes to do a number of things to improve the library, including promoting the library in the community, protect the "Library Fund," foster partnerships with other entities in the community and protect the library from inappropriate influence, among other things.

Candidate Vickie J. Ellis and write-in candidate Liz Bond are running for a single seat on the library board with a term ending Nov. 11, 2017.

Ellis, 57, a retired senior project manufacturing engineer with a master's degree in international business administration, said the biggest issue in Auburn Hills is the economic decline in tax revenue that provides vital services to the city's residents.

If re-elected, she said she wishes to do a number of things to improve the library, including promoting the library in the community, protect the "Library Fund," foster partnerships with other entities in the community and protect the library from inappropriate influence, among other things.

Candidate Vickie J. Ellis and write-in candidate Liz Bond did not immediately return a request for comment.

Candidates Sean L. Johnson, Toni L. Whitley and write-in candidate H. Scott Bicknell are running for two seats on the library board with a term ending Nov. 16, 2015.

Johnson, 36, a current library board member and program manager at Inteva Products with master's degrees in operation management and manufacturing management, said the most important issue in the community this election is the advancement of the library and to better aid the community in its own advancement process.

If elected, he said, "I hope to provide honest feedback and guidance to ensure that the Auburn Hills Public Library continues to deliver a high level of service to the community."

Whitley, 50, a current library board member and retiree with a Series 7 license from the National Association of Securities Dealers, said the biggest issue in Auburn Hills is the creation and maintenance of a safe community with limitless job opportunities.

If re-elected, Whitley said he wants to "continue to balance our budget while improving services to the library."

Bicknell, 60, a retiree with a bachelor's degree in engineering, said the biggest issue this election is the well-being of the Auburn Hills Public Library.

If elected, he said he wants to "work as a catalyst to bring the Friends, the Board of Trustees and the Library Director to work together to keep the Auburn Hills Library strong."
Voters select new council members, keep mayors; Liquor sales OK'd in Sylvan Lake

Liquor vendors may be travelling to Sylvan Lake, with martini-lovers likely close behind.

In a 56-83 landslide, Sylvan Lake residents voted — after years of only beer and wine sales — to allow the sale of spirits within city establishments. Bob Dzenko and incumbent Aron Lorenz will step into two open city council spots vied for by four candidates. Dzenko, who previously served on the Sylvan council, works as a program manager for Visscher-Caravelle, N.A., selling to Chrysler, LLC. He has a bachelor's degree in chemistry from Lawrence Institute. Lorenz holds a bachelor's degree in business administration from the University of Wisconsin-Madison.

Auburn Hills

Newcomers John S. Burmeister, VeRonica Mitchell and incumbent council member Henry V. Knight were elected to four-year terms on the Auburn Hills City Council while incumbent Bob Kittle was re-elected to a two-year term.

Burmeister tallied 19.18 percent of the Auburn Hills' six precincts' 6,482 votes, with Mitchell at 18.03 percent and Knight at 14.9 percent with Kittle trailing at 13.3 percent.

Auburn Hills Library Board candidates Sean L. Johnson and Tori L. Whitley each secured a partial term ending Nov. 16, 2015 with 48.28 percent and 46.11 percent of 2,672 votes, respectively. Vickie J. Ellis secured a partial term ending Nov. 20, 2017 with 92.01 percent of 1,393 with write-in candidates receiving 7.99 percent. Scott McCullister and Angela N. River each secured a six year term with 47.03 percent and 47.74 percent of 2,666 votes, while write-in candidates netted 5.23 percent.
In a previous edition, The Oakland Press published information about city council candidates for the City of Auburn Hills and included photographs of the candidates alongside the article. We accidentally left one photo out: Thomas Coolman. Below is a reprint of his information as well as his photo.

Candidate Thomas Coolman is in the running for one of four open seats on the Auburn Hills City Council.

Coolman, a graduate of Novi High School and a sales manager for Citi Roofing Company, said the biggest issues in Auburn Hills are public safety and fiscal responsibility.

If elected, Coolman said he'd like to continue bringing jobs into Auburn Hills.

"I would like to see our citizens working here, in Auburn Hills, not with just a paycheck, but with a good paycheck," he said. "We should be able to find the American dream in our own backyard."

FBI Tags Takata for Antitrust Breach

Takata Corporation, which maintains offices and other facilities in Auburn Hills, has entered into a plea agreement with the United States Department of Justice (DOJ), agreeing to pay fines in the total amount of $71.3 million to resolve allegations that Takata violated U.S. antitrust laws in connection with the sales of certain automotive seat belts to customers, including GM, Ford and Chrysler.

In a press release, Takata officials stated that "Takata and its subsidiaries have cooperated fully with the investigation by the DOJ since February 2011 when its U.S. subsidiary, TK Holdings Inc., became the subject of an investigation by the Federal Bureau of Investigation. Takata decided to enter into the plea agreement described above upon overall consideration of applicable laws, relevant facts and other factors. Full cooperation with the DOJ investigation will continue based on the plea agreement."

The settlement came after a lengthy investigation by the Justice Department in which 20 companies and 21 executives have pled guilty to a variety of anti-trust law violations. These pleas have resulted in more than $1.6 billion in fines being paid. Additionally, Gary Walker, a Takata employee, agreed to serve a 14-month prison sentence for his role in Takata's legal troubles.

AUBURN HILLS
Advocate to speak on disability issues

Elizabeth Bauer, who was inducted into the Michigan Women's Hall of Fame and is a former member of the state Board of Education, will speak on issues facing people with disabilities at 6:30 p.m. Tuesday, Nov. 12, at the Macomb-Oakland Regional Center office, 1270 Doris Road, Auburn Hills.

Bauer of Ferndale is a parent of a daughter with a developmental disability. She served as executive director of Michigan Protection and Advocacy Service, Inc., for 20 years. Bauer also is the recipient of the 2012 Distinguished Service Award by the National Association of State Boards of Education. Bauer also is on the outreach committee for the Michigan Department of Community Health and is a current member of the Board of Directors for both MORC and its independent fundraising entity, The Futures Foundation.

— Special writer Jerry Wolfe
By MEGAN SEMERAZ
Megan.Semeraz@oakpress.com;
@MeganSemeraz

Oakland University students are learning about the diversity climate on campus.

The results of a campus-wide survey were presented by two researchers, Sowmya Anand and Linda Owens, of the Survey Research Laboratory at the University of Illinois. The survey, which was designed and analyzed by the duo, was distributed to students, faculty and staff via email in March.

About 50 students attended the meeting, along with some administration. A separate town hall meeting was held for faculty and staff.

Director for Center of Student Activities Jean Ann Miller said The Office of the President, then headed by former President Gary Russi, started the process early this year to "start dialogue on campus" on diversity.

Interim President Betty J. Youngblood introduced the speakers, but thanked the students for their continued efforts in promoting diversity.

"We are moving forward at Oakland University," Youngblood said regarding the survey.

According to the study, all groups — faculty, staff, and students — provide ratings on overall climate that are above the mid-point of a 5-point scale. The faculty staff and student groups have overall climate scores of 3.5, 3.6, and 3.7, respectively.

On the scale, 1 is the least favorable, while 5 is most favorable. Anything below 3.5 was considered an area of concern.

Faculty rated the campus the lowest out of the three groups, with several areas of concern.

Owens said the faculty ratings is "not quite as good as it could be."

The research showed that confidence in being able to voice complaints without fear of negative consequences for faculty and staff emerged as an area for concern in both groups. The mean rating on this item was 2.6 among faculty and 2.7 among for staff.

For students, belongingness and personal identity can be considered a strength.

However, ratings in this category “are lower than 3.5 for students in the ‘other or missing’ gender category, for students in the ‘other or multiracial’ category, among those in all sexual orientation categories other than ‘straight/heterosexual,’ and among respondents who have some type of disability.”

Respect for diversity was also a high point for students, with no ratings in the question categories under 3.5.

The mean rating for the climate of all three respondent groups was 3.7, which the researchers say is typical of other campuses.

After the short presentation of the findings, the researchers opened the meeting up to students, so they could express any lingering concerns.

Students expressed concerns about things like segregation among racial and ethnic groups in the student center, major changes in leadership at OU, faculty and staff environments and low ratings among the “other” gender category.

The survey presented had 1,906 student respondents out of the more than 19,000 on campus at the time.

Some students said the sample size was too small of a representation of OU's campus and the survey was too lengthy, but the researchers said they weighted their findings to represent the population at Oakland.

Monica Emerson, who is on the OU Board of Trustees, was present for the event. She said: "What is really intended to you is the fact this university really recognizes that it can be so much greater when we become a more inclusive and welcoming environment. Our diversity is growing, it will continue to grow."

Emerson also said learning is increased when there is a more diverse environment.

"It’s really a call to action for all of us to begin talking more about the importance of talking about diversity, equality and inclusion at Oakland University," Emerson said. "... I want you to know that I sincerely believe that I speak on behalf of the board (of trustees) in saying you have our full support in going forward in understanding the data and also putting together the strategies to improve OU."

Emerson encouraged students to put their names on concerns and assured the crowd that there will be things like task forces for diversity established in the near future.
Auburn Hills ranks second in state for office occupancy

By ANDREW KIDD
Of The Oakland Press

Office space is becoming scarce in Auburn Hills — and that’s a good thing, according to city officials.

A report released by the CoStar Group has placed Auburn Hills at second in the state when it comes to the city’s occupied versus vacant office space, falling just behind the Ann Arbor area.

Auburn Hills, with 390,468 total square feet of office space, has a 5.5 percent vacancy rate in the group’s third quarter 2013 report.

The Ann Arbor area east of M-23 falls in first, with 193,427 square feet of office space, at 6.3 percent vacancy.

The same report shows several districts representing Detroit at 14.1 percent, 24.5 percent and 11.2 percent vacancy.

Auburn Hills City Manager Peter Auger said the numbers are good — but not good enough.

“We’re always happy when we make a good list,” he said. “A 5.5 percent vacancy rate for office (space) is pretty good, but that still means we have 5 percent of offices left to fill.”

Auger said he isn’t sure whether this is an unprecedented recognition for a small, relatively new city such as Auburn Hills, but that’s beside the point.

“We just worry about what we can control and what we can have an impact on,” he said. “We don’t do it for the recognition and awards; we do it to create a cool place to work, a cool place to live and a cool place to be.”

What he attributes the occupancy rate to, however, is the city’s streamlining of governmental processes that serve as an attractive incentive for businesses looking to move to the city, where around 80 percent of the tax base is corporate.

“If a company is coming through a governmental process, they’re not making any money,” he said. “They’re paying their architects, and then during their construction process they’re paying their contractors to do work, but they’re not bringing any positive cashflow into the business yet.”

“As soon as we can get them in the building, they can start making money and then they pay taxes when they get in,” he said.

The high occupancy rate is helped by the city’s policy on redevelopment of vacant properties.

“We try to be engaged,” he said, “and when we find larger spaces that become available, we try to fill them with people who are looking to grow.”

A previous report released by Friedman Integrated Real Estate Solutions for the second quarter lumped Auburn Hills and Pontiac together, showing a total vacancy rate of 19.6 percent.


For more information from CoStar Group, visit www.costar.com
Rigaku Innovative Technologies (RIT) Presents
New Line of EUVL Product

Published: October 21, 2013 9:10AM

AUBURN HILLS, MI -- (Marketwired) -- 10/21/13 -- Rigaku Innovative Technologies (RIT), a leading global supplier of multilayer optic technology for EUV lithography (EUVL), has unveiled its new line of EUVL solutions to support high volume EUV Lithography in conjunction with successful appearances at the 2013 International Symposium on Extreme Ultraviolet Lithography in Toyama, Japan.

During the symposium, RIT presented its advanced IR Rejection Collector (IRRC) technology for high-power EUV sources. In a standing-room-only reception hosted by RIT at the symposium, the company displayed a full-size version of its IR Rejection Collector Optic. It is a fully tested, critical EUVL component with EUV reflectivity of 65% for polarized light, 51% for unpolarized light, and IR rejection exceeding 99%. The IRRC collector optic provided the basis of RIT’s oral presentation at the conference on Oct. 10.

RIT concurrently unveiled its new product line, MaxEUV(TM), which features high-efficiency multilayer optical elements for use with 13.5 nm, 6.x nm and XUV wavelengths in applications including Illumination & Imaging systems. RIT also provided examples of custom multi-layer based mirrors, which are available in any size, shape and wavelength of choice, optimized to meet specific customer requirements.

RIT’s presence at the symposium coincides with major announcements for expansion at its Auburn Hills, Michigan facility, which supports world-wide Engineering, Manufacturing and Sales activities. With over $9M investment this year in state-of-art multilayer coating & actinic metrology facilities, RIT will continue to position itself as the Industry leader in the next generation of EUV optics deposition and measurement capabilities, as well as the premier provider of EUV Collectors, Illumination and Imaging Optics for lithographic applications.

About RIT RIT is at the forefront of Multilayer optic technology for EUV Lithography. Formerly Osmic Inc., RIT was the first commercial supplier of multilayer optics for X-ray Sciences. Since 1993 RIT has been a global leader in the development and supply of EUV optics thus shaping the vision of EUVL for high volume manufacturing. With hundreds of major innovations to its credit, Rigaku and its subsidiary companies are world leaders in the fields of small molecule and protein crystallography, X-ray spectrometry and diffraction, X-ray optics, as well as semiconductor metrology. Rigaku employs over 1,100 people globally and its products are in use in more than 70 countries -- supporting research, development, production control and quality assurance activities. Throughout the world, Rigaku continuously promotes partnerships, dialog, and innovation within the global scientific and industrial community. For additional information about RIT and its EUV related product, please visit www.rigaku.com/products/optics/euv

Rigaku Innovative Technologies Jim Rodriguez Vice President Business Development tel: +1.248.232.6400 jim.rodriguez@rigaku.com
Hookah smoking has its own set of risks

By ANDREW KIDD
andrew.kidd@oakpress.com
@AndrewJKidd

It's one of the hottest activities among the college-age crowd in Michigan.

It's also a public health menace, according to area public health officials and consultants.

Local doctors, health officials and consultants chaired a panel at Royal Oak Beaumont Hospital on Tuesday afternoon to raise awareness of the negative health effects of hookah smoking and the issues communities face in addressing misconceptions about the practice.

Panelist Dr. Sam Fawaz is a co-founder and organizer of the Hookah Community Coalition, an organization intent on informing the public of the risks of hookah smoking — an activity Fawaz said has benefited from lack of awareness of its health effects.

The CDC states that an hour-long session with a hookah can produce nearly 200 times (90,000 ml) the volume of smoke of a single cigarette (500-600 ml).

Fawaz said that while hookah is normally associated with Middle Eastern communities, it's an activity that transcends any kind of societal boundaries.

"It's from young to old, it's from rich to poor, it's black, brown and white and everything else in between," Fawaz said. "And that's what scares me about this tradition and social activity."

Wali Altahf, a public health specialist who works with the Arab-American and Chaldean Council, said the biggest problem revolving around hookah usage in Michigan is the apparent lack of awareness that it is an 18-and-up activity.

"We have a law and the law is very clear," he said. "It says that no one under the age of 18 shall use or smoke hookah. We see that all over the state, it's a clear violation of the law."

Education is important as well, Altahf said. The ACC put together and distributed an education hookah retail kit in order to clarify state laws so that new establishments don't find themselves in violation.

But it's difficult for places to remain in good standing with the law when they're violating it in the first place just by existing. They have to have a license to operate," he said, noting that only 200 such licenses exist in the state of Michigan. "Ninety percent of these hookah places don't have an exemption or license to operate."

He added that other violations, including food and alcohol being served, act as an incentive to continue educating the public — but the effects of that education seem to be showing already.

Dr. Farid Shamo, a consultant with the Michigan Department of Community Health's Tobacco Prevention and Control Division, said that surveys performed in 2005-2006 and 2009-2010 shows that there has been progress in the dissemination of factual information regarding hookah smoking.

The 2005-2006 survey showed that 65 percent of those surveyed smoked hookah, while in 2009-2010, that number fell to 34 percent. Around 75 percent of respondents in the earlier survey believed hookah was safer than cigarettes, while just 45 percent said the same in the later survey.

But that's still a big chunk of smokers being exposed to unique potential ailments, according to Dr. Shamo.

Ghada Saad, a Dearborn-based dentist.

"It's led to an increase in a lot of herpes cases we've been seeing," she said. "A lot of oral sores. The herpes simplex virus is very contagious and when they sit around for hours and they're sharing this thing, they're transmitting bacteria from mouth to mouth which can lead to a number of things." Like infections, spread of flu and even oral cancer and gum disease.

"It's going to increase," she said. "It's just unhealthy in general for us to spread bacteria from one mouth to another."

In concluding the panel, Fawaz said that while he is not anti-business, he intends for the group to continue educating the public to dispel any misconceptions about the supposed "safety" of hookah smoking.

"Everybody has a vice," he said. "We're all adults. People drink too much sometimes, people smoke cigarettes, but this issue in particular hits home for me because I see a lot of teenagers doing it under the impression that it's not smoking or it's not dangerous."

PLEASE SEE HOOKAH/A-7
Everything is Illuminated: Intellistreets Evolves the Humble Light Bulb

Dennis Archambault | Thursday, November 7, 2013

If you want proof that new and old technologies can coexist in harmony, look no farther than the historic streetscapes of Greenfield Village. There you'll find paths illuminated by LED (light-emitting diode) lamps atop replicas of vintage light posts made from recycled Ford engine blocks. This convergence of the past and future is the work of Intellistreets in Farmington Hills.

Intellistreets technology is found in a variety of settings, from the city of Auburn Hills to Las Vegas, as well as corporate campuses such as Henry Ford Health Systems in Detroit. Comerica Park's architectural and theatrical lighting, water features, sound effects and video projection systems were designed and produced by Intellistreets. On Nov. 22, Intellistreets will light the Michigan Capitol Christmas tree and several adjacent blocks of downtown Lansing, complete with holiday music piping out of its light fixtures.

Top 10 Feature Stories

Farmington Clanks With SteamPunk Pride

Downtown Farmington has lots going for it, but how many people know it's ground zero for steampunk culture? Drawing fans from all around the Midwest and helping to activate the city's core, Salatied Pallad's Off the Beaten Path Books has become a touchstone for both urban and creative vitality.

• Guest Blogger: Katie Koja
• Photo Essay: To Hell and Back
• Global Talent, Local Benefits
• The Business of Learning
• Everything is Illuminated: Intellistreets Evolves the Humble Light Bulb
• The Stories Metro Detroit Tells
• An Appetite For Atmosphere
• Guest Blogger: Melinda Weinstein
• Distilling the Greatness of Michigan-Made Spirits
Essentially, Intellistreets's wireless technology integrates energy efficient lighting, audio, digital signage, and emergency notification. This allows for a great deal of versatility - finding applications in everything from entertainment to way-finding to public safety. Furthermore, the company says it can achieve 70 percent light energy reduction and provide higher quality illumination than conventional lighting. Products are designed and manufactured in the company's facilities in Farmington Hills.

"There are several competitors that have radio-based lighting controls," explains Ron Harwood, president of Illuminating Concepts, the parent company of Intellistreets. "Ours distinguishes itself with an algorithm and a process for distributed intelligence."

Typical city and highway lights operate with photo cells and time clocks, he explains. "Depending on the age of the photo cell and its location it can be off by an hour. Ours has a photo cell in every luminary that sends its data to a central server where the aggregate of all light levels in that district are pulled and averaged, thereby being far more granular and allowing for more energy."

While the technology offers obvious savings, there are certainly costs associated with implementation. "I think communities are doing the best that they can to find the financial resources to begin the process of relighting their neighborhoods," Harwood says. "In this economic climate, tax bases being what they are, just having the funds to change the lights from HID (high intensity discharge) sources to a more efficient LED source is very difficult for a city. Even though there is an energy payback in just changing the lights, it still difficult to come up with the money."

Harwood claims that municipalities are able to recoup their investment within five years, but they still need the front money to retrofit, he says.

Along with light quality and cost-efficiency, Intellistreets enhances personal and public safety. This, along with cost-efficiency, is attractive to cities like Detroit, which Harwood expects will add Intellistreets to the areas around its sports stadiums and along the riverfront.

"Intellistreets is not only an entertainment system, but it can provide mass notification, way finding, emergency management," Harwood boasts.

The emergency response system is activated by a wireless, blue light call button, which can be installed on virtually anything — street furniture, light pole. "It works on cellular communication and connection through the Intellistreets network," says Harwood.
When the button is pushed, it calls the prescribed number, typically 911, while activating the Intellistreets system, which then notifies emergency responders.

A one-time electrical engineer, and now innovator and entrepreneur, Harwood is clearly proud of his product. But he says he was particularly awestruck when his invention illuminated the museum setting of Thomas Edison’s Menlo Park Laboratory in Greenfield Village.

"Nothing made me more excited than to go on the grounds of Thomas Edison’s lab and install a new lighting source," he says. "The same thing is true in other historic areas. We’re hoping very soon to do some lighting management and retrofit in the historic French Quarter of New Orleans. The idea is if you make the light pleasant and it saves you more than 50 percent in energy costs, everyone wins."
Would you like a free digital subscription?

Qualified international subscribers can receive full issues of High-Performance Composites and Composites Technology delivered in a convenient and interactive digital magazine format. Read at your convenience on your desktop or mobile device.

Yes, I would like a free digital subscription!

No thanks, please don't ask again.

Industry News

Continental Structural Plastics relocates to new headquarters

CSP's new headquarters in Auburn Hills, Mich., USA, includes an expanded composite material research lab, a prototype center, design and analysis equipment and manufacturing development capabilities.

Posted on: 10/29/2013
Source: CompositesWorld

Continental Structural Plastics (CSP, Auburn Hills, Mich., USA) announced on Oct. 23 that it has moved into its new 70,000 ft²/6,503m² world headquarters facility. Located in Auburn Hills, Mich., the new facility expands and enhances CSP's composite material research, formulation and design capabilities. In addition to an expanded research and development center, the building includes executive, sales and administrative offices; an employee fitness center; several state-of-the-art conference rooms; and a 3,300-ft²/307m² showroom and visitor center.

"The goal is to better serve our customers domestically and around the world," says Frank Machar, chairman and CEO of CSP. "The new facility allows us to accommodate growing customer needs in durable, light-weight solutions, diversified compositional formulation and sustainability. Our expert staff is continually seeking ways to make our structural composites lighter and stronger, making the new R&D center that much more important."

CSP's 29,000-ft²/2,694m² R&D and Prototype Center is staffed by a team of chemists, chemical engineers, polymer engineers, materials scientists and technicians, including four Ph.D., four master of science, and five bachelor of science degreed scientists. The facility features expanded capability for the development of advanced composites, including a prototype SMC line, which has been refurbished and upgraded to properly handle and introduce carbon fiber. Also in-house are a 50-ton, 100-ton and a new 200-ton press suitable for molding test plaques and parts.

Provisions are also being made to expand capabilities into resin transfer molding (RTM) and thermoplastic composite development, and to acquire additional equipment including a larger press for molding prototype automotive parts and a second compounding line for fabrication of carbon fiber sheet molding compound (SMC) and prepreg.

CSP's Polymer Development and Analysis lab includes thermal analysis testing (DSC, DMA, TMA, and TGA), optical and scanning electron microscopy (SEM), chemical property testing (FTIR/Infrared Spectroscopy and EDX/Energy-Dispersive X-ray Spectroscopy) and a fully-equipped mechanical and physical property test area. In addition, the center contains a wet lab suitable for polymer synthesis and chemical testing. The engineering and prototype area is equipped with paint booths, conditioning ovens,