December 2013
(12-5-13)

02 City Council Workshop, 5:30 p.m., Council Chamber ◆
02 City Council, 7:00 p.m., Council Chamber ◆
09 Tax Incentive Review Committee, 5:30 p.m., Admin Conference Room ▲ CANCELED
10 Tax Increment Finance Authority, 4:00 p.m., University Center ✂ LOCATION CHANGE
10 Library Board, 4:30 p.m., Library ✂ LOCATION CHANGE
10 Planning Commission, 7:00 p.m., Council Chamber ◆
12 Zoning Board of Appeals, 7:00 p.m., Council Chamber ◆ CANCELED
16 City Council, 7:00 p.m., Council Chamber ◆

◆ City Council Chamber (Conf. Rm.) – 1827 N. Squirrel Road
▲ Administrative Conference Room – 1827 N. Squirrel Road
♫ Public Safety Building – 1899 N. Squirrel Road
☺ Community Center – 1827 N. Squirrel Road
● Department of Public Services (DPS) – 1500 Brown Road
℗ Fieldstone Golf Course - 1984 Taylor Road
✉ Library - 3400 Seyburn Drive
📍 Downtown City Offices – 3395 Auburn Road, Suite A
✉ University Center, 3350 Auburn Road, Main Floor, Classroom AHUC-02
Jan 06  City Council, 7:00 p.m., Council Chamber ◆
Jan 09  Zoning Board of Appeals, 7:00 p.m., Council Chamber ◆
Jan 13  Tax Incentive Review Committee, 5:30 p.m., Admin Conference Room ❇
Jan 14  Tax Increment Finance Authority, 4:00 p.m., Admin Conference Room ❇
Jan 15  Beautification Advisory Commission, 6:00 p.m., Council Conference Room ◆
Jan 20  City Council, 7:00 p.m., Council Chamber ◆
Jan 23  Planning Commission, 7:00 p.m., Council Chamber ◆
Jan 28  Library Board, 5:00 p.m., Library, Conference Room  📚
Jan 28  Public Safety Advisory Committee, 6:00 p.m., Public Safety Building ◆

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1. MEETING CALLED TO ORDER  
2. PLEDGE OF ALLEGIANCE  
3. ROLL CALL OF COUNCIL  
4. APPROVAL OF MINUTES  
   4a. Regular City Council – December 2, 2013  
   4b. City Council Workshop – December 2, 2013  
5. APPOINTMENTS AND PRESENTATIONS  
   5a. Presentation from the Oakland University Football Team  
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  
      7a1. Planning Commission November 26, 2013  
      7a2. TIFA minutes of December 10, 2013  
   7b. Performance Resolution for Government Agencies  
8. OLD BUSINESS  
   8a. Motion – Approve amending the resolution for Unwired Technology LLC for its IFEC 2010-394 extension application.  
   8b. Motion – Approval of Renewal of Risk Management Insurance  
9. NEW BUSINESS  
   9a. Public Hearing - Motion CDBG funds  
   9b. Motion – Approval of Revised Site Plan / the Shoppes at Baldwin Square  
   9c. Motion - Adoption of 2014 Non Union Benefits Resolution  
   9d. Motion – Annual Review of Depositories  
   9e. Motion – Annual Review of Brokers  
10. COMMENTS AND MOTIONS FROM COUNCIL  
11. CITY ATTORNEY’S REPORT  
12. CITY MANAGER’S REPORT  
13. EXECUTIVE SESSION:  
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.
The City of Auburn Hills  
City Council Meeting  
Minutes  
December 2, 2013

DATE DECEMBER 16, 2013  
AGENDA ITEM NO. 4A.

CALL TO ORDER: by Mayor McDaniel at 7:00 p.m.  
LOCATION: City Council Chamber, 1827 N. Squirrel Road, Auburn Hills, MI 48326  
Present: Mayor McDaniel, Mayor Pro Tem Kittle, Council Members Burmeister, Hammond, Knight, Mitchell, Verbeke  
Absent: None  
Also Present: City Manager Auger, Assistant City Manager Tanghe, Director Olko, Deputy Director/Police Hardesty, Community Development Director Cohen, City Assessor Lohmeier, Community Relations Director Carroll, City Clerk Kowal, City Attorney Beckerleg, and City Engineer Juidici.  
42 Guests

4. APPROVAL OF MINUTES  
4a. Regular Council Meeting – November 18, 2013  
Moved by Verbeke; Seconded by Mitchell.  
RESOLVED: To approve the November 18, 2013 meeting minutes.  
VOTE: Yes: Burmeister, Hammond, Kittle, Knight, McDaniel, Mitchell, Verbeke  
No: None  
Motion Carried (7-0)  
Resolution No. 13.12.220

5. APPOINTMENTS AND PRESENTATIONS  
5a. Motion – Confirm City Council Board and Commission Appointments  
Moved by Knight; Seconded by Verbeke.  
RESOLVED: To confirm the appointment of City Council Members John Burmeister to the Tax Incentive Review Committee and the Sister City Committee; Maureen Hammond to the Public Safety Advisory Committee; Bob Kittle to the Retiree Health Care & Pension Board and the Economic Development Authority; Henry Knight to the Zoning Board of Appeals and Brownfield Redevelopment Authority; VeRonica Mitchell to the Planning Commission and Sister City Committee; Cheryl Verbeke to the Beautification Advisory Commission and Sister City Committee; Kevin McDaniel to the Retiree Health Care & Pension Board.  
VOTE: Yes: Burmeister, Hammond, Kittle, Knight, McDaniel, Mitchell, Verbeke  
No: None  
Motion Carried (7-0)  
Resolution No. 13.12.221

6. PUBLIC COMMENT  
Cheryl Gregory, 3220 Pine Crest Way, has been a resident since 2010 and is encouraging Council to be more involved in the oil and gas drilling in the City. Both she and her neighbors are concerned with the environmental and safety issues; and she concerned with her property values deteriorating. Currently the drill pad staked out at the North Apostolic Church is approximately 300 feet from her front porch. She asks the City to hold a public workshop sooner than later as the oil and gas companies continue to move forward with their activities. She also asked that the City talk with neighboring communities as well as those across the State to consider adopting an ordinance that will prohibit drilling in zoned residential areas or at the very least to restrict some types of activities in a residential community.

Judith Runk, 3516 Riverside Drive, a health care worker, believes oil and gas drilling will have a negative impact on the health and safety of individuals, particularly the young and elderly. She is concerned there will be an impact on emergency services with an increase in the cost of services. Oil and gas drilling has proven to increase noise and air pollution, traffic, the potential for catastrophic accidents – on site, in pipelines and in transit, to impact the surface and sub-surface water. Much of Auburn Hills has wetlands and low water table areas, making water an issue of particular concern. The actions associated with the oil and gas drilling process will impact the City’s first responders and the increase in traffic will burden the already over-crowded roads. She requests the City hold a public forum to hear all sides
of the issue and to ban drilling on all public land. She would also like to have regulations in place for drilling on private property that will protect the health and safety of all residents.

Sandra Daum, 2555 Hempstead, living in Auburn Hills for over 20 years, agrees the old bowling alley is an eyesore; however, she and many of her neighbors don’t believe another dollar store in the area is necessary. She noted there are two dollar stores in neighboring communities not far from this location. She appreciates the work that has been happening downtown and is not against new development, but would like to see a more upscale store than a dollar store.

Italia Millan has lived in the City for 12 years and she and her husband own two properties in the City. The city attorney for Rochester spoke at Rochester’s last meeting about the oil and gas drilling. The city attorney’s report contained information on a municipality’s right to regulate oil and gas activities as well as regulations approved by other communities. He contends the Michigan Zoning Enabling Act allows cities to regulate the activities, and stated it is the MDEQ’s position and rightfully so, that cities can and do regulate oil and gas operations. This does not apply to townships or counties.

Mayor McDaniel explained the Auburn Hills City Attorney will be presenting a report at the end of the meeting on much of what she is referring to. He also noted that the City Council has not been presented with any type of contract.

She appreciated Mayor McDaniel comment, and noted based on the report from Rochester’s attorney, she urges the City of Auburn Hills to do everything possible to restrict or regulate oil and gas drilling activities. Ms. Millan gave a copy of the Rochester attorney’s report and referenced ordinances to City Clerk Kowal.

Mayor McDaniel stated Council has heard the concern of residents regarding the oil drilling and has been investigating further into the operations, and has made this topic a top priority for Council workshops. There will be a report and summary from City Attorney Beckerleg further into the meeting. He asked speakers to keep their comments to a minimum so all can be heard.

Don Hughes, As a Bald Mountain Road resident, he was disappointed the Council agenda didn’t appear on the website until this morning, which didn’t give all residents the opportunity to plan on attending this evenings meeting.

Shortly after the last Council meeting he took a walk to the back of his neighbor’s property, who shares the property line with the planned site drilling site on Squirrel Road. He was surprised to see the heavily wooded area already staked off for a drill pad and an access road; the minimum size for a drill pad is one acre. This area contains not only woodlands, but wetlands and Galloway Creek. In order to access the drill pad, there will need to be a culvert or bridge over the top of Galloway Creek. It will also be necessary to clear a number of trees that are currently a buffer between residents and the church. This well pad is only 100 feet from its nearest neighbor who will have to endure noise, truck traffic, construction and looking at the well site infrastructure. Many of the neighbors on this street were not aware of the activities until he told them. He hopes the City will not approve this location and enforce the existing tree ordinance and deny the approval of trees.

He had requested and received a copy of the lease agreement with the drilling company and the Church, which now the City has received and hopes the City will review carefully.

Lori Rapp, a resident of Auburn Hills for over 12 years, has a number of concerns regarding the horizontal drilling; including the leakage of oil and natural gas from the tanks that will store the minerals gathered during the drilling. Leakage of the wells during and after the drilling can contaminate the groundwater. Nearly 20% of all the gas wells in the world currently leak, with a 60% failure rate for Conoco Phillips wells leaking over a 30 year span. The Ohio DNR uncovered 1,625 violations in 2011. Another concern is the chemicals involved in the fracking process which can cause health issues. Regardless of how careful, many of these chemicals remain underground forever. She is also concerned with geographical issues that could cause structural damage to the homes, perhaps cause sinkholes and earthquakes. There is no way to know what this drilling will do years down the road. When the companies are gone, and problems arise, it will be the citizens of the City that will have to deal with the costly task of repairing what is possible. The profits received from the drilling may not be enough to fix the destruction of the drilling process. She asked the City keep her and her family safe from horizontal drilling and possible fracking.

Nancy Brennan, Leyland Court resident, has many concerns with the drilling and asked if a City permit is needed to drill; she needs permission from the City to put up a deck. Over 40,000 gallons of chemicals are used for fracking, which includes between 59 and 100 different types of chemicals being used per drilling. There hasn’t been much updating done
since the late 1990’s when chemical compositions were composed for the cracking of shale. As noted earlier, the long term in an unknown. She doesn’t approve of the companies approaching residents and not the local government. Ms. Brennan asked if the Apostolic Church will lose its tax free status having a business on their property.

Jim Przybylo, 3778 Tienken Road, asked the Council to stop the fracking insanity. The oil companies refuse to disclose the chemicals used, and go to great lengths to get their way as portrayed in the movie the Promised Land. For each fracking well, there is from 1 to 8 million gallons of water lost. Properties located near the wells decreases in value, which in turn, reduces tax revenues. City road expenses will increase due to the damage caused by the many trucks needed for each well. The wells will emit methane gases in the air across the country.

Greg Morin, 3046 Pine Crest Way, built his home 18 years ago with the hope of having a quiet future, which is eroding away with the prospect of oil drilling taking place. He too, feels as his neighbors do, he isn’t in favor of the drilling. The pad that is staked out is at the end of his street, 100 feet from the last house and in close proximity to the church playground. He doesn’t understand why something so volatile is allowed near the children and it is totally unacceptable.

David Lonier, 1842 Commonwealth, explained he clarified the title of the resolution regarding smart meters. He is concerned DTE may be violating the health, safety and privacy rights of the citizens and a true and complete opt-out must be offered. In response to Mr. Kittle asking if the opt-out is truly an opt-out, Mr. Lonier explained a letter from DTE explains the digital meter itself is not changed; only the transmitting system of the meter is disabled. Even though the transmitting has been deactivated, the meter continues to track the usage and a meter reader can transmit that information back to DTE; still a privacy issue. Many of the homeowners aren’t aware they have the smart meters, and not everyone was notified by DTE of the meter change. There are six companies that manufacture the digital meters which resemble the analog meter, the distinction is very difficult to recognize. The MPSC who ordered DTE to offer the opt-out are not concerned with the consumer; they protect the power companies. Seven years ago, in 2005, DTE’s assets were $15 billion. In 2012, the assets rose to $24 billion. The state legislature can override DTE so the consumer can protect themselves. The resolution would give legislatures more ammunition to offer a true opt-out for the citizens.

Regarding the oil and gas drilling, when the water is blasted into the ground to crack the elements to extract the gas and oil, carcinogens are released into the air. The film, Take Back Your Power, shows there are over 5,000 patent applications for ‘free energy’, such as hydrogen. A car was driven coast to coast on 24 gallons water. Everything could run on water and hydrogen energy alone, so there is no need for the drilling of oil and gas.

Mr. Kittle asked who the active legislators in Lansing that were involved with the smart meter.

Mr. Lonier stated there are seven co-sponsors of Bill 4315; Tom McMillin is one of the sponsors, and the Bill is stalled in the Energy and Technology Committee. The MSMP opt-out was not driven by legislation; Mr. McMillin’s legislation is asking to get the analog meters back. DTE is not giving the consumer a choice of keeping the analog meter or giving it back.

Pauline HOLETON, Shelby Township resident, distributed packets to Council. The 2005 and 2007 Energy Act stipulates there is to be education about the benefit of smart meters; none of the utility companies around the country have provided education or sent notices to consumers of what to expect. There are many people that are EMF sensitive; the radio frequency emitted by the meters can have adverse affects on them. The radio frequency can play havoc with medical devices such as insulin pumps.

The privacy issue is a 4th Amendment violation; a safety issue exists by causing homes to catch fire. A resolution is needed so Auburn Hills can be added to the other 31 communities and send a message to government officials.

John Holeton, 2392 Barclay Avenue, Shelby Township, is pleased to see the Auburn Hills residents speaking out against the oil and gas drilling. There are many videos available showing gas coming into people’s homes through water faucets, and when exposed to a flame, the gas flares up.

With all the wireless apparatus people have today in their homes, they are unaware of the health hazards presented. The people are being exposed to radio frequency radiation, without even knowing it.

The gas fracking being pushed by oil companies allows for one neighbor, who allows the activity to infringe on another neighbor’s rights, because it is being done underground. One neighbor is making a profit at another’s expense. A smart meter on one neighbor’s house could affect the health of their neighbor.
Smart meters are infringing on a citizen’s right to privacy, and corporations gathering the personal information can sell it to other companies. Michigan Compiled Law, 75539D, Eavesdropping, prohibits eavesdropping in a private place; what is more private than a person’s home?

He asked that Council adopt a resolution and forward it to other governmental agencies.

A Rochester Hills resident is very disturbed to hear about the fracking in Auburn Hills. Continuing, she stated she is one of a very few that still have the analog meter on her house, and it was at a fee. Now DTE and Consumers Power (2016) want to put a smart meter on her house, as does the water department. She is concerned for her health and wants the choice to opt-out. She asked Council to take action to allow residents the choice of opting-out of smart meters.

Pam Wallace, a Rochester Hills resident, thanked Council for listening to the surrounding communities residents. She asked Council to be a leader and take action on the smart meter resolution. The radio frequency radiation has been elaborately studied for the past 30 or 40 years, with studies beginning with the U.S. government. The studies are well documented with well over 70% studies, showing a link between biological affects and radio frequency radiation. The problem is cumulative; the smart meters, baby monitors, microwave ovens, all in the house. The radio frequency radiation is able to break the double-strand DNA, which causes neurological diseases and cancers, according to studies.

She is able to make the choices of not using a cell phone or microwave oven and eating organic food, but she isn’t afforded the choice of not having smart meters attached to her house which is not safe.

She asked that Council educate themselves on the issue, so the residents can be taken care of the best way possible and adopt the resolution.

Remi Hilmi, part owner of Exhale Hookah Lounge, 2723 University Drive, stated he and his partner were not notified about the proposed ordinance that was approved by Council two weeks ago. Currently his lounge closes at 2:00 a.m.; the average hookah session lasts two to three hours, with the bulk of his business arriving between 10:00 and 10:30 p.m. Most of the business is Oakland University and OCC students. He doesn’t feel his business is any worse than the local bars and is requesting that the closing time be changed back to 2:00 a.m. He and his partner have spent over $200,000 on the business and are willing to cooperate with the City in any manner that is needed. This business is how he supports his family. He requested Council reconsider the hours of closing.

Mike Ishaia, 3039 E. Walton Blvd., hookah lounge owner, stated he too was not notified of an ordinance changing the closing time for hookah lounges. He knows there is the perception in other communities such as Troy that hookah lounges are evil places with gambling, drinking and fighting; that is an untrue perception. He has been running hookah lounges for over three years prior to opening his own hookah lounge. The majority of his clients are O.U. students, but he does have others that are in their 30’s and 40’s. The people come to the hookah lounges for relaxation, an alternative to going to a bar. When police officers have visited his establishment, he is very welcoming and allows the officers to check out anything in the building they wish; he runs a very clean, legal business. There has never been an altercation, nor has there been any drinking or parking lot issues. He supports his family through this business and has his life’s savings invested in it. The average hookah costs $18 and lasts two to three hours; so many will not want to come to his hookah at 10:00 at night to be rushed out.

The night the ordinance became effective, he had to tell his customers they had to leave; the customers weren’t happy. He also had to turn customers away, noting most of the business comes later in the evening; the later hours are the money makers.

He too is willing to work with the City any way possible and humbly asking Council to consider changing the closing hours.

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.

ITEM D WAS REMOVED FROM CONSENT AGENDA BY COUNCIL MEMBER KITTLE.
RESOLVED: To approve the purchase the Microsoft Office Standard 2013 upgraded software from CDW-G in the amount of $50,318.70.

7c. Motion – Approve the proposed upgrade from Microsoft Exchange Server 2007 to Microsoft Exchange Server 2013 upgraded software and licenses from CDW-G in the amount of $11,676.53.

Moved by Verbeke; Seconded by Burmeister.
RESOLVED: To approve the Consent Agenda items 7a., 7b., and 7c.
VOTE: Yes: Burmeister, Hammond, Kittle, Knight, McDaniel, Mitchell, Verbeke
No: None

Resolution No. 13.12.222

7d. Motion – Approve Site Plan for Dollar General

Mr. Kittle suggested since a resident is present questioning the Dollar General location, that the item could be reviewed.

Mr. Kittle confirmed for Ms. Hammond there is significant space between the loading dock area and the residential neighborhood.

Mr. Pizzola stated there are a number of trees in the buffer zone as well as the wall remaining, and delivery hours would be that of the normal business hours. The normal business hours will be from 8:00 a.m. until 9:00 p.m., and deliveries are made by one person using a hand truck, no forklifts, and are sensitive regarding noise to the neighbors.

Mr. Cohen explained the Fiero Lanes building was built 50 years ago and in 2010 became vacant. In 2010 or 2011, there was a water main break and the building was determined to be a complete loss. The building went up for sale, and Dollar General purchased the site. The site is located next to the Bloomfield Orchards subdivision and part of the site plan process is to make sure there is a proper buffer between residential areas and other zonings. Currently the buffer consists of a wall and 30 feet of green space with no trees on the site.

The proposed plan is a basic retail store with parking around the building. The City worked with the designers to meet the City’s architectural design policy. After the old building is demolished, the new building will be constructed further from the neighborhood, 100 feet away. There will be a buffer area to the north, containing a large portion of the 40 plus trees that will be added to the site. One of the curb cuts has been removed from Opdyke Road, which is very important for traffic flow and safety. The current sign will be removed and a monument sign will be installed.

Mr. Cohen explained the City doesn’t have the right to determine what type of retail store can come into the community, as long as the ordinance requirements are met. In the B-2 district, a retail store is a permitted use by right. If the Planning Commission finds all ordinances have been met and Council finds all ordinance requirements have been met, then they are entitled to be approved.

Mr. Kittle asked with the one curb cut being removed will there be any direct impact on the doctor’s office to the south.

Mr. Cohen stated the doctor’s office had been contacted about the project and there is a shared easement allowing both businesses to go back and forth through the drive.

Mr. Pizzola stated he will pass the information on to the developer.

Mr. Pizzola stated the store will be hiring new employees; however, employees looking to transfer from other locations must go through the same hiring process as those who are new.

Mr. Cohen assured Mr. Kittle that this plan meets all ordinance requirements with no variances.

Mr. Kittle fully agrees this is an improvement to the area, from safety issues of one less curb cut, greater green space, a new building, an eyesore demolished and a newly paved driveway.

Moved by Kittle; Seconded by Knight.
8a. Motion – Approve the Amendment of the Unwired Facilities Tax Exemption Resolution

Mr. Lohmeier explained he received an e-mail from the State requesting a specific statement be included in all resolutions. The impending deadline is Wednesday, December 4th, when this item will be taken to the last State Commission hearing for approval. The paragraph reads as follows:

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

The State wants to know if the percentage exceeds the 5%; the City’s percent is generally between 6% and 7%, so the statement is being amended to be included in the resolution. That is the only change, everything else remains the same.

Ms. Verbeke noted there were quite a few IFEC’s approved at the same time as this one and asked if this was the only one needing the amending.

Mr. Lohmeier stated this is the only transfer; the language is already included in the new and renewals.

Moved by Hammond; Seconded by Mitchell.

RESOLVED: To accept the City Assessor’s recommendation and approve the State of Michigan’s request for additional language to the resolution on the Tax Facilities Exemption Certificate Transfer for Unwired Technology LLC.

VOTE: Yes: Burmeister, Hammond, Kittie, Knight, McDaniel, Mitchell, Verbeke
No: None

Motion Carried (7-0)

Resolution No. 13.12.224

9. NEW BUSINESS

9a. Public Hearing/Motion- Approval of a Brownfield Plan for the 2150 Opdyke Road (Former Showcase Site) Redevelopment Project

Ms. Carroll explained the Auburn Hills Brownfield Redevelopment Authority considered and approved a Brownfield Redevelopment Plan for 2150 Opdyke Road, which is the former Showcase site. A public hearing to be held by Council is necessary, so she requested the Mayor open the public hearing.

Mayor McDaniel opened the public hearing at 8:17 p.m. and hearing no comment closed the public hearing at 8:17 p.m.

Moved by Knight; Seconded by Hammond.

RESOLVED: To approve the attached resolution (Attachment A) approving the Brownfield Plan for 2150 Opdyke Road Redevelopment Project, in accordance with Public Act 381.

VOTE: Yes: Burmeister, Hammond, Kittie, Knight, McDaniel, Mitchell, Verbeke
No: None

Motion Carried (7-0)

Resolution No. 13.12.225

9b. Motion – Approve Brownfield Reimbursement Agreement with NDA Auburn, LLC

Ms. Carroll explained this document outlines the City’s agreement with the developer on how the payback on the development will occur. The agreement has been reviewed by the City Attorney and has been found satisfactory.

Moved by Knight; Seconded by Burmeister.

RESOLVED: To approve the Reimbursement Agreement with NDA Auburn, LLC.

VOTE: Yes: Burmeister, Hammond, Kittie, Knight, McDaniel, Mitchell, Verbeke
No: None

Motion Carried (7-0)

Resolution No. 13.12.226

10. COMMENTS AND MOTIONS FROM COUNCIL

Ms. Hammond:

- Hopes Council will reconsider the closing time for hookah lounges and reduce the impact on the businesses.
- The timing on the traffic signals on Squirrel Road are off, she had to stop for every light as they turned red, from Auburn Road, north. Director Olko stated she would take a look at the timing.
- Reminded everyone the Tree Lighting takes place Friday, December 6th at 6:00 p.m.

Mr. Knight:

- He too, noticed the light timing on Squirrel Road.
- The street markings downtown are barely visible, very difficult to see at night. There are still issues with turning left onto Cherry Land, with the parking lanes being there. Many drivers aren’t aware there are parking spots, unless there is a parked car. Suggesting signs hanging above, noting parking lane and driving lane be posted.
Mr. Beckerleg reported the following facts: the Apostolic Church sits on a 55-acre site and has an executed oil and gas lease with West Bay Exploration for five years, plus renewal periods. There was an extensive two-hour phone conversation with representatives of West Bay Exploration resulting in the following: West Bay has not yet applied to the DEQ for any permit for this site; West Bay is not proposing to frack on the site; a site has been selected on the property where West Bay would like to drill, but West Bay is willing to look at other locations on the church property. There is concern with the number of trees that would be removed if drilling proceeds; however, West Bay must comply with the City’s Tree Ordinance. Mr. Cohen received an e-mail from West Bay this morning, indicating they are in no hurry to begin the drilling process on the church site. There is still preliminary work that must be completed. The earliest drilling would begin, providing all permits are issued, would be in the spring of 2014.

From a legal standpoint, it appears that it is possible for a City to regulate gas and oil drilling through a zoning ordinance. In Michigan there is The Michigan Zoning Enabling Act, which provides that counties and townships do not have any authority or authority to regulate oil and gas drilling; it does not mention the words cities or villages. Because cities and villages are not mentioned in the Zoning Enabling Act, it is assumed cities and villages have some ability to regulate oil drilling on property. Another statute called the Natural Resources and Environmental Protection Act refers to the position of a Supervisor of Wells. The Supervisor of Wells is a position under the DEQ, who has jurisdiction and authority over the administration and enforcement with respect to the prevention of waste, and the conservation of oil and gas in the State. The Act also provides that no person or entity shall drill for oil or gas unless they’ve obtained a permit from the Supervisor of Wells. The DEQ has a number of requirements that they employ; one of the more interesting requirements is that the Supervisor of Wells or the DEQ shall not issue a permit for the drilling of oil or gas, if the well is located within 450 feet of a residential building and the residential building is located in a city or township with a population of 70,000 or more. In Auburn Hills, the population is less than 70,000 people, so the DEQ would have the ability to issue a permit for oil and gas drilling within 450 feet of a residence.

In Mr. Beckerleg’s reading of the two acts, the question still becomes, who has the jurisdiction over drilling; does the DEQ have exclusive jurisdiction or do cities and villages have the power to regulate gas and oil drilling through their zoning ordinances.

It is Mr. Beckerleg’s opinion, based on articles he has read, and based on the Zoning Enabling Act and the Natural Resources and Environmental Protection Act, that cities and villages do have some limited ability to pass provisions in a zoning ordinance to have some regulations for oil and gas drilling. He believes the City of Auburn Hills could draft a Zoning Ordinance amendment to provide for some limited regulation of oil and gas drilling. If that is done there would be some items that need to be complied with; the ordinance could not be in direct conflict with State law, it could not be in direct conflict of federal requirements and it could not be exclusionary. What he means by exclusionary is that the Zoning Ordinance could not simply provide that oil and gas drilling is not allowed anywhere in the City of Auburn Hills.

In the nature of full disclosure, the City of Ann Arbor does have an ordinance provision, Section 5.116 of the Ann Arbor City Code, specifically prohibiting all gas and oil drilling in the City of Ann Arbor. He has put in several calls to the Ann
Arbor City Attorney, but has not gotten a return phone call. It appears that the Ann Arbor ordinance was adopted in the late 1980’s or the early 1990’s. It is Mr. Beckerleg’s opinion that He doesn’t believe Auburn Hills does not have the option to exclude all gas and oil drilling in the City, as Ann Arbor did.

It isn’t clear if the Natural Resources and Environmental Protection Act pre-empted the Zoning Enabling Act. There is a case called Addison Township vs. Gout, which is from 1990, that case dealt with slightly different versions of both of the described statutes, but they aren’t radically different, so the case has some applicability. That case specifically provides that it is the Michigan Supreme Court’s opinion that cities have some ability to regulate gas and oil drilling through a zoning ordinance.

Concluding, Mr. Beckerleg opined that the City does have some limited ability to pass a Zoning Ordinance amendment regulating gas and oil drilling provided it is not in conflict with State or Federal law. Federal law is primarily geared towards preventing accidents and addressing issues pertaining to fracking, governed by the EPA.

There was some discussion with West Bay of other locations that are not near a residential area.

The City knows West Bay is working with the church site, but it is unknown what other companies are out there looking to lease other properties. If Council chooses, they do have the ability to pass a moratorium for a short period of time to allow the City to craft an ordinance amendment that will be legally enforceable. He has drafted a moratorium resolution if it is something Council wants to consider.

Mayor McDaniel asked if the moratorium would give the City 180 days or what is the limited time referenced.

Mr. Beckerleg stated 180 day period and if effective tonight, it would extend through June 3, 2014. He also confirmed for Mayor McDaniel no ground could be broken until a permit to remove trees was issued by the City. There doesn’t seem to be anything that would allow the tree ordinance to be avoided.

Mayor McDaniel suggested it sounds as if the oil company wouldn’t be applying for a permit from the DEQ for at least 30 days, and DEQ approval could take between 60 and 90 days, which would give the City quite a bit of time to review a moratorium resolution and at that time, possibly adopt the 180 day moratorium resolution; this would be giving the City additional time to continue to research the issue.

Mr. Beckerleg stated that is possible and he is only providing the moratorium resolution for Council’s consideration and review; not suggesting Council take action.

Ms. Hammond asked for clarification, noting Mr. Beckerleg had mentioned both 150 feet and 450 feet.

Mr. Beckerleg explained that in the Natural Resources and Environmental Protection Act, Act 51 of 1994, it states the Supervisor of Wells, the DEQ, can’t issue a permit for the drilling or oil or gas if the well is located within 450 feet of a residential building. This only applies in cities with a population of more than 70,000 people.

Ms. Hammond asked, as mentioned by a resident, what happens with the church’s tax exempt status.

Mr. Beckerleg stated he didn’t look into that; however, generally a piece of tax exempt property that is leased to a for-profit company, that portion of the land is no longer tax exempt. Most likely the church would owe the tax amount, but it would be something contractually worked out between the Church and the drilling company. The church will not lose tax exemption for all the property, just that portion being leased.

Ms. Hammond would like for the City to wait before adopting a moratorium, allowing the City extra time for investigating.

Ms. Mitchell asked if the City adopts an ordinance would it be applicable to both public and private property.

Mr. Beckerleg stated yes, the ordinance would be drafted to include both.

Mr. Kittle stated he is in favor of approving a moratorium now. He noted the lease with the Apostolic Church doesn’t specifically include fracking being done, but the contract doesn’t exclude it either. He would like to make sure there is no fracking. He understands the 450 foot setback, but in some City ordinances there are greater setbacks for different locations and questioned if it might be possible to extend the setbacks in a City ordinance.

Continuing he asked if drafting an ordinance now would be problematic and possibly considered spot zoning, Ann Arbor’s ordinance has been on the books for nearly 30 years.

Mr. Beckerleg didn’t believe an ordinance drafted now is problematic; if the legislative scheme in the Michigan was to prevent a city and/or village from adopting an ordinance regulating oil and gas drilling, it would have been put into the Zoning Enabling Act. Because counties and townships were specifically named, it leads him to believe they intended not to not exclude it from cities and villages which appears to be confirmed by Supreme Court in the Addison Township vs. Gout case. Regarding the validity of the Ann Arbor ordinance, he can’t speak to it, other than there is the possibility that nobody has challenged the ordinance.
Mr. Kittle asked with a City ordinance, and as mentioned there can't be a total ban, what are the limitations the City could include in an ordinance.

Mr. Beckerleg explained, he would not recommend adopting an ordinance that has a total exclusion. If something is to be regulated through the Zoning Ordinance, regardless of the use such as a mobile home park, adult uses, massage parlor or oil and gas drilling, the general rule is you can't exclude a use from the City. If the City uses the Zoning Ordinance as a mechanism to regulate oil and gas drilling, he believes the same rules that apply as to the other uses mentioned or any uses.

Mr. Kittle asked if an ordinance could include disaster recovery plans, wear and tear on roads and infrastructure, reimbursement of any public safety expenses and those types of things.

Mr. Beckerleg agreed those things that could be included; the issue of remedial items, such as fixing something after something goes wrong, is where the EPA steps in. Looking at the statuary structure of the law that addresses oil and gas drilling, the Clean Water Act and many other similar Federal Acts address what happens when something goes wrong. The City ordinance can include regulating dust, and odor, he isn't sure of hours of operations, but more of site issues and how it is operated. The truck transporting issue would be treated similar to other truck regulations within the City, such as weight limits.

Mr. Kittle suggested doing a pre and post analysis of the road to determine how much damage may have occurred. From an emergency services standpoint, could there be a cost recovery notation included.

Mr. Beckerleg stated a cost recovery could probably be included; it has been done in a number of other situations not related to oil and gas drilling.

Mr. Kittle stated he isn’t against drilling providing it is done with safety measures and restrictions in place.

Mr. Beckerleg noted many people are upset particularly with fracking and the DEQ has not prohibited fracking in the State of Michigan. Many municipalities have passed resolutions supporting a State wide and nationwide investigation into fracking. Anyone could ask for a fracking permit from the DEQ and upon meeting all the DEQ requirements, they would likely be issued a permit for fracking. He wants to make clear fracking and oil and well drilling are not the same thing. The City can regulate the oil and gas drilling.

Mr. Kittle stated during the moratorium he would like to have a definitive answer on the fracking.

Mayor McDaniel asked if drilling cannot be eliminated altogether and the Zoning Ordinance dictates drilling can only take place in a specific zoning and the gas company after all their studies determine there is no gas or oil to drill for in that specific zoning locations, does the City have to offer a location that is advantageous to the company.

Mr. Beckerleg explained the City does not have to provide a space that is advantageous to the company. He understands that oil and gas companies use seismic testing - hitting the ground and the quality of the vibrations gives them a sense if there may be oil and gas in the ground. If Light Industrial is chosen as the zoning district, as long as there is a decent portion of property in the Light Industrial zoning available that would be legal.

Mr. Knight asked if a zoning district could be established, such as an oil exploration district and it could be made a special land use, which has requirements, but fracking cannot be one of the requirements. However, there could be included safeguards for fracking.

Mr. Beckerleg explained restrictions can be made, provided those restrictions don’t conflict with the Federal laws that deal with those kind of issues and how the fracking waste is disposed of. One of the big issues with fracking is the large amount of water that is used with certain chemicals, which is left in the ground and if it isn’t left in the ground then it must be disposed of properly. The regulations must be consistent with Federal regulations. The problem with a special land use, is that approval is a requirement.

Ms. Verbeke noted a special land use is not exclusionary, it will be allowed somewhere.

Mr. Beckerleg explained the City doesn’t want to be in a situation where the oil and gas drilling regulation is subject to approval as a special land use as opposed to a principal permitted use in a zoning district because if several people show up at a City Council meeting there will be a lot of pressure put on the legislative body and the discretionary decision may be based on the number of people in the audience have objected to it. His opinion is that it should be made a principal permitted use in a zoning district; there shouldn’t be a special land use that has a large number of conditions to be met before approval. It could still be made a principal permitted use in a zoning district and still have requirements in the ordinance that must be met.

Ms. Verbeke noted West Bay stated they are in no hurry to get started; however, business plans can change and they may change their mind and want to get started sooner. She would be in support of a moratorium right now, because you never know what might happen tomorrow.

Mr. Beckerleg stated once an application has been submitted to DEQ it takes 60 to 90 days for a permit to be issued.
Mr. Burmeister asked if no work could begin until the permit has been issued.

Mr. Beckerleg stated no work can begin until a permit has been received from the Supervisor of Wells, of the DEQ and a City permit to remove trees. Based on the conversation with West Bay, they have not submitted an application to DEQ; however, it has not been verified. He felt West Bay appears to be a reputable group and West Bay gave a PowerPoint presentation that led City staff through their process.

Mr. Cohen explained this will be an approximately $2 million investment to drill, with no guarantee of oil. The company is not going to rush into drilling and not have the proper permits; too much money is involved. West Bay has been working with Livonia, drilling under Schoolcraft College and gathering oil from under a neighborhood.

Mayor McDaniel stated he is confident with Staff’s opinion that West Bay will not be moving on this anytime sooner than what they have expressed and he’d like to hold off on the moratorium to buy the City the extra time on the other end, an additional 180 days.

Resident stated Ann Arbor is adding Injection Wells to their ordinance.

Mr. Beckerleg, during his research, found Ann Arbor has an Environmental Committee and the only resolutions that are pending before this committee are in support of a more comprehensive State wide and Federal regulation of fracking. He found no evidence referencing injection wells in the minutes from Council meetings or the Environmental Committee.

A resident asked if there can be clarification for public land.

Mr. Beckerleg explained in the case of public land the City could simply decide not to approve a lease to allow an oil company to come in, but it could also be added to the Zoning Ordinance regulations.

A Leyland Court resident asked if a regulation on water could be implemented, these operations use an enormous amount of water and where will the water come from.

Mr. Beckerleg stated the Natural Resources and Environmental Protection Act, states it is the DEQ who regulates the prevention of waste and conservation.

Mr. Hughes stated as of November 25, 2013 there has not been a permit filed with the DEQ.

Mr. Lonier suggested people view the movie Gas Land, to get another perspective.

A resident asked what proximity is allowed for drilling near a school, since the church is also a k-12 school.

Ms. Verbeke stated 450 feet from a residential home, but only in communities with a population of 70,000 residents; this doesn’t apply to Auburn Hills.

Mr. Beckerleg explained for a resident that fracking is a technique in which large quantities of water, mixed with chemicals are injected into the ground at a high amount of pressure to fracture the rocks off to release the oil and gas below.

Mr. Cohen explained drilling is similar to drilling a water well.

Mayor McDaniel stated everyone will have other chances to speak and ask questions at various public forums and thanked all for coming.

Mike Runk, Riverside Drive resident, asked if Mr. Beckerleg had read the pamphlet distributed by the oil companies. The difference between fracking and horizontal drilling is the chemicals being used.

12. CITY MANAGER’S REPORT

- Reminded all about the Tree Lighting downtown on Friday, December 6, at 6:00 p.m.
- He will be traveling to Washington D.C. on Thursday and be back on Friday.

13. ADJOURNMENT

The meeting adjourned at 9:18 pm.

__________________________  ______________________________
Kevin McDaniel, Mayor      Terri Kowal, City Clerk
At a regular meeting of the City Council of the City of Auburn Hills, Oakland County, Michigan, held in the Council Chambers at 1827 N. Squirrel Road, Auburn Hills, MI 48326 at 7:00 pm. On the 2nd day of December 2013;

The following resolution was offered by Council Member Knight and supported by Council Member Hammond:

WHEREAS, the City of Auburn Hills (the City) has created a Brownfield Redevelopment Authority (the Authority) pursuant to PA 381 of 1996, as amended (the Act); and

WHEREAS, the Authority met and considered the Brownfield plan submitted by NDA Auburn, LLC for the property consisting of parcel with Sidwell Number 14-14-176-007; and

WHEREAS, starting in January 2014, the tax identification numbers for the two parcels will be 02-14-14-176-011 and 02-14-14-176-012; and

WHEREAS, the Authority has reviewed the Brownfield plan in accordance with the Act; and

WHEREAS, the Authority, following review of the plan, unanimously approved the same and recommended approval to the City Council; and

WHEREAS, the notices required by the Act have been given; and

WHEREAS, The City Council, in accordance with the Act, met and conducted a public hearing on December 2, 2013 in order to review the plan; and

WHEREAS, during the public hearing conducted by the City Council on December 2, 2013, all persons, including the affected taxing jurisdictions, were allowed an opportunity to comment on the amended plan and present their view and recommendations.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Auburn Hills City Council that:

1. The City Council of the City of Auburn Hills hereby approves the Plan and determines that the Plan, in accordance with the Act constitutes a public purpose.

2. Furthermore, the Plan meets the requirements of Section 13 of the Act.

3. Furthermore, that the costs of eligible activities proposed are reasonable and necessary to carry out the purposes of the Act.

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

NAYS: None

ABSENT: None

ABSTENTIONS: None

Resolution 13.12.225 Approved (7-0)

STATE  OF  MICHIGAN)

COUNTY OF OAKLAND)

I, the undersigned, the duly appointed City Clerk for the City of Auburn Hills, Oakland County, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the Auburn Hills City Council held on the 2nd day of December, 2013.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this 3rd day of December, 2013.

Terri Kowal, City Clerk
CALL TO ORDER: by Mayor McDaniel at 5:36 p.m.
LOCATION: City Council Conference Room, 1827 N. Squirrel Road, Auburn Hills, MI 48326
Present: Mayor McDaniel, Mayor Pro Tem Kittle, Council Members Burmeister, Hammond, Knight, Mitchell, Verbeke
Absent: None
Also Present: City Manager Auger, Assistant City Manager Tanghe, City Engineer Juidici, Recreation Director Marzolf, Department of Public Works Director Melchert, City Attorney Beckerleg, Director of Community Development Cohen and City Clerk Kowal.

Discussion of Workshop Priorities

City Manager Auger reviewed the prior City Council’s list and what topics were not discussed due to lack of time and changes in the schedule, such as adding two budget workshops.

Mayor McDaniel asked City Council Members to each add items that are of interest to the list. He also suggested that something previously on the list could be revisited. Two sessions for the budget will be added to the list.

Council Members added to and revised the current list. It was determined that they would rank their top six topics and send the results to the City Clerk, who will compile the list and present it to the City Manager. (A copy of the list of requested topics is attached.)

The Mayor would like the City Manager to determine approximately how much time each item would need so the sessions can be combined when practical.

Council Members briefly discussed the City ice rink and if it should be installed this year. The consensus was to move forward with the rink. Recreation Director Marzolf informed Council that it will be built this year.

Without objection, the workshop adjourned at 6:54 p.m.
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<tr>
<th>Priority</th>
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<tr>
<td>Audit process (Plante Moran)</td>
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<td>Boards and Commissions</td>
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<td>Budget 2015 (usually in October)</td>
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<td>City Charter</td>
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<td>City Manager Accountabilities Adjustments</td>
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<td>City Purchasing</td>
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<td>City Vehicle Usage</td>
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<td>Citizen Input</td>
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<td>Consolidation Ideas</td>
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<td>DDA Discussion</td>
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<td>Downtown Update</td>
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<td>Email Policy</td>
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<td>Emergency Services - Understanding</td>
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<td>Ethics Policy</td>
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<tr>
<td>Gas and Oil Drilling</td>
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<td>Golf Course</td>
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<td>Human Resources</td>
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<td>Leaf Burning</td>
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<td>Munetrix</td>
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<tr>
<td>North Squirrel Road Project (2015 timeline)</td>
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<td>Patriot Week</td>
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<td>Salaries-Trends</td>
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<td>Smart Meters</td>
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<tr>
<td>Social Media</td>
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<tr>
<td>Transit to Downtown</td>
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<tr>
<td>Vendor Contracts (extended)</td>
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<td>Water and Sewer Rates</td>
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Presentation:

There will be a presentation to City Council by the Oakland University Football Team.

Brian Marzolf is coordinating this.
CALL TO ORDER: Chairperson Ouellette called the meeting to order at 7:03 p.m.

ROLL CALL: Present: Beidoun, Emery, Hitchcock, Mendieta, Ouellette, Shearer
Absent: Pierce, Spurlin, Verbeke
Also Present: Water Resource Coordinator Keenan, Recreation Director Marzolf, DPW Deputy Director Grice, City Council Member Mitchell
Guests: 3

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

3. PERSONS WISHING TO BE HEARD – None

4. APPROVAL OF MINUTES – October 29, 2013

Moved by Mr. Beidoun to approve the minutes of October 29, 2013.
Supported by Mr. Hitchcock
VOTE: Yes: All
No: None
Motion Carried

5. PETITIONERS

5a. Dollar General – Retail Building (7:01)
Recommend to City Council for Site Plan approval to construct a retail building.

Mr. Keenan explained this is a request to construct a 9,100 square foot retail store for Dollar General on the site of the vacant Fiero Lanes Bowling Alley. The site is located on the east side of Opdyke Road between the Clinton River Trail and South Boulevard, just south of Auburn Hills Plaza.

Fiero Lanes closed in late 2010 and since that time the building has deteriorated due to lack of maintenance. In 2011 a broken fire suppression line flooded the building causing extensive damage making renovations cost prohibitive. A portion of the buildings brick façade has damage from ice build-up.

The existing greenbelt buffer behind the building is only 30 feet wide with a six foot high wall to obscure its view from the adjacent residents in Bloomfield Orchard subdivision. No trees currently exist in the 30 foot buffer. The north side and south side of the building have downspouts that do not extend to the ground.

The existing pole sign will be removed and replaced with a new monument sign near the north entrance drive.

Plans call for the demolition of the vacant building and replaced with a new retail building for Dollar General. The proposed site design will create a 76 foot wide greenbelt with 21 trees to help buffer the building from the adjacent residential properties, add a storm water detention pond complying with current standards, and removing the southern cub-cut, which will improve traffic safety along Opdyke Road. The existing cross access with Bosman Chiropractic to the south will be maintained. Complete Streets considerations were made as part of the site design with a dedicated walkway proposed from the pathway to the building.

The estimated $1 million investment will create a modern retail store, employing eight to 10 people, and also help improve and maintain a viable and sustainable retail corridor along Opdyke Road.

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

Peter Zingas of Designhaus Architecture noted he was very grateful for all the assistance he received from the City staff during the process and is looking forward to breaking ground as soon as possible.

Mr. Beidoun asked about the façade of the building; the materials that will be used and if office is included in the design.

Peter Stuhlreyer of Designhaus Architecture explained this façade is unique Dollar General Design that was encouraged by City staff. The design is more contemporary, using very low maintenance or no maintenance materials throughout the design. There is no corrugated metal, it is pre-finished smooth metal, banding on the building is a new product - fiber
cement. There is a similar product for residential use; however, this product is thicker, more durable and pre-finished. There is no office on this building; the design is very clean and upscale for a Dollar General.

Mr. Ouellette noted it will be a nice improvement and appreciates the landscaping and the position of the building.

Moved by Mr. Beidoun to recommend to City Council approval of the Site Plan for Dollar General subject to staff and consultants conditions.

Supported by Mr. Hitchcock

VOTE: Yes: Beidoun, Emery, Hitchcock, Mendieta, Ouellette, Shearer
No: None

Motion Carried (6-0)

6. SPECIAL PLANNING PROJECT

6a. Recess as Planning Commission – Convene as Recreation Commission (7:10)

Moved by Ms. Shearer to recess as Planning Commission and convene as Recreation Commission.

Supported by Mr. Beidoun.

VOTE: Yes: All
No: None

Motion Carried

6b. Review the DRAFT 2014-2018 Parks & Recreation Master Plan and Provide Comments/Recommendations – Brian Marzolf, Recreation Director

Mr. Marzolf presented the following PowerPoint presentation, the 2014 – 2018 Auburn Hills Parks and Recreation Plan Master Plan, with discussion to include review of goals and objectives and Action Program – previous items to reconsider for the new Plan.

<table>
<thead>
<tr>
<th><strong>Goal #1</strong> - Provide recreation facilities, programs and community events that meet the diverse recreational and social needs of the community.</th>
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<tbody>
<tr>
<td><strong>Objectives</strong></td>
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<tr>
<td>Maintain and improve existing parks and recreation facilities</td>
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<tr>
<td>Enhance and build on existing community events</td>
</tr>
<tr>
<td>Develop additional multi-cultural opportunities through programs and community events</td>
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<tr>
<td>Increase live music/concerts and performing arts programming</td>
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<tr>
<th><strong>Goal #2</strong> - Connect park system with adjacent neighborhoods and business centers via pathways and trails.</th>
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<tr>
<td><strong>Objectives</strong></td>
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<tr>
<td>Continue development of the Northeast Corner pedestrian neighborhood loop</td>
</tr>
<tr>
<td>Develop the River Walk vision between parks including an outdoor amphitheater at Riverside Park</td>
</tr>
<tr>
<td>Concentrate on developing 2 to 5 mile pedestrian loops near residential areas</td>
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<tr>
<td>Address the “tough” pathway gaps to complete system by 2025</td>
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<tr>
<th><strong>Goal #3</strong> – Develop programming to reduce obesity and promote healthy choices among all age groups.</th>
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<tr>
<td><strong>Objectives</strong></td>
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<tr>
<td>For all ages – fun runs/walks, fitness classes, promotion of bike routes system (once in place)</td>
</tr>
<tr>
<td>For youth – additional focus on teens (social activities, face-to-face events, get-togethers) and continue efforts to offer programming to elementary age students that helps them form a solid fitness foundation</td>
</tr>
<tr>
<td>For adults – additional “how-to” classes and educational programs, weight loss and self-improvement programs (fitness, nutrition,</td>
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<tr>
<th><strong>Goal #4</strong> - Develop partnerships to enhance programming and events while reducing operating expenses.</th>
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<tbody>
<tr>
<td><strong>Objective</strong></td>
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<tr>
<td>Work with local school districts, businesses, and colleges to continue partnerships and collaborations and work to develop new partnerships and collaborations for mutual community benefit.</td>
</tr>
<tr>
<td>Partner with Oakland University’s Performing Arts program and the Avondale Theatre Company (high school) to add additional music concerts and plays for the community</td>
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Mr. Marzolf continued noting the new draft Plan contains the new Chapter VII, the Action Program. Some of the new items included in the Plan are improvements to the Clinton River Trail; a development plan for Hawk Woods; The River
Walk, with phase one being Riverside Park with an amphitheatre, phase two will connect Riverside Park to River Woods Park and phase three will be developing River Woods park, which will complete the River Walk Master Plan. These improvements will be completed over the next five years.

The Recreation Department will be helping with staffing for the DEN and the University Center, downtown. There will also be a focus on the professional development of the staff.

Mr. Marzolf explained it doesn’t make sense to keep some of the items in the Plan, if there is no intention of moving forward with them. He asked the Commissioners how they felt about the following:

<table>
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<th>These items have been in the master plan since 2004:</th>
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<tr>
<td><strong>Under the heading –</strong></td>
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<tr>
<td><strong>Acquire/develop new parks:</strong></td>
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<tr>
<td>·Consider Vinewood area park development</td>
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<tr>
<td>·Consider funding for Norwest Corner Neighborhood Park property acquisition and development</td>
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<tr>
<td>·Develop Mini-Parks (Tot-lots) near residential areas, pedestrian access only</td>
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<th>These items are under the heading –</th>
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<tr>
<td><strong>Develop and improve existing parks</strong></td>
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<tr>
<td>·Bocce Ball/Horseshoes near Community Center (from 2009)</td>
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<tr>
<td>·Add waterspray and sand volleyball court and basketball court at Civic Center Park (from 2004 &amp; 2009)</td>
</tr>
<tr>
<td><strong>Operations, Programming &amp; Staffing</strong></td>
</tr>
<tr>
<td>·Begin process of national accreditation of parks and rec operations through NRPA (from 2009)</td>
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</table>

Mr. Marzolf noted the possibility of including basketball markings on the tennis courts, when resurfaced.

Mr. Beidoun questioned if the City owns five or ten acres of property in the northwest corner of the City, near Alberta Street.

Mr. Marzolf stated that is known as the Amberwood Conservation area and is a five acre parcel. There is frontage along a pond and the parcel extends beyond the pond, which is land-locked but has potential for a nature trail.

Mr. Beidoun suggested the possibility of purchasing more property, to allow access from either Lake Angelus Road or Alberta Street. He also noted the neighborhood tot-lot has become more part of the apartment complex as opposed the neighborhood.

Mr. Ouellette believes the RCOC owns property in the Vinewood area that abuts the pond, which may have access off Taylor Road.

Mr. Marzolf explained there is a strip of land off Taylor Road that leads to the pond, which could become an access for the public. The area residents were concerned with park visitors being in the neighboring residents backyards.

Ms. Shearer questioned how long ago the residents were surveyed on the park issue.

Mr. Marzolf stated the survey was conducted 10 or so years ago.

Mr. Ouellette concurred discussions were taking place when rezoning the properties in that area.

Mr. Keenan stated the property is owned by the Road Commission and the pond is technically a wetland. Docks and paddleboats were removed from the pond at the request of the MDEQ and the county.

Mr. Ouellette suggested the possibility of a boardwalk for bird watching at the wetland site across Joslyn Road near the fire station.

Mr. Ouellette noted talks will be held in the neighborhoods regarding the age friendly community, and possibly at that time, the area residents can be asked what they would like to see.

Mr. Marzolf agreed with Mr. Ouellette and asked if the park idea should be removed from the plan, noting it can always be added again.

Mr. Ouellette doesn’t believe it is a priority, but Council Member Verbeke who lives in that neighborhood who will likely know what her neighbors would want to see.

Ms. Shearer agreed noting financing could be funneled to a higher priority area.

It was the consensus of the Planning Commission to remove the park development from the Vinewood area at this time.
Mr. Marzolf asked for opinions regarding the northwest area of the City. Mr. Beidoun asked if the City was trying to acquire more land in that area to build a park. Mr. Marzolf noted that would be a decision from the Commission and City Council and if there are funds available; however, if it is on the Plan, it will be looked at. There may be grant money available. He also noted more park space entails more upkeep, which could be cost prohibitive. The City wants to maintain the up-keep standards of the parks, and not be spread so thin that quality suffers. The City exceeds the national standards of the amount of owned parkland. Mr. Beidoun explained there are no sidewalks in his neighborhood and a park would be welcomed. Mr. Marzolf suggested the possibility of a cross-walk from the Canadian subdivision to the other side of Baldwin Road, with access to the mall and shops. It will be very challenging, but there has been some head-way made. Mr. Ouellette is in favor of leaving this area in the Plan; the area is heavily populated with raw land still to be developed. Mr. Ouellette suggested having bike rental available downtown near the DEN. Other cities have bicycle stations that accept credit cards that allow you to rent bikes. Mr. Marzolf agreed it is a great idea and with staff manning the DEN it could be very possible. He asked how the Commissioners felt about pedestrian friendly mini parks, realizing the plan is very vague. He would like to keep the possibility open, because it lends the idea to create little parks in neighborhoods that may need them. Mr. Beidoun suggested a community garden. Mr. Marzolf stated that is a possibility, especially if there are any grants available for community gardens. Mr. Marzolf wasn’t aware of any inquiries, but they could be considered a mini-park. He asked if there were any comments or questions regarding the draft Plan. Mr. Ouellette asked what City Council was referring to regarding Squirrel Court, at a meeting he had attended. Mr. Marzolf explained Squirrel Court is part of the River Walk Master Plan; Squirrel Court will be narrowed, making it more pedestrian friendly and adding the same streetscape as the downtown. The narrowing of the road will also slow traffic down and there will be sidewalks on both sides of the road. The City is matching a $195,000 grant that will allow this phase of work to be done, which will be the kick-off for Riverside Park improvements. Mr. Hitchcock mentioned a reference in the Plan about a public outdoor ice skating rink and the Onyx skating rink as being a good alternative for City residents. He didn’t think this alternative was a good one for the residents, to pack the family up and drive quite a few miles for ice skating. Noting there is so much to do in Auburn Hills the other seasons; he would like to see some winter activities, recalling from long ago the tennis courts being transformed into a skating rink. Mr. Marzolf stated the tennis courts have in the past been transformed, including lighting and music. There was a lot of work put into creating the skating rink and because the weather fluctuates, there were only a few days of skating. The DPW is planning on creating a skating rink at the farmer’s market location; however, again the weather must cooperate. Continuing, he noted it would be great to have a refrigerated ice rink like the city of St. Joseph. A pavilion has been built over the skating rink and the City runs all types of ice activities for the community. If this is an interest, it can be included in the Plan. Regarding the reference of the Onyx, the standards don’t call for an indoor ice rink for every community; making the Onyx closest to Auburn Hills for ice skating. Mr. Hitchcock asked about the potential trail along Squirrel Road to Hawk Woods, where the beginning would be. Mr. Marzolf explained at the entrance of Hawk Woods in an easterly direction and meet Squirrel Road, near the Apostolic Church. Mr. Ouellette asked if there were any other winter activities available to the residents, such as cross-country skiing at Hawk Woods. Mr. Marzolf stated cross-country skiing is allowed at Hawk Woods, but the trails are not groomed. In the past there used to be a sled hill and it would be great if there was a location to create another sled hill. There may be the possibility of creating the grade for a sled hill someplace within the River Walk. Mr. Marzolf agreed with Mr. Ouellette of the great sled hill at Adams and Square Lake Roads that is lit up in the evening; many people are directed to the Bloomfield Schools Farm hill when they call and inquire where sledding is available. Mr. Ouellette doesn’t believe a basketball court is a good combined use with the tennis courts; they should be separate courts. Mr. Marzolf explained this would be a half-court, basketball court with signs that basketball play isn’t allowed when the tennis courts are being used. Mr. Marzolf stated the Plan will be updated with the suggestions, including a refrigerated ice rink, the northwest acquisition of park land, remove the Vinewood area for now, and keeping the mini-parks. The draft Plan will be available for 30 days prior to the January public hearing, which are requirements of the DNR. The Plan will be available for review with a copy.
at the Community Center as well as the Library. Comments from the public are welcomed. After the public hearing, the Plan will be ready for adoption and a recommendation to City Council for approval and then forwarded to the DNR.

Mr. Ouellette suggested the draft Plan also be published on line for review and comment. He thanked Mr. Marzolf for his dedication.

6c. Adjourn Recreation Commission and convene as Planning Commission (7:48)

Moved by Mr. Beidoun to adjourn as Recreation Commission and convene as Planning Commission. Supported by Ms. Shearer.

VOTE: Yes: All
No: None
Motion Carried (6-0)

7. OLD BUSINESS – none

8. NEW BUSINESS
8a. Update: Planning, Zoning, and Development Items (7:49) – Shawn Keenan, Water Resources Coordinator

The Alberta Road curb cut will be on the next agenda, December 10th.

9. COMMUNICATIONS – none

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

11. ADJOURNMENT
The meeting was adjourned at 7:50 p.m.

Respectfully Submitted,

Kathleen Novak
Records Retention Clerk
CALL TO ORDER: Chairman Hassett called the meeting to order at 4:00 p.m.

ROLL CALL: Present: Ardelean, Dilland, Dolly, Goodhall, Gupta, Hassett, Molnar, Price
Absent: Thornton
Also Present: TIFA Executive Director Tom Tanghe, Finance Director Gary Barnes, Executive Assistant Karrie Marsh
Guests: None

LOCATION: University Center, AHUC-02, 3350 Auburn Rd., Auburn Hills, Michigan 48326

PERSONS WISHING TO BE HEARD
None

CORRESPONDENCE & PRESENTATIONS
None

APPROVAL OF MINUTES
Moved by Ardelean to approve the September 10, 2013 minutes as corrected.
Supported by Price.

Yes: Ardelean, Dilland, Dolly, Goodhall, Gupta, Hassett, Molnar, Price
No: none

Motion carried

FINANCIAL REPORT
Finance Director Gary Barnes presented the financial report for November 30, 2013, reviewing the activities for this period, including the most recent revenues and expenses. That report included the following Total Liabilities and Fund Balances and Available Cash:

- TIFA 85-A $26,674,443  Available Cash (TIF-A) $1,492,053
- TIFA 85-B $13,747,557  Available Cash (TIF-B) $9,773,431
- TIFA 86-D $27,258,627  Available Cash (TIF-D) $2,963,210

Mr. Tanghe distributed the 2014 adopted budget to the Board to insert into their 3 ring binders.

Moved by Molnar to approve the Financial Report of November 30, 2013 as submitted.
Supported by Dilland.

Yes: Ardelean, Dilland, Dolly, Goodhall, Gupta, Hassett, Molnar, Price
No: none

Motion carried

OLD BUSINESS
Mr. Tanghe wanted to introduce the Board to a couple of upcoming Downtown projects. The first project presented was a review of a preliminary site plan for the southwest corner of S. Squirrel and Auburn Roads. Burton-Katzman, a reputable development company that has been conducting business for over one hundred years, will be constructing a 4-story building consisting of retail and apartments. Kahn
Architects designed the plans that Mr. Tanghe presented to the Board. The first floor space will potentially contain a restaurant and retail. The second and third floor spaces will house 21- two story, one bedroom loft units. The fourth floor will house 10 – two bedroom apartments. The exterior of the building will be composed of hard brick, stone and glass. Ground breaking is expected in June of 2014.

The next project discussed will be located at the southeast corner of S. Squirrel and Auburn Roads, next to Waterhouse Photography. The project will consist of 63,650 sq. ft. of restaurant, retail and office space, as well as apartments and a rooftop area. The alley behind Waterhouse Photography will be built over which will allow access for deliveries and such through the alley. This project is expected to follow approximately 6 months behind the first project presented.

Mr. Tanghe introduced a memo dated December 4, 2013 regarding funding of the University Drive Streetscape in 2014, Phases I & II. He also displayed a PowerPoint presentation of the streetscape design that has been adopted by AH & OU.

OU has been asked to consider funding Phases I & II in 2014, with a contribution by both parties of $350,000 each. A response from OU is expected shortly. If the Board concurs with the recommendation to fund both phases in 2014, a budget adjustment will take place during first quarter 2014. If OU decides not to proceed with Phase II in 2014, the budget adjustment will become moot.

**Moved by Price to authorize the Executive Director to proceed with Phases I & II of the University Drive streetscape project in 2014 at the estimated cost of $700,000 to be shared 50/50 with Oakland University; pending the same approval from Oakland University. Furthermore, should OU give its approval, a budget adjustment will be required to be brought before the Board for approval during first quarter of 2014.**

**Supported by Dolly.**

**Yes:** Ardelean, Dilland, Dolly, Goodhall, Gupta, Hassett, Molnar, Price  
**No:** none  
**Motion carried**

Mr. Tanghe brought up the topic of TIFA staffing as discussion only. Mr. Tanghe would like additional staffing to be considered due to the anticipated increasing workload. A Citizens Advisory Board will need to be established for the DDA, in addition to the projects previously discussed and the current workload. Two possibilities were discussed. One option was a permanent part-time position but with that option the issue would be not having someone available each day as items will need to be addressed. The second option is to make one of the cities current part-time positions a full-time position that will include the previously mentioned responsibilities. In addition this employee would oversee the University Center and the DEN. They would be involved with the startup of the DDA and Citizens Advisory Board, as well as promote the Downtown Area.

The TIFA would be funding 50% of the pay and benefits of which the total would not exceed $30,000.00. Mr. Molnar expressed his opinion that much occurs behind the scenes that the Board may not be aware of and he expressed appreciation for all of the work that Mr. Tanghe does. The consensus among the Board is to provide 50% funding of a full-time position to assist with the upcoming duties.

**NEW BUSINESS**

Mr. Tanghe presented a memo dated November 1, 2013 regarding the 2014 Board Meeting Schedule. The meetings fall on the second Tuesday of each month at 4:00 p.m. Mr. Tanghe will notify the Board should a different location be decided upon at a later time.

**Moved by Molnar to adopt the 2014 Tax Increment Finance Authority Board of Directors Meeting Schedule as the second Tuesday of each month at 4:00 p.m. in the Administrative Conference Room, unless otherwise indicated by the Executive Director prior to a meeting.**
Mr. Tanghe introduced a memo dated December 3, 2013 regarding the adoption of Policies and Procedures for The DEN and University Center. The two facilities are being staffed and maintained through the Recreation Department and DPW. It is appropriate for the policies and procedures to be consistent with what has already been established for our other buildings and which appear to be successfully working. After much discussion the hours of operation will be adjusted, a wireless internet use policy will be added, the issue of weapons prohibition will be added and language made more clear about alcohol being prohibited.

Mr. Hassett asked about what community events will be held at the University Center. Mr. Tanghe stated that the City is hosting the Chamber’s Young Professional Group for a meeting, in addition to events such as Spooktacular, Tree Lighting, and other city sponsored events.

Moved by Dolly to adopt the Policies and Procedures for The DEN and University Center subject to addressing provisions of prohibiting weapons with the addition of hours of operation for the DEN.

Supported by Ardelean.

Yes: Ardelean, Dilland, Dolly, Goodhall, Gupta, Hassett, Molnar, Price
No: none

Motion carried

The next item on the Agenda was the Election of Officers. Executive Assistant Karrie Marsh opened the floor for nominations for Chairman of the Board. Nomination of Mr. Hassett for Chairman of the Board by Mr. Dilland. There being no other nominations, nominations for Chairman were closed.

Yes: Ardelean, Dilland, Dolly, Goodhall, Gupta, Hassett, Molnar, Price
No: none

Motion carried

Mr. Hassett is Chairman of the Board for 2014.

Karrie Marsh opened the floor for nominations for Vice Chairman of the Board. Nomination of Mr. Dilland for Vice Chairman of the Board by Mr. Hassett. There being no other nominations, nominations for Vice Chairman were closed.

Yes: Ardelean, Dilland, Dolly, Goodhall, Gupta, Hassett, Molnar, Price
No: none

Motion carried

Mr. Dilland is Vice Chairman of the Board for 2014.

Karrie Marsh opened the floor for nominations for Secretary of the Board. Nomination of Mr. Goodhall for Secretary of the Board by Mr. Dilland. There being no other nominations, nominations for Secretary were closed.

Yes: Ardelean, Dilland, Dolly, Goodhall, Gupta, Hassett, Molnar, Price
No: none

Motion carried

Mr. Goodhall is Secretary of the Board for 2014.

BOARD MEMBER COMMENTS
Chairman Hassett asked if there were any Board Member comments. Mr. Dilland thanked Mr. Tanghe for his efforts, especially regarding the many projects occurring such as items 6.a and 6.b on today’s agenda. Chairman Hassett and the Board gave Mr. Tanghe a round of applause. Additional Board Members expressed their appreciation for the work that the City employees perform to support the City and the numerous projects occurring.

**ANNOUNCEMENT OF NEXT MEETING** – The next regularly scheduled TIFA Board meeting is Tuesday, January 14th, 2014 at 4:00p.m. at City Hall in the Administrative Conference Room.

**ADJOURNMENT**

Moved by Goodhall to adjourn the meeting at 5:38 p.m.

Supported by Price.

Yes:    Ardelean, Dilland, Dolly, Goodhall, Gupta, Hassett, Molnar, Price
No:     none

Motion carried

Respectfully submitted,

Erik Dilland    Karrie L. Marsh
Secretary of the Board   Recording Secretary
To: Mayor and City Council  
From: Peter E. Auger, City Manager; Ronald J. Melchert, Director of Public Works  
Submitted: December 12, 2013  
Subject: Resolution: Performance Resolution For Governmental Agencies

**INTRODUCTION AND HISTORY**

The Michigan Department of Transportation (MDOT) has sent the City of Auburn Hills a permit application to allow specific activities to take place within the State right of way during the 2014 calendar year. These activities can be found on the face of the attached annual permit application and includes tree trimming, underground and aerial utilities operation and maintenance, land surveys, soil borings, hazardous spills, banners, and route closures (such as the connector ramp for Palace events). The activities may occur as routine or emergency in nature and are covered under the permit at no cost. Other items not covered by the permit will require additional action by the City when an event presents itself.

MDOT is requiring an updated resolution from the City, designating the persons authorized to sign permits that relate to the other items not covered under the annual permit, such as, the installation of signs, plantings, irrigation, and soil borings within the limited access right of way. The attached resolution identifies responsibility for claims that may arise out of either party’s acts or failure to act as provided by law. In essence, the resolution makes each party responsible for their own acts. It is not intended to increase either party’s liability for, or immunity from, tort claims.

The resolution update is **not** a new function of the annual permit process that the City engages in each year, and will require review from time to time. The last resolution update was approved by City Council in January of 2012. The attached resolution is fairly self-explanatory, straightforward, and incorporates the same language as previous year versions. **The only changes to the personnel authorized to apply to MDOT for necessary permits not covered by the annual permit are the positions rather than individual names of those holding those positions.** The City's attorney, Derk Beckerleg, has reviewed the resolution and responded that the wording is satisfactory from a legal stand point.

**STAFF RECOMMENDATION**

It would be appropriate for City Council to approve the resolution submitted for consideration by adopting the following motion:

**MOTION**

Move to approve the “Performance Resolution for Governmental Agencies” as required by MDOT for the purposes of receiving the 2014 annual permit for miscellaneous operations within the State Highway right of way, and to assign designees of the City the authority to apply for necessary permits to work within the State Highway right of way.

I CONCUR: __________________________

PETER E. AUGER, CITY MANAGER
PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way" (form 2205), or an "Annual Application and Permit for Miscellaneous Operations Within State Highway Right of Way" (form 2205B).

RESOLVED WHEREAS, the City of Auburn Hills (city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under State Highway right of way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

2. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.

3. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

4. The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.

5. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
6. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

7. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

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<th>Name</th>
<th>and/or</th>
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<td>City Manager</td>
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<td>Director of DPW</td>
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<td>Manager of Municipal Properties</td>
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<td>Manager of Roads &amp; Fleet</td>
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<td>Manager of Public Utilities</td>
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I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the ____________________________

(Name of Board, etc)

of the ____________________________ of ____________________________

(Name of GOVERNMENTAL AGENCY) (County)

at a ____________________________ meeting held on the _______ day

of ____________________________ A.D. __________________.

Signed ____________________________ Title ____________________________
ANNUAL CONSTRUCTION PERMIT
For Operations within State Highway Right-of-Way

Issued To:
CITY OF AUBURN HILLS

1627 N SQUIRREL RD
AUBURN HILLS MI 48326-2749

Permit Number: 99023-016155-12-121912
Permit Type: Annual Application
Permit Fee:
Effective Date: Dec 19, 2012 to Dec 31, 2013
Bond Numbers:

THIS PERMIT IS VALID ONLY FOR THE FOLLOWING PROPOSED OPERATIONS IN THE
TYPE OF RIGHT OF WAY AS NOTED:

TREE TRIMMING AND TREE REMOVAL - See Supplemental Specifications item # 8 in the Terms and Conditions. IN FREE ACCESS STATE TRUNKLINE RIGHT-OF-WAY

UNDERGROUND UTILITY OPERATIONS - PRIOR APPROVAL SHALL BE OBTAINED FROM THE UTILITIES/PERMITS ENGINEER FOR ANY MAINTENANCE OR CONSTRUCTION OPERATIONS WHICH REQUIRE CUTTING PAVEMENT OR BORING OPERATIONS. IN FREE ACCESS STATE TRUNKLINE RIGHT-OF-WAY

a. Installation of individual services from an existing facility to either side of the right of way. Services to the far right of way/crossing under the pavement) shall not exceed (3") diameter with this permit.
b. Installation of cathodic protection devices.

c. Installation of additional cable (electric or communication) in existing conduits. IN LIMITED ACCESS STATE TRUNKLINE RIGHT-OF-WAY
d. Installation of carrier pipes in existing casing or tunnel.
e. Adjustment/reconstruction of manholes.
f. Routine maintenance of all existing underground facilities. IN LIMITED ACCESS STATE TRUNKLINE RIGHT-OF-WAY

BANNERS - Legends will be specified on the advance notice form. IN FREE ACCESS STATE TRUNKLINE RIGHT-OF-WAY

EMERGENCY OPERATIONS - See General Conditions item # 15 in the Terms and Conditions. IN FREE ACCESS STATE TRUNKLINE RIGHT-OF-WAY

ROUTE CLOSURES - Attach event name, date, time and detour route. IN FREE ACCESS STATE TRUNKLINE RIGHT-OF-WAY

SIDWALK CAFE'S (Renewal Only). IN FREE ACCESS STATE TRUNKLINE RIGHT-OF-WAY

Other: Connector Ramp for Palace of Auburn Hills IN FREE ACCESS STATE TRUNKLINE RIGHT-OF-WAY
This permit is incomplete without "General Conditions and Supplemental Specifications"

I certify that I accept the following:

1. I am the legal owner of this property or facility, the owner's authorized representative, or have statutory authority to work within state highway Right-of-Way.
2. Commencement of work set forth in the permit application constitutes acceptance of the permit as issued.
3. Failure to object, within ten (10) days, to the permit as issued constitutes acceptance of the permit as issued.
4. If this permit is accepted by either of the above methods, I will comply with the provisions of the permit.
5. I agree that Advance Notice for Permitted Activities for shall be submitted 5 days prior to the commencement of the proposed work.
   I agree that Advance Notice for Permitted Utility Tree Trimming and Tree Removal Activities shall be submitted 15 days prior to the commencement of the proposed work for an annual permit.

CAUTION

Work shall NOT begin until the Advance Notice has been approved. Failure to submit the advance notice may result in a Stop Work Order.

CITY OF AUBURN HILLS  Mary Hudak  MDOT  December 19, 2014
Approved Date

THE STANDARD ATTACHMENTS, ATTACHMENTS AND SPECIAL CONDITIONS MARKED BELOW ARE A PART OF THIS PERMIT.

STANDARD ATTACHMENTS:
1. General Conditions for Permit (General Conditions)

ATTACHMENTS
1. VisibilityPolicy.pdf

SPECIAL CONDITIONS
October 4, 2013

2014 ANNUAL PERMIT FOR WORK ON STATE TRUNKLINE RIGHT OF WAY

The MDOT Oakland TSC is now accepting 2014 annual permit applications. All permit applications arc to be submitted via the MDOT electronic Construction Permit System (CPS). The 2014 annual permit will be effective January 1, 2014. Your 2013 annual permit shall continue to be used for any work occurring between now and December 31, 2013.

The Performance Resolution for Governmental Agencies (Form 2207B) was revised in March 2013 therefore an updated Resolution is required for 2014. The form shall include the name or title of the designated person(s) authorized to sign permits and shall be uploaded into CPS with your annual permit application. I have attached a copy, however this form can be found on the internet at www.michigan.gov/mdot.

Each time you perform work under your annual permit you will need to submit an electronic advance notice via the MDOT electronic CPS system. No work shall be performed until the advance notice is approved by MDOT.

Municipalities, when working within their municipal limits, are exempt from permit fees.

An individual permit is required for all proposed operations in the MDOT right of way not covered under the annual permit.

Thank you for your cooperation. If you have any additional questions, feel free to contact me at 248-451-2453 or MDOT Permit Agent Wioletta Bilan at 248-451-2451.

Sincerely,

Stacey Gough
Oakland TSC Utility/Permit Engineer
goughs@michigan.gov

cc: Wioletta Bilan
Mary Hudak-Baylis
File
To: Mayor and City Council  
From: Peter E. Auger, City Manager and Micheal R. Lohmeier, City Assessor  
Submitted: December 10, 2013  
Subject: Request to Amend Language to Resolution for Unwired Technology LLC (Unwired) Extension of Industrial Facilities Exemption Certificate (IFEC) 2010-394.

INTRODUCTION AND HISTORY
On October 7, 2013 a request for a transfer and extension of IFEC Certificate 2010-394 went before the city council.

The extension pertained to personal property being moved from 2661 Superior Court to 2611 Superior Court and for an additional four (4) years after its current one (1) year remaining on its certificate. The City Council approved Unwired’s extension (and transfer) request. The resolutions, along with its application were sent immediately to the State of Michigan.

On December 5, 2013 the city was notified by the State of Michigan that the resolution needed to be revised and the following statement needed to be included:

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

This is similar to the resolution that was revised and approved by the City Council at its December 2, 2013 meeting regarding Unwired’s resolution approving the transfer of its personal property. This language is to be included in all resolutions regarding abatements, regardless if new, amended, transferred and/or extended.

STAFF RECOMMENDATION
Approval of language to resolution is recommended.

MOTION
Move to approve the State of Michigan’s request for adding the additional language to the resolution by adopting the attached resolution.

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

At a regular meeting of the City Council of the City of Auburn Hills, Oakland County, Michigan, held in the Council Chambers at 1827 N. Squirrel Road, Auburn Hills MI 48326 at 7:00 p.m. on the 16th day of December, 2013.

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

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

WHEREAS, on December 2, 2013 the City of Auburn Hills approved the transfer of Industrial Facility Exemption Certificate 2010-394 from 2661 Superior Court, Auburn Hills, Michigan 48326 to 2611 Superior Court, Auburn Hills, Michigan, 48326, and

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

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

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

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

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

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

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

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

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

2. The City of Auburn Hills finds and determines that the granting of the extension of additional years of the Industrial Facilities Exemption Certificate 2010-394 considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Auburn Hills, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Auburn Hills.

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

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

AYES: ________________________
NAYS: ________________________
ABSENT: ________________________
ABSTENTIONS: ________________________

STATE OF MICHIGAN) JSS
COUNTY OF OAKLAND)
I, the undersigned, the duly qualified and appointed Clerk of the City of Auburn Hills, Oakland County, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council held on the 16th day of December, 2013 the original of which is on file in my office.

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

____________________________
Terri Kowal, City Clerk
To: Mayor and City Council  
From: Peter E. Auger, City Manager; Gary L. Barnes, Finance Director  
Submitted: December 12, 2013  
Subject: 2014 Insurance Program Renewal

INTRODUCTION AND HISTORY

The City has received its annual insurance policy renewal with the related premium quotation for its 2014 calendar year from the Michigan Township Participating Plan (MTPP). The insurance coverage includes property, liability, auto physical damage, inland marine (moveable equipment), computer fraud, police & wrongful acts, terrorism, and other coverages specific to municipalities. The proposed policy limits and deductibles remain the same as in the prior year with the exception of improving the City’s insurance protection on physical damage to vehicles costing over $50,000 versus $75,000 in the prior year. As added insurance protection, the City continues to maintain a catastrophic policy for physical damage to vehicles and equipment at two locations: DPW location (1500 Brown Road) and the Police garage at 1899 N. Squirrel Road. A summary of the City’s insurance program for fiscal years 2013 and 2014 is attached.

The total annual premium quotation for the 2014 is $324,117 which is $34,119 or 9.5% lower than the City’s premium in the 2013 calendar year. The premium decrease is largely due to City’s favorable claim experience during the past five years. It should be noted that the premium decrease was obtained even with an $8.8 million or 16% increase in the City’s insured values. The insured values increased $6.0 million for new assets becoming operational in late 2013. In addition, an inflation adjustment of 5.0% ($2.8 million) was applied to the insured values of the pre-existing assets to ensure that in the event of a loss, coverage will be sufficient to provide for replacement cost.

The City’s insurance carrier MTPP, which is located in Auburn Hills, is the largest Public Act 138 program in Michigan with over 1,300 governmental entity members.

STAFF RECOMMENDATION

Staff recommends that the City Council accept and approve the 2014 insurance policy renewal received from MTPP.

MOTION

Move to approve the 2014 policy renewal for Liability and Property Insurance with MTPP in accordance with the specifications contained in the Coverage Summary in the amount of $324,117, and authorize Mr. Huttenlocher to convey acceptance on behalf of the City and for the City Manager to sign the necessary documents related to binding coverage.

I CONCUR:  

PETER E. AUGER, CITY MANAGER
City of Auburn Hills
Risk Management
Coverage Summary & Renewal Analysis
Renewal January 1, 2014

Prepared by:
James M. Huttenlocher, CIC, CRM, LIC
The Huttenlocher Group

Insurer: Michigan Township Participating Plan
Policy Term: 1/1/14 - 1/1/15

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To: Mayor and City Council
From: Peter E. Auger, City Manager and Karen Adcock, Senior Services Director
Submitted: December 4, 2013
Subject: Public Hearing and Approval of Community Development Block Grant Funding Allocation for Program Year 2014

INTRODUCTION AND HISTORY
The Community Development Block Grant Program (CDBG) is a U.S. Department of Housing and Urban Development (HUD) program that provides funds annually to counties and communities. CDBG funds housing, public facility, public service, and community development activities that benefit low-income households and persons with special needs. Oakland County receives CDBG funds as the agent and distributes the funds based on the total population and the number of low/moderate-income residents in the community. There are 52 participating communities.

All eligible projects must meet at least one of the following CDBG national objectives: Primarily benefit low- or moderate-income persons or households, OR Aid in the elimination of slum or blight conditions (rigid guidelines) OR Meet an urgent community need (for example: natural disasters).

Historically the City has followed the first objective: benefit low-or moderate-income persons or households by funding Minor Home Repair, Yard Services for Seniors and Disabled Residents, Haven and both Avondale & Pontiac Youth Assistance. (See below for brief descriptions of these programs.) **We are only allowed to fund four (4) projects and each project can be no less than $2,500.00.**

- The Minor Home Repair program is a grant program for eligible residents who own their own home or mobile home. Repairs and improvements include water heater replacements, furnace repairs and/or replacements, roof repairs, interior flooring replacements, plumbing upgrades, weatherization improvements, electrical repairs and upgrades, handicap accessibility in homes, ramps and more. This particular program has allowed so many of our residents to maintain their homes and make improvements that they might otherwise not have been able to do themselves.
- The Yard Service Program is for the senior lawn mowing and senior snow removal services. These programs assist our frail and elderly residents to safely remain in their homes and to maintain their yards.
- The Youth Assistance Programs provide funding for income qualified students to participate in a variety of skill building and recreational activities. Both Avondale Youth Assistance and Pontiac Youth Assistance receive funding. Many of these students are able to participate in group activities that they otherwise would not be able to afford, and several students receive additional tutoring needed to succeed in school.
- Haven provides assistance to victims of domestic violence. Haven is the only comprehensive domestic violence and sexual assault center in Oakland County. Our assistance has allowed Haven to continue to support and protect those who are most vulnerable.
There are several changes to the CDBG program overall, of which 2 impact us directly; how we fund a category and the funding year.

Beginning with the 2014 Program Year we are allowed to fund only one Youth Assistance program. Understanding this may be a difficult choice an option would be to fund one Youth Assistance program one year and do a 2 year contract which would give them 2 years to spend the money. The following year, 2015, fund the other Youth Assistance the same way.

The 2nd change is the Program Year (this is the year the funds are released). Beginning in 2014 the program year shall be July 1st to June 30th instead of the May 1- April 30th, as long as Congress passes the Federal budget.

There are several steps in the CDBG application process. The first step is attending the annual application workshop this past November. Next, the community must determine local need(s), and host a Public Hearing to receive input from interested residents and parties regarding the proposed budget. Once the Public Hearing has closed it is the responsibility of the governing body to do three things: Sign the HUD Conflict of Interest Certification, Sign the Subrecipient Agreement and to adopt the CDBG budget. From there city staff will complete the application and submit to the county by the deadline.

The three agencies that have received CDBG funding in the past are present and they all wish to provide brief presentation about their particular agency. In addition at this time it would be appropriate for any other agency to present to the council their requests for funding. If other agencies do request money through the CDBG program remember that particular agency would have to be a sole source provider of such service or the city would be required to seek bids for that particular service.

During these presentations it would be quite appropriate for City Council members to discuss the proposed allocations with the agency representatives and/or staff.

At the conclusion of the presentations, it would then be appropriate for the Mayor to open a Public Hearing to hear comments, written or verbal from the public. **CDBG guidelines are very specific that during this Public Hearing that only the public may make comment at this time.** When all comments have been received it would be appropriate for the Mayor to close the Public Hearing.

At the close of the Public Hearing further discussions may ensue, City Council may vote on the proposed budget as presented or revise the proposed budget as the City Council sees appropriate.

HUD along with the county directs that each line item is to be voted upon as a separate motion, and if any member of the voting body has a direct relationship to an agency that will be funded, that member is to abstain from the individual line item vote.
**STAFF RECOMMENDATIONS**
The Staff recommends Council to consider the following motions to accept the CDBG budget.

**MOTION #1:** Move to accept the Conflict of Interest Resolution as part of the CDBG application and to authorize the City Mayor to sign the application and submit documents to Oakland County.

**MOTION #2:** Move to accept the Program Year 2014 Community Development Block Grant (CDBG) Subrecipient Agreement Between the County of Oakland and the City of Auburn Hills as part of the CDBG application and to authorize the City Mayor to sign the application and submit documents to Oakland County.

**MOTION #3:** Move to accept the Community Development Block Grant (CDBG) application budget line item Minor Home Repair in the amount of $40,208 as part of the approximate amount of $57,440 and authorize the City Mayor to sign the application and submit the documents to Oakland County.

**MOTION #4:** Move to accept the Community Development Block Grant (CDBG) application budget line item Yard in the amount of $9,232 as part of the approximate amount of $57,440 and authorize the City Mayor to sign the application and submit the documents to Oakland County.

**MOTION #5:** Move to accept the Community Development Block Grant (CDBG) application budget line item (insert Youth Assistance Name) Youth Assistance in the amount of $5,000 as part of the approximate amount of $57,440 and authorize the City Mayor to sign the application and submit the documents to Oakland County.

**MOTION #6:** Move to accept the Community Development Block Grant (CDBG) application budget line item Haven in the amount of $3,000 as part of the approximate amount of $57,440 and authorize the City Mayor to sign the application and submit the documents to Oakland County.

I CONCUR:  

PETER E. AUGER, CITY MANAGER
Part 6 – Conflict of Interest Certification (One Per Community)

Title 24, Code of Federal Regulations - Volume 3
Revised as of April 1, 2020 CITE: 24CFR570.611

Section 570 Community Development Block Grants Subpart K Other Program Requirements
Sec. 570.611 Conflict of interest

(a) Applicability. (1) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 24 CFR 85.36 and 24 CFR 84.42, respectively, shall apply. (2) In all cases not governed by 24 CFR 85.36 and 84.42, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or by its subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to Sec. 570.202; or grants, loans, and other assistance to businesses, individuals, and other private entities pursuant to Sec. 570.203, 570.204, 570.455, or 570.703(i)).

(b) Conflicts prohibited. The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. For the UDAG program, the above restrictions shall apply to all activities that are a part of the UDAG project, and shall cover any such financial interest or benefit during, or at any time after, such person’s tenure.

(c) Persons covered. The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part.

(d) Exceptions. Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it has satisfactorily met the threshold requirements of (d)(1) of this section, taking into account the cumulative effects of paragraph (d)(2) of this section.

(1) Threshold requirements. HUD will consider an exception only after the recipient has provided the following documentation: (i) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and (ii) An opinion of the recipient’s attorney that the interest for which the exception is sought would not violate State or local law. (2) Factors to be considered for exceptions. In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d)(1) of this section, HUD shall conclude that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient’s program or project, taking into account the cumulative effect of the following factors, as applicable: (i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available; (ii) Whether an opportunity was provided for open competitive bidding or negotiation; (iii) Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class; (iv) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question; (v) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section; (vi) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and (vii) Any other relevant considerations.

By applying for CDBG funds, the Participating Community certifies that they have read the above:

<table>
<thead>
<tr>
<th>Community:</th>
<th>Authorized Official/Title:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature of Authorized Official:</td>
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</tr>
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14
INTRODUCTION
This agreement is entered into by and between the County of Oakland, a Michigan constitutional corporation (herein called the “Grantee”), and the City of Auburn Hills (herein called the “Subrecipient”) in accordance with Community Development Block Grant (CDBG) regulations at 24 CFR 570.503. The Grantee is designated as an Urban County entitlement community and has applied for and received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, as amended (HCD Act), Public Law 93-383. As an entitlement community the Grantee has received an entitlement of CDBG funds for the program year (PY) 2014 period beginning July 1, 2014 and ending June 30, 2015. The Grantee has the right and authority under said CDBG Program to allocate a portion of its funds to the Subrecipient for purposes of administering eligible activities. It is the purpose and intent of this Subrecipient Agreement to enable the Grantee to pass the responsibility and CDBG funds to the Subrecipient to carry out the project(s) described in the PY 2014 CDBG application which was approved and funded by the Grantee as the grant. The following statements and provisions are acknowledged and agreed upon by and between the parties.

I. TIME PERIOD
This agreement shall go into effect on the day that PY 2014 CDBG funds are released to the Subrecipient for expenditure and will remain in effect until either (A) all PY 2014 CDBG funds are expended and the seven-year record retention period has expired as specified in Section IV of this agreement, or (B) the community terminates participation in the CDBG program at the end of a given three-year cooperative agreement period and the seven-year record retention period has expired as specified in Section IV of this agreement, or (C) at the expiration of any additional period specified in the body of this agreement, whichever is longer.

II. STATEMENT OF WORK
The Subrecipient Project Summary as contained in the Grantee approved PY 2014 CDBG application to the U.S. Department of Housing and Urban Development (HUD) and any changes to the project summary through grantee approved reprogramming shall constitute the CDBG statement of work as attached. The specific activities, scope of work, national objective identifications, eligibility determinations, budget, levels of accomplishment, project schedule and goals and performance measures are specified in the Subrecipient PY 2014 Project Summary as attached.

The Subrecipient shall assign and maintain personnel to administer CDBG activities and expend funds. The Grantee shall monitor the performance of the Subrecipient against CDBG goals and performance standards and federal CDBG regulations.

III. GENERAL CONDITIONS
A. General Compliance
The Subrecipient agrees to comply with the requirements of Title 24 of the Code of Federal Regulations, Part 570, the U.S. Housing and Urban Development regulations concerning CDBG as applicable. The Subrecipient further agrees to comply with all other applicable Federal, state and local laws, regulations, and policies governing the funds provided under this contract.

B. Relationship of Grantee and Subrecipient
For purposes of this agreement, the relationship of the Subrecipient to the Grantee shall be that of two independent governmental entities. No partnership, association, or joint enterprise shall arise between the parties hereto as a result of any provision of this agreement except as specified in the 2012-2014 Cooperative Agreement, as renewed, already executed between the Subrecipient and the Grantee, nor shall any provision herein be construed as making an employee of the Subrecipient an agent or employee of the Grantee.

C. Hold Harmless
The Subrecipient shall indemnify, defend, and hold harmless the Grantee, its officials, volunteers, boards, commissions, and agents against any and all expense and liability arising from any act, omission, or negligence of the Subrecipient. In the event the Subrecipient becomes involved in, or is threatened with, litigation relative to the CDBG program, the Subrecipient shall immediately notify the Grantee through the Manager of Community & Home Improvement and the Grantee may enter into such litigation to protect the interests of the Grantee as they may appear.
D. **Workers' Compensation**
The Subrecipient shall provide Workers’ Compensation Insurance coverage for all of its employees involved in the performance of this Agreement.

E. **Insurance & Bonding**
The Subrecipient shall carry sufficient insurance coverage to protect contract assets from loss due to theft, fraud and/or undue physical damage.

F. **Notification of Legal Action**
The Subrecipient shall notify the Grantee, through the Manager of Community & Home Improvement, in writing, of its intent to pursue a claim against the Grantee for breach of any of the terms of this agreement. No suit may be commenced by the Subrecipient for breach of this contract prior to the expiration of ninety days from the date of such notification. Within this ninety-day period, the Subrecipient, at the request of the Grantee, must meet with an appointed representative of the Grantee for purposes of attempting to resolve the dispute.

G. **Amendments**
The Grantee or Subrecipient may amend this Agreement at any time provided that such amendments make specific reference to this Agreement, and are executed in writing, signed by a duly authorized representative of each organization, and are approved by the Grantee. Such amendments shall not invalidate this Agreement, nor relieve or release the Grantee or Subrecipient from its obligations under this Agreement.

The Grantee may, in its discretion, amend this Agreement to conform with Federal, state or local governmental guidelines, policies and available funding amounts, or for other reasons. If such amendments result in a change in the funding, the scope of services, or schedule of the activities to be undertaken as a part of this Agreement, such modifications will be incorporated only by written amendment signed by both Grantee and Subrecipient through the Grantee’s Reprogramming Process.

H. **Suspension or Termination**
In accordance with 24 CFR 85.43, the Grantee may suspend or terminate this Agreement if the Subrecipient materially fails to comply with any term of this Agreement. Written suspension or termination notice will be sent to the Subrecipient by the Grantee to the Subrecipient’s business address. The Subrecipient’s termination of its participation in the CDBG program at the end of a given three-year cooperative agreement period or its suspension or termination by the Grantee or HUD for program noncompliance does not relieve it of the obligations concerning Reversion of Assets (see Section IV), nor the requirements of Record Retention (see Section IV), nor of being monitored and/or audited by Oakland County or HUD regarding the Community’s CDBG program performance prior to termination or suspension.

IV. **ADMINISTRATIVE REQUIREMENTS**

A. **Financial Management**
   1. **Accounting Standards**
      The Subrecipient agrees to comply with 24 CFR 84.21-26 and agrees to adhere to the accounting principles and procedures required therein, utilize adequate internal controls and maintain necessary source documentation for all costs incurred.
   2. **Cost Principles**
      The Subrecipient shall administer its program in conformance with applicable requirements of OMB Circular A-87 “Cost Principles for State and Local Governments”, OMB Circular A-133 “Audits of States and Local Governments and Non-Profit Organizations” and 24 CFR 85 “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments”.

B. **Documentation and Record Keeping**
   1. **Records to be Maintained**
      The Subrecipient shall maintain all records required by the Federal regulations specified in 24 CFR 570.506 that are pertinent to the activities to be funded under this Agreement. Such records shall include but not be limited to: records providing a full description of each activity undertaken; records demonstrating each activity undertaken meets a national objective of the CDBG program; records required to determine the eligibility of activities; records required to document acquisition, improvement, use or disposition of real property acquired or improved with CDBG assistance; records documenting compliance with the fair housing and equal opportunity components of the CDBG program; financial records as required by 24 CFR 570.502 and 24 CFR 84.21-28; beneficiary reports, performance data and other records necessary to document compliance with Subpart K of 24 CFR Part 570.
2. Retention
The Subrecipient shall retain all CDBG project and financial records, supporting documents, statistical records and all other records pertinent to the Agreement for a period of seven years after the Grantee has issued the final payment for the project and closed out all pending matters related to the Subrecipient’s grant in that program year. Records for nonexpendable real property purchased with CDBG funds must be retained for seven years after its final disposition. If any litigation, claim or audit is started before the expiration of the seven year period, then records must be retained for seven years after the litigation, claim or audit is resolved.

3. Disclosure
CDBG records are public to the extent allowed by State and Federal Freedom of Information Act laws. Client information collected under this Agreement is private and the use or disclosure of such information, when not directly connected with the administration of the Grantee’s or Subrecipient’s responsibilities with respect to services provided under this Agreement, is prohibited unless written consent is obtained from such client or guardian.

4. Monitoring, Audits and Inspections
All Subrecipient records with respect to any matters covered by this Agreement shall be made available to the Grantee, grantor agency, and the Comptroller General of the United States or any of their authorized representatives, at anytime during normal business hours, as often as deemed necessary, to monitor, audit, examine, and make excerpts or transcripts of all relevant data. Any deficiencies noted in audit reports must be fully cleared by the Subrecipient within 60 days after receipt by the Subrecipient. Failure of the Subrecipient to comply with the above audit requirements will constitute a violation of this contract and may result in the withholding of future payments. The Subrecipient shall also comply with the provisions of the Single Audit Act of 1984, if applicable.

C. Reporting and Payment Procedures

1. Program Income
The Subrecipient will remit to the Grantee any and all CDBG program income received during PY 2014, from whatever program year’s funding generated, to the Grantee upon its receipt by the Subrecipient. The Grantee shall hold these funds for the remainder of the 2014 program year and re-issue these funds to the Subrecipient in PY 2015 as an addition to its PY 2015 formula allocation or under a separate release of funds process as mutually agreed by the Subrecipient and the Grantee, unless the Grantee, for good cause, shall in writing inform the Subrecipient that it shall not have the program income returned and the reasons why it shall not be returned.

2. Payment
The Grantee will pay to the Subrecipient funds available under this Agreement based upon information submitted by the Subrecipient and consistent with any approved budget and Grantee policy concerning payments. Payments will be made for eligible expenses actually incurred by the Subrecipient, and not to exceed the total grant amount delineated in the Subrecipient’s PY 2014 Project Summary. Drawdowns for the payments of eligible expenses shall be reimbursed to the Subrecipient against line item budgets specified in the PY 2014 Project Summary and in compliance with supporting financial and performance documentation required by the Grantee.

3. Progress and Performance Reports
The Subrecipient shall report on its progress or performance to the Grantee in the form, content and frequency as required by the Grantee.

D. Procurement
The Subrecipient shall comply with current Grantee procurement policies concerning the purchase of goods and services to facilitate fair and open competition and shall maintain inventory records.

All persons, agencies, suppliers, organizations, etc. hired by the Subrecipient to carry out activities funded in whole or in part with CDBG funds are vendors or contractors, not subrecipients or subgrantees. All procurement and other requirements as they relate to contractors apply. The Subrecipient must have written agreements with all contractors. The Subrecipient may not subgrant CDBG funds to any person or non-profit or private for-profit organization or agency.
E. Use and Reversion of Assets

The use and disposition of real property and equipment under this Agreement shall be in compliance with the Requirements of 24 CFR Part 84 and 24 CFR 570.502, 570.503 and 570.504, as applicable, which include but are not limited to the following:

1. The Subrecipient shall transfer to the Grantee any CDBG funds on hand and any accounts receivable attributable to the use of funds under this Agreement at the time of expiration, cancellation or termination.

2. At the termination of the Subrecipient’s participation in the CDBG program, or at the point of converting real property acquired or improved with CDBG funds in excess of $25,000, to a use inconsistent with one or more objectives of the CDBG program, there shall be a reversion of assets. In the case of a conversion to a non-eligible use, the Subrecipient will pay the Grantee an amount equal to the current market value of the property less any portion of the value attributable to expenditures of non-CDBG funds for the acquisition of or improvement to the property. Such payment shall constitute program income in accordance with the Grantee’s program income policy. If the Subrecipient terminates its participation in the CDBG program, then all real property acquired or improved with CDBG funds must meet one or more objectives of the CDBG program for a period of five years after the official termination. If the property will not be used to meet one or more objectives of the CDBG program, the Subrecipient must pay the County an amount equal to the current market value of the property less any portion of the value attributable to expenditures of non-CDBG funds for the acquisition of or improvement to the property.

3. In all cases in which equipment acquired, in whole or in part, with funds under this Agreement is sold, the proceeds shall be program income (prorated to reflect the extent to that CDBG funds were used to acquire the equipment). Equipment not needed by the Subrecipient for activities under this Agreement shall be transferred to the Grantee for the CDBG program or retained after compensating the Grantee (an amount equal to the current fair market value of the equipment less the percentage of non-CDBG funds used to acquire the equipment).

V. OTHER PROGRAM REQUIREMENTS

The Subrecipient shall carry out its CDBG activities in a manner consistent with the requirements contained in the three-year Cooperation Agreement between the Grantee and the Subrecipient for program years 2012 through 2014, as renewed, with the applicable statutes and regulations governing the Consolidated and Annual Action Plans as authorized by the Oakland County Board of Commissioners, and under Subpart K of the CDBG regulations at 24 CFR Part 570, with the exception of the CDBG environmental review responsibilities, which shall be borne by the Grantee using information and reports provided by the Subrecipient in accordance with the CDBG environmental review process. CDBG compliance requirements address civil rights laws; non-discrimination in providing services, employment and contracting opportunities; affirmative action; prohibited political, religious and lobbying activities; and conflict of interest, copyright and labor standards.

VI. SEVERABILITY

If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected thereby and all other parts of this Agreement shall nevertheless be in full force and effect.

IN WITNESS WHEREOF, the authorized representatives of the County and the Community have signed this agreement below, and agree to abide by all terms as set forth herein.

County of Oakland by

________________________________________
County Executive
Date______________________________________

Witnessed By

________________________________________
Date______________________________________

City of Auburn Hills by

________________________________________
Highest Elected Official
Date______________________________________

Witnessed By

________________________________________
Date______________________________________

The Subrecipient Agreement is subject to the terms and conditions of the Grant Agreements as approved by the Oakland County Board of Commissioners by resolution on file with the Oakland County Clerk.
To: Mayor and City Council
From: Peter E. Auger, City Manager and Steven J. Cohen, Director of Community Development
Submitted: December 11, 2013
Subject: Motion – Approval of Revised Site Plan / The Shoppes at Baldwin Square

INTRODUCTION
This is a request for Revised Site Plan approval to construct a new curb cut to Alberta from the 13,865 sq. ft. multi-tenant retail center at 3975 Baldwin Road. The property is zoned B-1, Limited Business district.

BACKGROUND
When The Shops at the Crossing (north) and former La-Z-Boy store – now The Shoppes at Baldwin Square (south) were constructed in the early 2000’s across from Great Lakes Crossing Outlets, it was the City’s preference that these retail projects not allow vehicular access onto Alberta.

Why? The City wanted to prevent unnecessary cut-through traffic in the neighborhood. Both developers accepted the City’s wishes, thus these projects were only permitted access to Baldwin and Lake Angelus Roads.

However, once built and operational the Emergency Services Department began to observe drivers becoming confused about where to turn into these businesses. Many people mistakenly turned onto Alberta looking to shop or eat. With no way to enter these retail parking lots from Alberta, motorists began to use homeowner’s driveways to turn around and go back to Baldwin Road. This problem became worse in recent years with the re-birth of the former La-Z-Boy into The Shoppes at Baldwin Square, which includes the popular Qdoba Mexican Grill and Five Guys Burgers and Fries.

As a result many Alberta residents became frustrated. Some called us. Others addressed the situation on their own by placing buckets and chains in their driveways to block motorists from using their property to turn around. This was an unintended consequence to what we thought was smart land use policy at the time.
BACKGROUND (cont.)

Understanding that something had to be done, the Planning Commission directed staff on June 25, 2013 to address this challenge. Using basic traffic assumptions and best practices, staff recommended that access for both retail centers be added to Alberta. On August 27, 2013, the Commission reviewed this issue and authorized staff to administrative approve curb cuts to Alberta for the two shopping centers.

On October 15, 2013, a courtesy letter was mailed to the 11 property owners along Alberta, between Manitoba and Baldwin, advising them of the Commission’s decision. Shortly after, staff received calls from three residents raising concern with the decision. The primary issue stated was potential congestion caused by vehicles stacking westward back from Baldwin Road blocking the new strip mall curb cut and residential driveways. This would occur because people would have a hard time making the Michigan turn around to go north on Baldwin, since that area often stacks up with cars.

To address these questions, staff authorized OHM to conduct a detailed traffic impact study using the City’s traffic model. Note: The traffic study only focused on the curb cut to The Shoppes at Baldwin Square (south) since it was later determined that a curb cut to The Shops at the Crossing (north) would be cost prohibitive at this time due to a large berm and utilities being in the way.

After studying the model, OHM concluded that the proposed curb cut will function at acceptable levels. Thus, a Revised Site Plan has been brought forward for formal approval so that the public could be notified of the proposal. Stephen Dearing with OHM reviewed his detailed traffic analysis with the Planning Commission on December 10, 2013. Although the review was not an official public hearing under State law, Chairperson Ouellette gave those in the audience an opportunity to provide comments, ask questions, and be heard (see attached minutes).

STAFF RECOMMENDATION
Recommended approval

PLANNING COMMISSION RECOMMENDATION
Recommended Approval on December 10, 2013 (9-0 vote).

MOTION
"Move to accept the Planning Commission’s recommendation and approve the Revised Site Plan for The Shoppes at Baldwin Square subject to staff and consultant conditions."

I CONCUR: 

PETER E. AUGER, CITY MANAGER
CALL TO ORDER: Chairperson Ouellette called the meeting to order at 7:00 p.m.

ROLL CALL: Present: Beidoun, Hitchcock, Mendieta, Emery, Pierce, Shearer, Spurlin, Mitchell, Ouellette
Also Present: Community Development Director Cohen, Water Resource Coordinator Keenan, Director of Emergency Services/Police Chief Olko, City Engineer Tim Juidici, City Engineer Taryn Juidici, City Engineer Dearing

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

5. PETITIONERS

5a. The Shoppes at Baldwin Square (City-Initiated)
Recommend to City Council for a Revised Site Plan approval to add new driveway from shopping center to Alberta.

Mr. Cohen provided information on the general area along Baldwin Road, explaining that three strip malls are located on the west side of the road. Two malls front Alberta, however neither have access to Alberta. This was done on purpose back in early Y2000’s when the Planning Commission reviewed the plans for the two malls because the City did not want commercial traffic going onto the residential road, where all the residential homes are located.

What has happened over the past ten years is that people have been confused as to where to turn to enter the strip malls located on Baldwin and end up turning onto Alberta. City staff has heard complaints in the past from the residents who live on Alberta about people pulling into their driveways to turn around. There was a time when people would drive over the grass to get to the Lazyboy. Lazyboy tried placing boulders in the boulevard to prevent people from driving over the grass in order to get to the strip mall. When Lazyboy went out of business and Jim Allen, the new owner, approached the City to redevelop the site he asked for a curb cut onto Alberta. At that time City staff advised him that it was not a good idea because we did not want commercial traffic on Alberta Road.

The issue came to a head this summer when Mr. Beidoun mentioned that a number of his neighbors were tired of having to place buckets and chains across their driveway to prevent people from using their driveway to turn around. Residents were saying that they believed that people were getting confused as to where to turn to get into the strip malls, and thought that if there was a way for them to access the strip malls off Alberta this would solve the problem.

Staff from Community Development, the Police Department and OHM studied the issue and came to the conclusion that it would be a good idea to provide a curb cut to both strip malls that front Alberta. It was determined that there was only one feasible location for a curb cut and that was on the south side of the road to the Shoppes at Baldwin, because the boulevard was pretty flat. The north side was determined to be cost prohibitive because of the berm and utilities in that area. So we moved forward and asked Mr. Allen if was interested in a curb cut and he said yes.

We then started the process with Planning Commission reviewing and advising staff that it was OK to move forward. Staff sent a courtesy letter out to the residents in the area that there were plans to add the curb cuts along Alberta. We immediately received three calls from people we know. One that served on the planning commission and others were involved during the public hearing for the Lazyboy and the Shopping at the Crossing. We did not want to push something that would cause harm and make sure this was the right thing to do, so we decided to delay Mr. Allen from putting in the driveway in order to conduct a further study. This is why we are here today.

The site plan has been brought forward as a formal way to bring the public into the process; allow you to see the data that OHM has compiled with the Police Department; and then allow the residents time to process it and provide their comments to you today.
Mr. Cohen introduced Mr. Tim Juidici to give a general overview of the traffic study that was conducted.

Mr. Juidici explained that the project has been evolving over a number of years with the site initially home to Lazyboy before being redeveloped to the Shoppes at Baldwin about four or five years ago when there was some discussion about the driveway configuration as demonstrated on the map Mr. Cohen's put together. This year we were asked to look at the traffic operations for this development if there would be new driveway off Alberta and how that would operate or impact the traffic flow on Alberta near Baldwin. Using the framework of the traffic model the City has put together we had our traffic department look at it and present it to you this evening and give you a summary of the findings that are also provided in your packet and answer any questions you may have.

Mr. Juidici introduced Mr. Steve Dearing who is head of OHM’s Traffic Engineering Department who will walk you through the process of the traffic model.

Mr. Dearing summarized the drive configurations for the Shoppes on Baldwin. Traffic count data collected this year in November by the Auburn Hills Police Department for the existing driveways were utilized for this model, so we have the most up to date numbers based on the current occupancy. We found that the peak trip generations for this development was occurring right around the noon hour and during that noon hour there’s about 330 vehicles coming in and out during that hour. It’s about a 50/50 of those vehicles going inbound and outbound. Of the 330 vehicles, 270 of which are using the Baldwin driveway. So a preponderance of the traffic is using the Baldwin driveway.

Mr. Dearing explained that if there was a driveway added out to Alberta we don't think that that would detract from or change the reasoning why some of the patrons of the shopping center are going out to Lake Angelus Road. So if there was a new driveway it would only impact the driveway going out to Baldwin Road. With that in mind we then made some estimates of how the traffic would redistribute if there were three drives instead of the two. To be conservative we assumed, although we don’t think it would work out that way, that half the traffic that would have used the Baldwin driveway would start using Alberta driveway. One of the reasons we do not think it would be that extensive of use is that these are the kinds of businesses people get used to going to. So you're going to have repeat customers that train themselves to use the Baldwin driveway. What the residents are experiencing with people using their driveways are the “newbies”, not the regular patrons to the businesses.

What would it mean to Alberta if the new traffic were to be there, what type of delays and impacts to residents who use Alberta to go out to Baldwin Road? Alberta is a good road to use if you are going to Great Lakes Crossing or use the crossover to go north to the highway, which is a better option than coming out from Lake Angelus Road where you have to travel further south to turnaround to go north to the highway. So using Alberta save them a little time. The same logic would apply to anyone exiting the shopping center, the Alberta driveway would save time for those wanting to go north to the highway. This is why we think about half of the outbound movement from the shopping center would utilize the Alberta driveway.

Mr. Dearing summarized the extent of possible delays, from the additional traffic, residents might experience when going out to Baldwin Road. Although Baldwin is a busy road the signal help platoon the cars to get them moving from signal to signal down the road. Once that platoon or group of cars has moved by side streets and driveways there are good opportunities or gaps for people to get out onto Baldwin Road. The average delay for people getting out onto Baldwin today compared to what they might experience with the new curb cut onto Alberta, on average over the peak hour, would be about one additional second. It is also estimated that the stacking of vehicles on Alberta, waiting to get out onto Baldwin Road, would increase on average by one or two vehicles. On average over an entire hour is going to be barely noticeable.

Mr. Mendieta asked if Mr. Dearing when he was observing the busy hours of traffic during noon did he observe how many cars mistakenly went down Alberta or if that was part of the study?

Mr. Dearing stated that the model uses traffic data that was collected by the Police Department and it is his experience that when collecting such data such as this it is difficult to determine if someone went down the road by mistake or if they just went down the road to pick up a neighbor. There are many reasons why someone might turn down a road and come right back out. One would have to physically see the person turnaround to really know if it was a mistake or not.
Mr. Mendieta suggested that it might be good to ask the residents how many people mistakenly turn onto Alberta.

Mr. Beidoun asked if they examined the possibility of making the drive an entrance only and asked if the model takes into consideration vehicles that turnaround in the middle of the street before the location of the proposed Alberta driveway.

Mr. Dearing stated that it is possible that vehicles could turn around sooner, in the middle of the road, and not inconvenience residents by using their driveway to turn around. It's hard to say without a certain amount of observation over a long period of time the type of errors that could be made. Mr. Dearing doesn't doubt some people might loop around the block and come out Lake Angelus to get back out to Baldwin so they don't bother the residents. But once again we only have antidotal information about this issue.

Mr. Dearing noted that in some instances these businesses are also a convenience for the residents in the neighborhood by limiting the drive to ingress only would inconvenience the residents of the neighborhood because they would not be able to exit onto Alberta. Additional restrictions are possible but then it becomes policing issue and it is not easy to design a driveway that is one way only, whether it is enter or exit only. Since this shopping center does not generate a lot of traffic throughout most of the day it could easily be disregarded and used by people as an exit, during off peak time.

Mr. Beidoun asked what is going to happen to the sign on Baldwin Road that is directing traffic and customers to use the driveway on Baldwin to the shopping center.

Mr. Juidici stated that the sign was put up by the City's DPW to reduce the confusion of people mistakenly turning down Alberta and that it doesn't appear to be working. It is suspected that if the driveway on Alberta is constructed the sign would be relocated or removed. That would be a determination from the City.

Mr. Ouellette asked for additional information about the traffic model outcomes during the peak hours when residents perspective, when they would be coming or going to work or taking their kids to school.

Mr. Dearing confirmed Mr. Ouellette's statement on the peak hours for residents using Alberta would be in the morning when they go to work and in the evening when they come home from work. He doesn't see a conflict for residents during these times since many of the businesses are not open that early in the morning and what little traffic there might be it would be inbound traffic of employees going to work. The evening peak would be the inbound traffic which would be attributed to residents returning home from work so it would not be in conflict with employees of customers leaving the business. So the morning and evening peaks would not be seen as much of an issues compared to the noon time peak, when residents who might be home that might pick up kindergarteners or go out to lunch.

Mr. Ouellette asked if there would be any danger for people who might be waiting on Alberta to head out onto Baldwin from people who might want to turn left into the proposed Alberta driveway or know of any accidents that have occurred there.

Mr. Dearing said the location of the drive would most likely be positioned as far away from Baldwin as possible to help assure the drive is not blocked by vehicles that might be stacked on Alberta. The fact that Alberta is only a two lane street reduces the potential of accidents when drivers let vehicles cross in front of them into a drive. Mr. Dearing stated that he does not have accident data for the area but said it should be easy to get. Any accident would most likely be near traffic signals where there are many more rear end accidents.

Mr. Hitchcock asked for confirmation and information related to his statement that evening outbound traffic of residents during rush hour traffic not to be that great.

Mr. Dearing explained that the biggest period of residential outbound traffic would be in the morning and that the departure during the evening would be far less than the morning period.

Mr. Hitchcock asked if Mr. Dearing expected gaps in traffic that occur between platooning to be comparable during the evening rush hour as they are during the midday rush hour.
Mr. Dearing stated that the actual data suggest that the shopping center evening peak is less than its noon peak and that residential traffic leaving is at least as great if not greater at noon than it is in the evening. Yes, there’s going to be another departure wave at noon coming out of the shopping center there’s going to be another departure wave coming out of the residential but in the evening commute time which is perceived would be less than what happens at noon. So if you analyze noon and it seems to be working pretty well, the presumption is that the evening would be that much better.

Mr. Hitchcock asked if there was any concern of doing the study on a Friday rather than another day earlier in the week when traffic might be lighter.

Mr. Dearing stated that they based their analysis on the luxury of having the police department gather the data, which happened to coincide with a Friday. We were trying to capture data that represents the worst of the worst and it happened to be that the week day was more important than the weekend.

Chief Olko clarified that the data collected was from a Friday through Tuesday, during the first week in November.

Mr. Pierce asked what the peak period for southbound Baldwin.

Mr. Dearing did not recall because they were concentrating on the peaks associated with the shopping center and the residential, and not necessarily on Baldwin.

Mr. Pierce suggested that it would been that the modeling would make some assumption on the traffic flows on Baldwin in order to know how big the gaps are to know if you can get one car or two cars or four cars at a time into those gaps between platoons. If Baldwin is peaking at noon that would make the platoons bigger and the gaps smaller, so it might exacerbate the turning issue. Whereas if the peak on southbound Baldwin is early morning and modest during the middle of the day than that would not affect your Alberta data.

Mr. Dearing explained the operations and benefits of Oakland County’s Fast Track signal system which covers roads and intersections in Auburn Hills. Information collected from the Fast Track system was also used to populate the data.

Mr. Dearing demonstrated and explained the traffic model simulation and traffic flows on Baldwin Road to the Planning Commission and those in the audience.

Mr. John Baker a resident who resides on Alberta stated that the model does not accurately depict the vehicle stacking that occurs on southbound Baldwin Road’s left turn lanes that wait to go into Great Lakes Crossing. He often sees 12 to 15 cars stacked up in that turn around. The key element to the traffic problem is missing.

Mr. Dearing explained that this is only a model that is supposed to represent an approximation of real life, but it isn’t actually reality. There is a certain number of limitations to the software. Mr. Dearing further explained some of the limitations which relate to the outer limits of the road boundaries of the road area being studied and the seed number that introduces a random number of vehicles, based on the traffic data, populates the road sections at the boundaries. Mr. Dearing noted the model supposed to give you a better understanding on how things are operating and that actual personal observation is a very powerful thing but in that personal observation of reality it’s hard to do then the “what ifs”. This model is a tool to help you visualize the “what ifs”.

What we do is look at the model several time to see what it will do and enter a different seed number and look at it again and that’s one of the reasons we sometimes make it look absolutely crazy by speeding up the software as fast as it could go to look at hour after hour of the same hour looking for patterns more than anything else.

Ms. Mitchell asked Mr. Dearing that when you say you can put in the new seed number that seed number would actually equate to the count data you enter into the model the first time.
Mr. Dearing explained that the seed number is a way for the software to start throwing in vehicles into the simulation further explaining what happens on the edge of the model where vehicles enter the model at all boundaries of the model, on a random basis that equals the traffic counts for that road during that same time period within the data.

Ms. Mitchell asked Mr. Dearing when he said he uses actual traffic count data for this time frame, the seed number he’s talking about is the introduction of new vehicles into that model.

Mr. Dearing confirmed yes, on the boundaries.

Mr. Juidici explained that the seed number Mr. Dearing is referring to is a random number generator of the randomized pattern of that traffic volume already programmed in the model. The volumes stay the same when you run it but the randomized pattern on how that populates the model over that one hour time period can change to represent the different characteristics of the reality of the random approach of the traffic.

Ms. Mitchell asked about the particular intersection that was referred to where the stack-up occurs of vehicles waiting to turn into the mall was there an actual count of how many vehicles were turning there. Mr. Dearing replied yes.

Ms. Mitchell asked that even though the model didn’t allow you to project that onto the screen does that count as a correction factor for that particular intersection or can you not say that.

Mr. Dearing explained that if you were to focus just on this particular crossover from noon to 1:00 p.m. and count every vehicle that passed through the crossover it would exactly match the traffic count that the road commission had given us.

Mr. Hitchcock asked if we were to assume that the gentleman was correct with 12 or 15 cars stacking up how many gaps would it take on north bound for all those cars stacked to turn and go northbound.

Mr. Dearing stated state that what Mr. Hitchcock is describing is often referred to as a cycle failure. Although the road commission states that there is usually an increase of cycle failures during this holiday time period. In the short amount of time period we have studied for this particular location we have not seen any cycle failures representing the Friday traffic during the noon time. It’s entirely likely that it does occur at other times especially other seasons but based on the traffic data we have and how that relates to the fundamental capacity of his road to move traffic there’s no reason to think there would be cycle failures; at least for this time frame.

Ms. Shearer asked if she were to assume based on the data presented that the highest traffic for the ingress and egress for the new driveway would be at noon and outside possibly the residents peak hours at morning and afternoon/early afternoon so the biggest problem would be cars at the noon hour possibly adding to the backup and stacking.

Mr. Dearing stated that the reason for the high noon patronage is due to the two restaurants in the mall.

Mr. Baker stated that he heard the term “confused motorist” used many times and asked if anyone tried to find out why they’re confused. Mr. Baker does not believe there is a need for a cub cut and stated what was needed is landscaping along there. There has been some trees removed from there and if you’re driving along Baldwin and going to Five Guys burgers and you look over there, it looks like there’s an entrance there because you have landscaping, then 30 feet of nothing, and then the landscaping starts again, right where they’re proposing this cut. There was a big tree there in the immediate area which was cut down this spring. Then people started driving across the grass there so they brought in the big boulders to stop that. It’s a landscape problem. They need to not make that look like an entrance. That will stop the problem. Has anyone, the Police Department for instance, talked to these people and ask why they had gone down there. Mr. Baker stated that he has had the opportunity to speak with three people how have and they all said the same thing, it looks like there’s and entrance there. That’s why they went down there. So let’s make it look not like an entrance.
Mr. Baker explained that he had been in his front yard one day this past summer on a Saturday and he counted over 100 people that made the turnaround. He thinks there’s a way to do it without a cut and the property owner will save a ton of money and residents are not going to be forced with more traffic. Having half of the 330 cars going in and out of that drive in that one hour time period and stating that it’s not going to affect how we enter or leave our street; I don’t understand that statement. That’s a lot of cars. He thinks Alberta is going to become the main entrance for that complex because its’ shorter to go north on Baldwin to I-75 or across to the mall. The best way to do that is off Alberta. If it has to happen it should be an entrance only. Don’t dump it on Alberta. As far as policing it, most people obey the law. There might be some people that don’t but it’s not going to be a major problem. Most people are good people that try to do the right thing.

Mr. Larry Becket a resident on Alberta appreciates the time the City has taken to study the problem that is occurring on Alberta. Mr. Becket agrees with Mr. Baker in that there is a landscaping problem there. The original site plan for that shopping mall allowed for much larger trees. There were much larger trees and other types of trees that blocked the site of the stores. When the new site plan was approved a lot of those trees where torn out and replaced with bushes. So you see the Five Guy’s sign, AT&T store sign and several other stores in that center way before you get to Alberta. So with the congestion you have in the area, a driver is thinking they can see the store and turn there, and they do.

Mr. Becket stated he would like to see an entrance into the shopping center but does not support it being an exit because it would create another problem in that area, of cars stacking up on Alberta from the shopping center trying to get out onto Baldwin. We definitely do have a problem trying to get out onto Baldwin to go north on Baldwin but we learned to live with that, especially in November and December when you know it’s going to happen. He would like to see with the recommendation you make to City Council that there be a statement in the recommendation that there will be consideration given that it be made an entrance only if we do experience a problem there.

Ms. Diane Adams a resident on Alberta believes the weekends are outrageous. They’re retired so they’re at their house the entire day and there was a count on one day of 200 cars go up their driveway and because they have a long driveway with a turnaround they drive almost up to her door and turn around so they can face out onto Alberta. When you’re sitting there in the privacy of your home and you have 200 cars a day coming in your driveway you don’t know what to think a lot of times. Why are they here; are they spying are they stalking. She doesn’t assume they are but it’s not a good situation. We have seen cars drive up our berm to turn around and get back out on the road again. She stated that if they’re not using their driveway they’re using their berm. She as witnessed cars and trucks park on the side by batteries plus, leave their car vacant and go in to get something to eat and then come back out. There are a lot of them that do that. Many stop right before the stop sign so when they try to get out onto Baldwin they are parked there to go shopping or getting something to eat. That’s what they’ve experienced. It is a real big problem. Whether it’s a cub cut or not a cub cut she believes there needs to be a drive into the plaza.

Mr. Hitchcock asked Chief Olko if delivery trucks did leave there trucks parked on the side of the street to go into the businesses is that a ticketable offense.

Chief Olko stated that it is not because there are not any parking restrictions there.

Mr. Beidoun asked if there will be any signs on Baldwin Road to direct customers on Alberta Street to the mall at all. It is Mr. Beidoun’s belief that it would not be good idea and hopes it’s not part of the plan.

Mr. Juidici stated that there are not any plans for any type of signage on Alberta or Baldwin, pertaining to directional signage into or out of the shopping center.

Mr. Dearing also stated that signage would be under the control of the Oakland County Road Commission and they are not in the habit of allowing signs that might act as a promotional sign that might be advantageous for a business.

Ms. Mitchell asked if we typically get a lot of feedback that people don’t adhere to directional signs. What has been our experience with that?
Chief Olko provided her experience with the one that the Police Department struggles with, that being the one for McDonalds onto Walton Boulevard. That was intended to be one way in and one way out. We struggle constantly with people wanting to make left turns into the drive. Mr. Cohen calls it a pork shop there. The signs have been completely ignored and there have been a lot of crashes there because it's a high volume road, so the circumstance is different. Whether it’s that people are into their turn and they don’t recognize it. That one we have really struggled with.

Mr. Spurlin asked if this case could it be revisited if the two way drive does not work out and if it becomes unworkable or a problem for the residents that we make it a one way only into the shopping center. We have revisited other issues in the past could this also be revisited in the future, if necessary, to come up with a way to change it from a two way drive into an one way drive, entrance only.

Mr. Cohen explained that that would be the perfect solution because that’s been the main concern the residents have expressed to staff and himself. Talking with Mr. Boggio who is here today representing the owner Mr. Allen, it's a lot of money to put the curb cut in and the thought is that they’re not going spend all that money to put it in with the chance that it might be restricted in the future. They want to do the right thing by putting a curb cut in which will help their business and it also helps the City. When we heard the comments from the residents after the letter was sent out we called Mr. Allen and asked him if he would consider an entrance only. He said let’s do it right or don’t do it at all. He’ll just wait until we want to do it the right way. He cannot commit to that and get all his tenants excited about having a two way and then restricting it. That was his thought process. Mr. Boggio might be able to further explain the owner’s thoughts on the project. It's a compromise solution but the owner has to want to do that.

Mr. Boggio representing Mr. Allen, and the original architect for this project, stated that the owner has expressed the same thing to him. He’s willing to spend the money to put the drive in but he wants to put a two way drive in now. He will not spend the money to build a one way only entrance. He’s willing to comply with the City’s request to put a drive there but the center is doing fine without it.

Mr. Juidici provided additional information about the driveway. Regarding the actual construction or geometric design for that particular drive in and out of that complex, in order to make it function comfortably and easy for people to just use it as an exit there really would not be a way to design it and not make it an entrance too. If it's wide enough for a car it would be easy for a car to enter. You can put up a lot of signs but as Chief Olko alluded to it has the potential of becoming an enforcement issue. From a design standpoint there is no easy way to design it to be utilized for one specific direction.

Another benefit as far as a traffic management principle, there’s a lot of opportunity for residents that live in the neighborhood behind the shopping center to use the exit onto Alberta.

Mr. Ouellette stated that he thought Mr. Baker made a valuable comment regarding if anyone has ever talked to a few people coming down the street and why. Mr. Baker had talked to people and they thought there would be an entrance there. Mr. Ouellette asked Mr. Cohen or Mr. Boggio what if there was discussion with the owner to first try and entrance and if it doesn’t solve the problem with the traffic going down the street that it would revert back to being landscaped. It might be a double expense for the owner, is it something they would consider up front and/or just say no, I won’t do it.

Mr. Boggio stated that he does not believe the owner would agree to that and that the owner would not spend the money for a one way drive into the shopping center.

Mr. Ouellette asked Mr. Boggio if he knew the approximate cost of the project. Mr. Boggio stated it was approximately $25,000.

Ms. Shearer have we surveyed the residents to see if they would prefer additional landscaping or a driveway. She could not imagine 200 cars going by her house on a daily basis and that it would be very disruptive. We have to have some type of solution but the residents are the ones that are going to have to live with the solution as well.
Mr. Beidoun believes that under normal circumstances most of us, if not all of us, would be very much opposed to having the commercial driveway on a residential street - but this here is the exception. Mr. Beidoun stated that he lives on the street and he not block is drive but most of the residents on the block, block their driveway with buckets and chain because so many cars go down the street. He and his wife one day counted how many cars pulled into their driveway to turn around; almost 20 out of 25 cars turned around and went back. He assumes most of the cars were going to the plaza. It’s unfortunate, but it’s a dilemma we have to deal with.

Mr. Ouellette stated that by creating the drive should solve most of the problems. He then asked if there was anything that needs to be done as far as no parking on the street there.

Chief Olko stated that that would be something they would want to survey the resident on the street because no parking means, no parking. So if you have a party or people over to visit people would not be able to park in the street. That’s why most neighborhoods elect not to restrict parking. That would have to be carefully thought through by residents.

Mr. Ouellette asked if you could limit parking only along the commercial property.

Chief Olko said in order to answer that she would have to again hear from the neighbors in the near area because it would apply to everyone including people and trucks that park there.

Mr. Ouellette asked if it was possible to place some type of sign that would prohibit left turns onto Alberta.

Chief Olko said that one of the problems with that is that if it said no left turn, it would be no left turn for the residents too. It would be a very difficult thing to restrict and the City might not be able to restrict access to a public street under the state law.

Mr. Dearing believed that most of the vehicles that would exit onto Alberta would turn right to go out onto Baldwin Road.

Ms. Mitchell asked if we were to move forward with a recommendation to permit a two way cut out in this particular area and the residents came back with a concern such as a delay on being able to go out onto Baldwin, what type of options we would have. Would we be relying upon the good nature of the owner to work with us or would we have any type of options to restrict it to entrance only at that point.

Mr. Cohen explained that once you approve a site plan that is what they’re allowed to do into the future, that’s their legal right. If you notice a problem that’s occurring, you can always ask the owner to change things but the owner is not obligated to do anything. So now is the time to move forward ... or not. Whatever you approve now you’re basing it on the best knowledge we have from our traffic experts. Or you can choose to hold off. Those are your two options. You can hold off and ask Mr. Allen to add landscaping. The tricky part is those businesses what to be seen from the road. Mr. Cohen is confident the owner would be willing to add landscaping if that were the case in the future but in a way as to not block the view of the signage from the road. The question is: Is this the right thing to do to solve the problem? Experts believe it will but it’s one of those things you don’t know until you do it.

Moved by Mr. Pierce to recommend to City Council approval of the Revised Site Plan to add new driveway from The Shoppes on Baldwin shopping center to Alberta subject to staff and consultants conditions. 

Supported by Mr. Hitchcock

Mr. Pierce provided summarized his thoughts about tonight’s discussion. He stated that he appreciates the comments from all the residents along Alberta. He believes the main problem is that you have too many vehicles going down Alberta and turning around to find their way back onto Baldwin. He also believes landscaping will not solve the problem. It might reduce it from 200 cars a day to 100 on a busy day but it won’t solve the problem. There are other interests that are not represented here today because they don’t know they might be involved - those are the people who use the shopping center. Those 200 people are inconvenienced by driving down Alberta and not finding what they want and having to turn around. So there’s an inconvenience to the shopping public. If you require those people to leave the driveway that’s on Baldwin as opposed to the proposed driveway on Alberta they are inconvenienced if they want to go north on Baldwin,
having to go further south to come back around. So there are other interests we have to consider as a Planning Commission.

Mr Pierce further believes the best solution is the one being proposed, which is a two-way driveway into and out of the shopping center that will solve a major problem of people driving down Alberta that shouldn't be driving down Alberta. It will create a minor inconvenience in that you may have an additional car or two to wait for to get out onto Baldwin - if you're a resident on Alberta - but from the sense that I gather the solution of the major problem of people driving down Alberta is worth more than having to wait for an extra car perhaps to get out onto Baldwin Road. So that is why I made the motion.

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

Motion Carried (9-0)

Respectfully Submitted,

Shawn Keenan
Water Resources Coordinator
memorandum

Date:  December 3, 2013

To:  Steve Cohen
cc:  
From:  Timothy J. Juidici, PE

Re:  Shoppes at Baldwin Square - Proposed Driveway to Alberta

As requested, we have reviewed the proposed additional driveway for the Shoppes at Baldwin Square. The proposed new driveway would be on the north side of the development and access Alberta. It is our understanding that concerns were raised regarding the impact this driveway may have on the traffic operations along Alberta and the intersection of Alberta and Baldwin. Our traffic department has reviewed the proposed driveway and sent a summary of their analysis to you on November 7, 2013. The highlights of that analysis include:

- Traffic data for the existing site driveways as well as Alberta was collected by the Auburn Hills PD to determine the existing condition. This information was also used to project the amount of traffic that would utilize the new driveway.
- Based on the data collected, the peak hour traffic generated by the development is the weekday lunch hour (12:15 pm - 1:15 pm). This is consistent with the restaurant uses located within the development.
- The City Traffic Model framework was used to develop a traffic model for the area in order to complete the analysis. Existing traffic volume information was used for Baldwin.
- Based on the model analysis, the existing average delay on Alberta at Baldwin (12:15 pm - 1:15 pm) is 12.5 seconds. The average length of stacked vehicles during this period is less than one car length.
- An additional model with the new driveway was created and analyzed. A conservative projection was used that 50% of the development traffic would utilize this new driveway.
- The amount of vehicles using the new driveway is estimated at 135 (68 inbound/67 outbound) for the peak hour.
- Based on the model analysis, the estimated average delay on Alberta at Baldwin (12:15 pm - 1:15 pm) would be 14 seconds. The average length of stacked vehicles during this period is less than two car lengths.

Based on the traffic analysis performed, it appears that the addition of a driveway from this development to Alberta will have minimal impacts to the traffic operations along Alberta and at the Alberta/Baldwin intersection. Representatives from our traffic department will be at the Planning Commission meeting to demonstrate the modeling results and answer any questions that the commissioners may have.
memorandum

Date: November 7, 2013

To: Steve Cohen
cc: Tim Juidici, PE
From: Taryn Juidici, PE, LEED AP

Re: Baldwin Development Driveway

The existing commercial development located on the west side of Baldwin Road, between Lake Angelus Road and Alberta Street, currently operates with two points of access. The site’s main access from Baldwin Road is centered along the property’s Baldwin Road frontage. A secondary driveway provides access to Lake Angelus Road along the southern property line. At the city’s request, OHM has reviewed the traffic impacts of the construction of a third driveway onto Alberta Street along the northern property line.

Existing traffic data was collected by the Auburn Hills Police Department between Friday, November 1, 2013 and Tuesday, November 5, 2013. Traffic data collected consisted of inbound/outbound data at the two existing driveways and traffic volumes in both directions on Alberta Street in the vicinity of the intersection with Baldwin Road. The traffic data for the site driveways indicates that the peak hour falls near the noon hour throughout the week. The traffic counts show slightly higher volumes at the noon hour on Fridays than those counted over the weekend or on Monday. To provide a conservative analysis of the proposed driveway impacts, a study peak hour of 12:15pm – 1:15 pm on Friday was selected. Traffic data during the peak hour is summarized in Table 1 below.

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<tr>
<th>Table 1: Existing Traffic Data</th>
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<td>Alberta at Baldwin</td>
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<td>Inbound (WB)</td>
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<td>Outbound (EB)</td>
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<td>Total</td>
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<td>Baldwin Driveway</td>
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<td>Inbound (WB)</td>
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<td>Outbound (EB)</td>
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<td>Total</td>
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<td>Lake Angelus Driveway</td>
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<td>Inbound (WB)</td>
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<td>Outbound (EB)</td>
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<td>Total</td>
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The city wide traffic model (Synchro version 7 software) was used as a base for further analysis. The traffic data provided by the police department was augmented with Baldwin Road traffic data collected in 2011 by SEMCOG. The traffic model was used to evaluate the approach delay, level of service (LOS) and the length of the 99th percentile queue at the Baldwin Road intersections with Alberta, Lake Angelus and the existing main site driveway. This information can be seen in Table 2 below.

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<th>Table 2: Existing Approach Operations</th>
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<td>Alberta and Baldwin</td>
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<td>Delay (sec.)</td>
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<td>Driveway and Baldwin</td>
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<td>Delay (sec.)</td>
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<td>Queue (ft)</td>
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The values shown in Table 2 represent that average across the entire peak hour. While the average vehicle on Alberta waits 12.5 seconds and the 95th percentile queue is 8 feet, there will be periods during the hour where the wait and queue will be longer. This will especially be the case as the signals on Baldwin platoon the vehicles causing periods of heavy traffic separated by gaps to allow side street traffic to turn. The existing approaches to Baldwin during the peak hour all operate with relatively low levels of delay. When averaged over the hour, the 95th percentile queue lengths at both Alberta and Lake Angelus are under a single car length and the 95th percentile queue length at the site driveway is under 2 car lengths.

In order to determine the impacts of construction a third driveway, we estimated the anticipated number of vehicles using the driveway. It was assumed that vehicles currently using the Lake Angelus driveway would continue to use that driveway in the future. We assumed that 50% of the inbound drivers using the Baldwin Road driveway would use the new driveway in the future. This assumption is most likely conservatively high given the prominence and central location of the Baldwin entrance. We also assumed that 50% of the outbound drivers using the Baldwin Road driveway would use the new driveway in the future. This assumption is also most likely conservatively high as it will require southbound drivers to travel out of their way to reach the driveway. The traffic model was used to evaluate the proposed condition at the three study intersections. This information can be seen in Table 3 below.

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<th>Table 3: Future Approach Operations</th>
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<tr>
<td>Delay (sec.)</td>
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<td>Alberta and Baldwin</td>
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<td>Driveway and Baldwin</td>
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<td>Lake Angelus and Baldwin</td>
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The construction of a new driveway will result in minor changes to the operations of these intersections. As expected, moving traffic to Alberta via the new driveway will increase the delay and 95th percentile queue lengths. While the delay does increase, at an average of 1.5 seconds per vehicle the impact is minimal and the total delay is still well within acceptable ranges for this type of intersection. The delay increase will lengthen the 95th percentile queue length to 23 feet when averaged over an hour. There may be short periods of time in which the queue exceeds two vehicles, but when averaged over the hour the queue will usually be only one or two vehicles. The new connection to Alberta will slightly reduce the delay experienced at the existing Baldwin driveway.

The addition of a driveway from the commercial property to Alberta Road will increase the amount of traffic traveling on Alberta between the new driveway and Baldwin Road. During the peak hour it is estimated that a total of 135 vehicles will use this driveway. The traffic is anticipated to be evenly distributed, with 68 vehicles inbound and 67 vehicles outbound. When this traffic is added to existing traffic on Alberta slight increases in delay levels and queue lengths are anticipated. The anticipated delay, level of service, and 95th percentile queue lengths are well within acceptable ranges. It is not expected that this driveway will have substantial negative impacts on the existing Alberta Street traffic.
CALL TO ORDER: Chairperson Ouellette called the meeting to order at 7:00 p.m.

ROLL CALL: Present: Beidoun, Hitchcock, Mendieta, Mitchell (7:01), Ouellette, Pierce, Shearer, Spurlin (7:04), Verbeke (7:04)
Absent: None
Also Present: Community Development Director Cohen, Water Resource Coordinator Keenan, City Attorney Beckerleg

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

6. OLD BUSINESS

6a. Allowing Retail Business Curb Cuts onto Alberta (8:43 p.m.)
Update on requests from residents along Alberta Road to address the Shops at the Baldwin Square, customers utilizing Alberta Road.

Mr. Cohen noted this issue is being reviewed per the Planning Commission’s direction. Continuing, he explained when The Shops at the Crossing (north side of Alberta) and former La-Z-Boy store, now The Shoppes at Baldwin Square (south side of Alberta) were built in the early 2000’s it was the City’s preference that these commercial projects not allow vehicular access onto Alberta. Alberta was considered a “residential road” and the City wanted to prevent unnecessary cut through traffic in the neighborhood. Both developers accepted the City’s wishes and access was only permitted to Baldwin Road.

Once built and operational, the Police often observed drivers becoming confused about where to turn into these shopping centers. Many people mistakenly turned onto Alberta, and with no place to turn around, the motorists use Alberta homeowner’s driveways. This problem has become worse in recent years with the re.birth of the former La-Z-Boy into The Shoppes at Baldwin Square.

Many Alberta residents are become frustrated with this situation and several use “buckets and chains” to block motorists from using their driveways to turn around.

The City worked to address this challenge by asking the owners of both retail centers to add driveways onto Alberta. The owner of the southern center can easily add a new driveway since the land is flat; however, adding a new drive at the northern center is proving to be much more complex and costly due to a large berm and utilities. The north drive most likely will not happen anytime soon.

The owner of the Shops at the Crossing, Jim Allen, wishes to add the driveway. The drive will either line up with the parking island or the drive lane adjacent to the front of the building. There are issues with the latter due to ADA accessibility for the handicapped spots. OHM will advise us on the best location.

In speaking with David Adams, owner of The Shops at Baldwin Square, he was open to helping the City; however, the solution may be cost prohibitive due to extensive landscaped berms he added when the strip center was constructed. It appears cutting through the berm and relocating utilities may be too expensive to justify such an improvement. Mr. Adams offered an idea of adding a drive-thru to the Coney Island to help make financial sense for the new drive. After careful consideration it was determined the drive-thru is not allowed in this zoning district and the noise from the menu board ordering could be very annoying for residents on Alberta.

Mr. Allen wanted to include outside seating when he renovated the center, but there are not enough parking spaces to accommodate more diners. The Planning Commission may want to investigate outdoor seating; it could create a sense of place if the area isn’t too large and the parking may be able to be absorbed as it currently stands. The outside seating next door to a neighborhood may be possible by limiting the size and not allowing music to be played outdoors.

Mr. Cohen spoke with Mr. Auger, and both believe the driveway approval can be done administratively. A letter will be mailed to the residents of Alberta Road, up to Manitoba, notifying them of the plan.
Mr. Beidoun noted there is more of a problem for the shopping center to the south, the center to the north has two access driveways.

Mr. Cohen noted the most northerly drive of The Shops at the Crossing is an ingress only and all traffic must exit at the south drive; he believes it is because of stacking issues for Great Lakes Crossing. It was suggested that the Police Department and OHM take another look at the ingress only drive, and possibly allow this an exit as well. A change in the traffic signal timing may be all that is needed to allow the drive to also be an exit.

Mr. Pierce asked about the outside seating and parking spaces.

Mr. Cohen explained Noodles wanted to occupy The Shops at the Crossing, but only if they could have outside seating. When Mr. Allen redesigned the shopping center he maximized the building square footage so there is no extras space for new parking. The ordinance states there must be additional parking for outside seating, which isn't available. Mr. Allen is proposing only a small number of outside seats, and it may be possible to accommodate him because there would only be a few additional vehicles.

Mr. Beidoun noted the new Starbucks on the other side of Baldwin added a few outdoor seats, and it is very inviting.

Mr. Cohen agreed, stating the outdoor seating keeps within the culture and feeling of Auburn Hills, to be a very opened and exciting community.
CALL TO ORDER: Chairperson Ouellette called the meeting to order at 7:00 p.m.

ROLL CALL: Present: Beidoun, Hitchcock, Mendieta, Mitchell, Ouellette, Shearer, Spurlin
Absent: Pierce, Verbeke
Also Present: Community Development Director Cohen
Guests: 14

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

8. COMMUNICATIONS

Mr. Beidoun asked if there has been any thought in making an access from Alberta Road into either of the strip malls. Many drivers use Alberta trying to access the shopping center to south, only to realize there is no access and end up turning around in resident’s driveways.

Mr. Cohen stated he would look into the Alberta Road matter with the Police Department and OHM and report back by the August meeting.
Memorandum

TO: Steve Cohen, Director, Community Development
FROM: Doreen E. Olko, Chief of Police
DATE: August 23, 2013
SUBJECT: Alberta at Baldwin

Pursuant to a request from Councilmember Mrs. Verbeke, we have examined traffic conditions on Alberta north of Baldwin Road. We are aware that drivers intending to turn from Baldwin into one of the two shopping plazas on either side of Alberta frequently believe that turning onto Alberta will allow them to turn into one of the parking lots. When they find that not to be true they are forced to turn around in a nearby driveway disturbing residents.

We favor internal circulation of driveways wherever possible meaning that if drivers can move from parking lot to parking lot without have to re-enter the main roadway there is smoother traffic operation and less of an opportunity for right angle crashes. Traffic can be funneled more efficiently to planned and often signalized entrances at main roads.

We support allowing new driveways from the parking lots of the two strip plazas onto Alberta near Baldwin believing that it will create much smoother traffic flow and assist drivers in getting to their destination while inconveniencing the local residents less.

Please advise if you have any questions.
August 19, 2013

TO: Steve Cohen, The City of Auburn Hills

REF: Drive cut into The Shoppes at Baldwin Square off Alberta Street

Per our conversation today, we would be willing to install a drive off Alberta Street into The Shoppes at Baldwin Square. Once you have confirmed that we are able to do so we can get started in with our engineer to create drawings that can be submitted for approval.

As well, we would like to request that the city reconsider their position on outdoor seating at The Shoppes at Baldwin Square. We have lost several potential tenants because we were not approved for this in the past. We would like to have this as an option and think this would be a great addition to the shopping center and the city.

If you have any questions or concerns on these issues please feel free to give me or Nicole a call to discuss further. We look forward to working with you.

Sincerely,

James Allen
JARNA 2, LLC.
Public Hearing Scheduled for New Driveway on Alberta for Retail Center

Posted by – Steve Cohen, Director of Community Development

A few months ago we talked about how motorists often get confused about where to turn into the shopping centers on the west side of Baldwin Road, across from Great Lakes Crossing Outlets in our blog – Too Much Turning on Alberta (http://auburnhillsdevelopment.com/2013/08/29/too-much-turning-on-alberta/).

Many people mistakenly turn onto Alberta looking to shop or eat. With no way to enter the retail parking lots, these motorists use Alberta homeowner’s driveways to turn around and go back to Baldwin Road. This problem has become worse in recent years with the re-birth of the former La-Z-Boy store into The Shoppes at Baldwin Square retail center. As a result, many residents along Alberta have addressed the situation by placing buckets and chains in their driveways to block motorists from using their property to turn around.

In August, the Planning Commission authorized City staff to proceed with facilitating a new driveway for The Shoppes at Baldwin Square (south side) to Alberta. However, after receiving a courtesy notice of this plan of action some residents expressed concern to City staff over the impact of the proposed change.

Thus, the Planning Commission has decided to schedule a public hearing to review this proposed solution with area residents on Tuesday, December 10th at 7:00 p.m. in the Council Chamber at City Hall. All interested are encouraged to attend.
Too Much Turning on Alberta

Posted by – Steve Cohen, Director of Community Development

True story. They voted with their “buckets and chains” … and we got the message.

As a little background, when The Shops at the Crossing (north side of Alberta) and former La-Z-Boy store – now The Shoppes at Baldwin Square (south side of Alberta) were constructed in the early 2000’s across from Great Lakes Crossing Outlets, it was the City’s preference that these commercial projects not allow vehicular access onto Alberta.

Why? Alberta was considered a “residential road” and the City wanted to prevent unnecessary cut-through traffic in the neighborhood. Both developers accepted the City’s wishes and access was only permitted to Baldwin Road.
However, once built and operational the Police Department started to observe drivers becoming confused about where to turn into these shopping centers. Many people mistakenly turned onto Alberta looking to shop or eat. With no way to enter the retail parking lots, these motorists began to use Alberta homeowner’s driveways to turn around and go back to Baldwin Road. This problem became worse in recent years with the re-birth of the former La-Z-Boy into The Shoppes at Baldwin Square which includes the popular Qdoba Mexican Grill and Five Guys Burger and Fries Restaurants.

So, what did some of the Alberta residents do? They became frustrated. Some called us. Others addressed the situation by placing buckets and chains in their driveways to block motorists from using their property to turn around. This was an unintended consequence to what we thought was smart land use policy at the time.

Understanding that something had to be done, the City worked to address this challenge by asking the owners of both retail centers to add driveways onto Alberta. The owner of the southern center can easily add a new driveway since the land is flat in that area. However, adding a new drive at the northern center is proving to be much more complex and costly due to a large berm and utilities being in the way. This north drive mostly likely will not happen anytime soon.
Thus after careful study, a few days ago the Planning Commission authorized City staff to proceed with facilitating these new driveways onto both sides of Alberta. We expect *The Shoppes at Baldwin Square* (south side) of Alberta will add its new driveway this Fall.

![Image](http://ahcommunitydevelopment.files.wordpress.com/2013/08/0251.jpg)

The new drive to the south off of Alberta is expected to be located here.

We are hopeful this solution will reduce the number of unwanted visitors for our Alberta residents so that the buckets and chains will no longer be needed.
DATE: DECEMBER 11, 2013

To: Mayor and City Council

From: Peter E. Auger, City Manager; Thomas A. Tanghe, ACM/Director of H.R. & Labor Relations

Submitted: December 12, 2013

Subject: Adoption of 2014 Benefits Resolution for Non-Union Personnel – As Amended

INTRODUCTION AND HISTORY

Each year, the City Council receives recommendations from the City Manager’s office for the Non-Union Benefits Resolution for the upcoming year. The attached Resolution is the 2013 version, so items that are recommended for removal in 2014 are stricken (stricken) and new language for 2014 appear in red. The changes are summarized as follows:

- Section II, Compensatory Time Off. Shall be removed from the document. This practice ended 12/31/10.
- Section IX, C, Health Insurance. Increases the Non-preferred Drug Category co-pay from $40 to $60 and confirms a previous statement in the Resolution by making Specialty Drugs a 50% Employee co-pay without an annual maximum. This is similar to provisions in the latest AFSCME and Patrol contracts.
- Section IX, G, Employee Premium Share. Complies with Michigan Public Act 152 and for the Non-Union group, will be implemented on January 1, 2015.
- Section X, §B, Supplemental 401(k) Plan. This practice ended on 12/31/10. Some language remains for those who continue to make Employee contributions to the plan.
- Section XI, Tuition Reimbursement. Increases annual tuition reimbursement from $3,000 to $4,000. This aligns with provisions in the latest AFSCME and Patrol contracts.
- Section XII, Life Insurance. Eliminates conversion policy offered at Employee expense. It is not used.

STAFF RECOMMENDATION

Adopt the Resolution as presented, which includes the changes defined above.

MOTION

Move to adopt the 2014 Benefits Resolution for Non-Union Personnel, as amended, with an effective date of January 1, 2014 through December 31, 2014.

I CONCUR: [Signature]

PETER E. AUGER, CITY MANAGER
This Resolution, as adopted by City Council on August 28, 1985, and subsequently amended as stated in Section XIII of this resolution, is proposed to be amended as follows:

WHEREAS, certain employees of the City are not covered by a collective bargaining agreement; and

WHEREAS, the salaries and certain benefits for these employees are covered in other Resolutions and Motions of the City Council, but certain other conditions of employment and benefits have not been specifically stated before; and

WHEREAS, it is the intent of this Resolution to specifically state and provide for certain conditions of employment and benefits.

NOW, THEREFORE, BE IT RESOLVED that the following shall be effective for these employees of the City of Auburn Hills:

I. WORK WEEK
The normal work week consists of five (5) days, Monday through Friday. The normal workday consists of eight (8) hours of work with a one-hour lunch break. Normal work hours are 8:00 a.m. to 5:00 p.m. daily. In addition to normal office hours, employees may be required to attend evening meetings and perform other duties outside regular office hours in the best interest of the City.

II. COMPENSATORY TIME OFF
Non-union positions may be allowed compensatory time off for all hours worked in excess of forty (40) hours in any one week, to a maximum of eighty (80) hours per year. These compensatory time hours are earned at the rate of one (1) hour for each additional hour worked. Regardless of the amount of compensatory time accrued during the fiscal year, the maximum allowable compensatory time accumulation shall be eighty (80) hours. Upon death, retirement, or resignation, the employee shall be paid for the unused accumulation of hours to a maximum of eighty (80) hours. Non-exempt employees under the FLSA shall not receive compensatory time off but shall be paid at the rate of time and one-half (1 1/2) for all hours worked in excess of forty (40) hours per week. At the end of the calendar year, the employee shall be paid for up to eighty (80) hours of unused compensatory time. Compensatory time payouts shall not be included as part of Final Average Compensation calculations for Defined Benefit Pensions. Compensatory time accumulation will phase out as follows: 80 hours in 2009, 40 hours in 2010, and no accumulations permitted after 2010.

III. VACATION LEAVE
A. Administrative (Non-Union) employees shall receive leave time as follows:
   1. First year to end of year 5: 6.66 hours/month (10 days)
   2. Year 6 to end of year 9: 10 hours/month (15 days)
   3. Year 10 and over: 13.33 hours/month (20 days)
   4. Maximum accrual: 1 times annual accrual, excess forfeited

B. Employees who lost time due to on-the-job disability under Worker’s Compensation up to a maximum of one (1) year shall receive their vacation as though the time was worked. In instances where employees lose time other than on-the-job disability, the City Manager shall determine the extent of their benefits earned during their absences, if any.

C. Employees are encouraged to take leave and each employee covered by this resolution shall be required to take one period of leave per year consisting of forty (40) consecutive work hours (5 days). Employees may elect to receive a buyout of up to 40 hours of vacation time at the end of each year, to be paid in January for the preceding year and at the preceding year’s regular base
pay rate, only if the employee has eighty (80) or more hours accumulated in their bank as of December 31. Vacation time buyout shall not be considered as part of Final Average Compensation Calculations for Defined Benefit Pensions.

D. Upon termination of employment, an employee shall be paid for the unused and earned accumulation of leave hours in their leave bank up to a maximum of two (2) times the amount of leave hours allowed on an annual basis.

IV. NON-DUTY CONNECTED DISABILITY
A. The employer shall pay the premium to provide the STD insurance policy presently in effect. The weekly benefit shall be equal to 66 2/3% of the employee's base weekly salary to a maximum of $1,500.00.

B. The employer shall pay the premium to provide the LTD insurance policy in effect. The monthly benefit shall be equal to 66 2/3% of the employee's base monthly salary to a maximum of $6,500.00.

V. Sick Leave
A. All administrative employees shall accrue sick leave at the rate of eight (8) hours for each month of service, not to exceed ninety-six (96) hours per year.

B. Sick leave is provided to permit an employee to remain in pay status while absent from work because of:
1. Personal illness or injury
2. Pregnancy
3. Illness or injury in own family (mother, father, wife, husband, children, step-children).

C. Accumulation of sick leave may not exceed thirty (30) days at the end of any calendar year. Employees will be paid for all accumulated sick days over thirty (30) at the end of any calendar year.

D. Upon the employee's death, retirement, or resignation, the City will pay one hundred percent (100%) of the accumulated unused sick time.

E. Employees off sick shall be required to bring in a doctor's slip if the City Manager requests it. The employer may require an examination of the employee, following an illness or injury, by a doctor of the employer's choice on City time and City expense.

VI. DUTY-CONNECTED INJURY PAY
A. Provisions of the Michigan Worker's Compensation Act shall apply to all duty-connected accidents or injuries of the employees in the line of duty.

B. The employee shall receive eighty percent (80%) of his/her gross pay exclusive of all deductions for duty-connected injuries for up to one (1) year in conjunction with Worker's Compensation.

VII. OTHER LEAVE
A. Jury Duty: Any employee required to serve on jury duty will suffer no loss of pay, but will be paid the difference between jury pay and his/her regular pay. The employee shall return to work if his/her presence is not required at court.

B. Funeral Leave: In the case of death occurring in the employee's immediate family requiring his/her absence during a duty period, the employee shall be granted a leave of absence with pay for such period not to exceed five (5) consecutive work days as will be necessary in the particular circumstances, one day of which shall be the day of the funeral. Immediate family is defined as the employee's wife, husband, children, mother, father, sister or brother. In the event of the death of other family members, the City Manager may grant appropriate leave.
VIII. HOLIDAY PROVISIONS
The paid holidays are designated as follows:

1. New Years Day   6. Thanksgiving Day
2. Good Friday   7. Friday after Thanksgiving
4. 4th of July   9. Christmas Day
5. Labor Day 10. New Years Eve

In addition to the above ten (10) holidays, employees will be granted three (3) "Floating Holidays" each calendar year. The "Floating Holidays" shall be granted at any time provided one (1) week notice is given by the employee. "Floating Holidays" can also be used to extend vacations provided notice is given one (1) week prior to the scheduled vacation.

IX. HEALTH INSURANCE
Section 1. Active Employee Health Benefits
The employee and his/her eligible dependents shall be covered by health insurance, including a prescription drug plan under the terms and conditions of the plan manager, and cost containment provisions for second opinion surgery, and exclusion for pre-existing conditions may exist. Hospital pre-admission certification may be required for the employee and eligible dependents in accordance with the policy currently in effect.

The City’s medical insurances include an HMO/EPO and PPO. The HMO/EPO Plan shall include a $250 deductible, $1,000 per member co-insurance maximum, $20 PCP-OV, $40 Specialist OV, $40 urgent care, and $100 emergency room and coverage found in the HMO/EPO Plan document provided. The PPO plan shall continue as follows: $25 PCP-OV, $50 Specialist OV, $50 urgent care, and $100 emergency room; deductibles $500/single, $1,000/family; co-insurance of 90/10% to $10,000; and out-of-network coverage at 50/50%, and coverage found in the existing PPO plan benefits summary.

A. Job-Related Injury
Health insurance premiums shall be paid for a period of up to five (5) years for an employee disabled due to a job-related injury and for a period of up to one (1) year for other disabilities not related to employment.

B. Medical Insurance Buyout Option
Medical Insurance buyout is available at the rate of $130 per pay period or $3,380 per year to employees who elect to no longer take the City’s health care insurance. This waiver of insurance shall apply only to the medical and prescription portion of coverage and not to the dental or optical portions. Should the employee lose coverage from another source, the employee may elect to once again take coverage and to relinquish their right to the monthly buyout. The City shall require that the employee provide proof of insurance coverage from another source (including spouse and dependent coverage where applicable) prior to the City granting buyout payment. In any case, the annual buyout payment shall not exceed 1/3 the cost of the annual premium amount of the medical coverage. Payment for the medical insurance buyout shall not be included as part of the final average compensation calculations for the pension.

C. Prescription Drug Coverage
Prescription drug coverage shall be provided to the employee and his/her eligible dependents based on a three-tier co-pay system whereby the employee is responsible for:

$7 for Generics
$20 for Brand Name Drugs
$40 $60 for Non-Preferred Drugs

with two times the applicable co-pay for the 90-day supply mail-in program and generic enforcement. The plan shall include formulary changes from time to time that may cause drugs to be placed into different co-pay categories. Specialty drugs, as determined by the plan manager shall have a 20% 50% employee co-pay, with an annual calendar year family maximum.
paid by the employer of $12,000. Availability of specialty drugs shall occur only after all other drug therapies have been exhausted. Should the provision for a cap on specialty drugs become unlawful due to national health care reform rules, the benefit level for specialty drugs shall automatically become a 50/50 co-pay.

D. Dental Coverage
Dental coverage shall be provided to the employee and his/her eligible dependents through the Delta Dental Family Plan, Class I and Class II, or equivalent coverage from another provider with an accrued benefit amount of $1,200 per family member and an 80/20 co-pay. The co-pay for major restorative (caps, crowns, etc.) shall be 50/50. The coverage shall also include orthodontics with a 50/50% benefit level to a maximum of $2,000 per family member with an age limit of 19.

E. Vision Coverage
Vision coverage shall be provided to the employee and his/her spouse and eligible dependents through Preferred Vision. Coverage includes annual eye exam, lenses, frames and contact lenses; frame allowance of $135 (approximately) retail, contact lenses $100 for cosmetic purposes/covered in full for medical necessity (in lieu of all other benefits); $10 co-pay for examinations.

F. COBRA
The City shall offer the employee continuation health coverage as required under the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272 Title IX). The premiums for such coverage shall be the responsibility of the employee and/or eligible beneficiary.

G. EMPLOYEE PREMIUM SHARE
The Employer may opt to implement either PA 152 cap on an annual basis. The Employee contribution shall be collected by way of twenty four or twenty six equivalent payroll deductions and shall begin on January 1, 2015.

Section 2. Retiree Health Benefits

A. Employees Hired before January 1, 2007
Health insurance, including a prescription drug plan, dental coverage and optical services, shall be provided for the eligible retiree and his/her spouse. An eligible spouse is one who is the spouse of record two years prior to retirement. In the event of the death of the retiree, the City shall pay the total cost of providing medical coverage for the surviving spouse until such time the surviving spouse is eligible for Medicare Supplemental Policy, at which time the City shall pay the cost of the Medicare Supplemental Policy.

EFFECTIVE JANUARY 1, 2010 FOR ALL RETIREEES: Health insurance, including a prescription drug plan, dental family coverage and optical services, shall be available for the eligible dependents of the retiree. Such care may be purchased through the City at a cost of 102% of the policy premium in effect at the time. Eligible dependents qualify by being on record with the City for at least two years prior to employee’s retirement and meeting eligibility requirements of the policies.

EFFECTIVE JANUARY 1, 2011 FOR DEFINED BENEFIT RETIREEs: Health insurance, including a prescription drug plan, dental and optical coverage, shall require a contribution from all retirees, regardless of retirement date, as follows: For retirees whose monthly pension payment is equal to or greater than $5,000.00, the employee shall contribute the equivalent of 10% of the monthly premiums for each type of coverage listed in this paragraph.

Continuing Coverage for Surviving Spouse and Eligible Dependents of Retiree hired before January 1, 2007
a. City-paid health care coverage shall be limited to a surviving spouse as defined in 2A., above.
b. The City shall continue to make health care coverage available for eligible dependents as defined and at the cost shown in 2A., above.

c. Regular retirement medical will be provided to the surviving spouse if they are not Medicare eligible, until such time they achieve Medicare eligibility. The employee must have met the eligibility requirements for retiree health care.

d. The City shall provide dental and optical coverage for a surviving spouse of a retiree.

e. The City shall continue to make dental and optical coverage available for eligible dependents as defined and at the cost shown in 2A., above.

f. Once a surviving spouse becomes eligible for coverage under another group medical plan, the City-provided coverage shall cease, subject to COBRA extensions paid for by the surviving spouse.

g. Coverage shall not be available to the surviving spouse once it has been terminated.

h. If an employee should die prior to retirement, the surviving spouse shall qualify for coverage, if the employee had been eligible for normal retirement.

i. If an employee should die prior to retirement, the City shall continue to make coverage available for eligible dependents as defined and at the cost shown in 2A., above, if the employee had been eligible for normal retirement.

B. Employees Hired on or after January 1, 2007

The City will provide a Retirement Health Savings (RHS) Plan for employees with an employer contribution of 3% of base pay only per pay period and a 3% required match by the employee on base pay, during active employment. Such plan shall be utilized as the sole retirement health coverage provided to retirees by the City. No medical, prescription, dental or optical insurances shall be provided to the retiree, spouse or eligible dependents.

X. RETIREMENT BENEFITS

Section 1. Defined Benefit Plan

A. Pension Benefits

In accordance with the Plan Document, the Defined Benefit Pension Plan shall provide pension benefits to the participating employee calculated using a benefit factor of two and sixty-five-one-hundredths percent (2.65%) for all eligible years of service, to a maximum of 80% of final average compensation and will continue to be provided for the employees covered under this resolution, and to set the age for full retirement for vested employees at the age of fifty-five (55) with early retirement no sooner than age fifty (50) with at least ten (10) years of service with a reduction of calculated benefit of ½% for each month prior to age 55. The Pension Plan for this group shall provide adjustments as follows: January 1, 1992, and annually thereafter as of January 1, the amount of pension benefit payable to each retiree whose service to the City has terminated and has reached fifty-five (55) years of age, shall be increased by five percent (5%) of the amount of pension benefit which the participant is entitled to receive, when such benefit first becomes payable. Each January 1 thereafter, the pension benefit shall be increased by the same dollar amount for a period of fifteen (15) years. Employees in the Defined Benefit Pension Plan who are eligible and elect to retire on or after January 1, 2010, shall have their Cost-of-Living-Allowance reduced from 5% non-compounding for fifteen years to 2.5% non-compounding for fifteen years as prescribed in this section.

Effective on the February 8, 2007 payroll, the pension plan requires a six percent (6%) employee contribution of base earnings to be paid as a pre-tax employer pickup under Internal Revenue Code 414(h)(2). All eligible employees shall participate in the employer “pick-up” program whereby mandatory employee contributions to the Retirement System shall be paid by the City of Auburn Hills in lieu of contributions by the employees. The terms and conditions of such contributions shall be in accordance with the provisions of the Internal Revenue Code Section 414(h)(2) and related Treasury Regulations and applicable law. The provisions of this section are mandatory, and the member shall have no option concerning the pick-up or to receive the contributed amount directly instead of having such amount paid by the City directly to the Retirement System. Member contributions picked-up under the provisions of this section shall be
treated as City contributions for purposes of determining income tax obligations under the Internal Revenue Code; however, such contributions picked-up under this section shall continue to be designated member contributions for purposes of the Retirement System and all other federal and state laws. All contributions picked-up under the provisions of this section shall be considered part of the member’s salary for purposes of determining the amount of the member’s contribution. Implementation of the pick-up program occurs upon authorization by the Retirement System. In no event may implementation occur other than at the beginning of a pay period. Pensions are vested at fifty percent (50%) for five (5) years of service and ten percent (10%) for each additional year, with full vesting at ten (10) years of service.

Employees in the Defined Benefit Pension Plan shall qualify for retirement medical coverage per the current resolution (as defined in Section IX (2) above) with ten (10) years of service as defined in the pension plan and with the attainment of 55 years of age, or age 50 if an early retirement provision is elected. Employee must be actively employed by the City at the time of retirement in full pay status and meet the qualifying pension age to obtain medical insurance.

B. Supplemental 401(K) Plan

In addition to the Defined Benefit Pension Plan, the City shall provide a Supplemental 401(K) Plan to which employees may make contributions. For each three-quarter percent (3/4%) of annual base salary contributed by the employee, the City will contribute one percent (1%) to a maximum of six percent (6%) City contribution. Effective January 1, 2011, the City’s contribution to the supplemental 401k for Defined Benefit Pension Plan participants shall cease.

a. All employees shall be required to contribute at the four and one-half percent (4 1/2%) level in order to receive the city’s maximum contribution.

b. The City’s contribution shall vest to the employee at the rate of twenty percent (20%) per year based upon years of service with the employer in a full-time position. Employees having five (5) or more years of service shall be fully vested.

c. Permanent and total disabilities will result in immediate full vesting.

d. In addition to the base contribution, employees may contribute up to twenty-five percent (25%) of their gross annual wages.

e. Further guidelines are set forth in Section 401(k) of the Internal Revenue Code and in the plan documents.

Section 2. Defined Contribution Plan

For employees hired on or after April 1, 1998, the City will provide a Defined Contribution Plan jointly funded by the employer and employee. The City shall contribute 9% of base salary without an employee contribution. However, an employee who elects to contribute 3% of base income shall have that matched with an additional employer match of 3%, bringing the total employer/employee contribution to 15% of base salary. City contributions shall vest at the rate of 20% per year, 100% at five (5) years. The plan documents more fully describe the Defined Contribution Plan.

Employees in the Defined Contribution Plan shall qualify for retirement medical coverage per the current resolution (as defined in Section IX (2) above) with ten (10) years of service and the attainment of 55 years of age. Employee must be actively employed by the City in full pay status at time of retirement and meet the qualifying retirement age to obtain medical insurance.

Section 3. Deferred Compensation

The City shall make available a 457 Deferred Compensation Plan that is funded solely by employee contributions. Such plan is available to employees who participate in either the Defined Benefit or Defined Contribution plans. Rules of participation are found in the employer plan documents and as set forth in Section 457 of the Internal Revenue Code.
XI. TUITION REIMBURSEMENT
The City shall reimburse the cost of tuition at an accredited education institution in accordance with the following:

A. The course(s) must be related to the job.

B. Tuition reimbursement will not be made in advance. The employee will pay for the course and be reimbursed upon proof of completion of the course with a grade of "C" or better, and the submission of a signed affidavit that the amount requested has not been requested or received from another source.

C. City reimbursement will be for tuition and mandatory fees. Books, supplies, and other expenses will be the employee's responsibility.

D. Reimbursement will apply to active employees only and will require prior approval by the City Manager. Reimbursement will be limited to three four thousand dollars ($3,000) ($4,000) per person per calendar year.

XII. LIFE INSURANCE
The City shall pay the premium to maintain life insurance in the amount of one and one-half (1 1/2) times the annual salary for employees with less than five (5) years of service, and two (2) times the annual salary for employees with five (5) or more years of service, and who are enrolled in the Defined Benefit Pension Plan.

In lieu of the above described life insurance benefit, the employer shall pay the premium to maintain a life insurance policy equal to three (3) times the annual salary for employees covered by the defined contribution plan.

The City's life insurance policy shall include the provision for a conversion policy for a minimum of five thousand dollars ($5,000.00) life insurance coverage when the City's coverage would normally terminate. The employee shall be responsible for the cost of the premiums if such option is selected.

Life Insurance Reduction Schedule: Employees who are in full time active status and who have attained the age of 65 shall have their life insurance reduced by 35%. From and after age 65, employees who remain employed in full time active status shall receive another reduction of an additional 15% (for a total of 50%) once they have attained the age of 70.

XIII. VESTED RIGHTS
The passage of this resolution shall not vest upon any employee the right or expectancy to continue receiving any benefits provided for in this resolution. The City Council expressly reserves the right to amend or repeal this resolution, or any part thereof, at any time.

THIS RESOLUTION WAS ADOPTED BY THE AUBURN HILLS CITY COUNCIL ON AUGUST 28, 1985,
AMENDED BY SAME APRIL 27, 1987, NOVEMBER 23, SEPTEMBER 18, 1989, FEBRUARY 19, 1990,

THIS RESOLUTION WAS ADMINISTRATIVELY AMENDED BY CITY MANAGER RANDALL, JUNE 28, 2005

THIS RESOLUTION WAS ADMINISTRATIVELY EXTENDED BY CITY MANAGER CULPEPPER, AUGUST 25, 2006.

THIS RESOLUTION WAS AMENDED BY THE AUBURN HILLS CITY COUNCIL, JANUARY 22, 2007.

THIS RESOLUTION WAS ADMINISTRATIVELY AMENDED BY CITY MANAGER CULPEPPER, DECEMBER 12, 2007.

THIS RESOLUTION WAS AMENDED BY THE AUBURN HILLS CITY COUNCIL, FEBRUARY 2, 2009.

THIS RESOLUTION WAS AMENDED BY THE AUBURN HILLS CITY COUNCIL, AUGUST 24, 2009.
THIS RESOLUTION WAS AMENDED BY THE AUBURN HILLS CITY COUNCIL, DECEMBER 6, 2010.
THIS RESOLUTION WAS AMENDED BY THE AUBURN HILLS CITY COUNCIL, DECEMBER 5, 2011.
THIS RESOLUTION WAS AMENDED BY THE AUBURN HILLS CITY COUNCIL, DECEMBER 17, 2012.
THIS RESOLUTION WAS AMENDED BY THE AUBURN HILLS CITY COUNCIL, DECEMBER 16, 2013.

AYES: Doyle, Hammond, Knight, McDaniel, McDonald, Verbeke
NAYS: Kittle
ABSENT: none
ABSTENTIONS: none

RESOLUTION ADOPTED

STATE OF MICHIGAN
COUNTY OF OAKLAND

I, the undersigned, the duly appointed Acting City Clerk for the City of Auburn Hills, Oakland County, Michigan do hereby certify that the foregoing is a true and complete copy of “2013 Resolution - Benefits for Non-Union Personnel” as adopted and made effective January 1, 2014 through December 31, 2014 by the Auburn Hills City Council.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this 16th day of December, 2013.

____________________________________
Terri Kowal, City Clerk
INTRODUCTION AND HISTORY
According to our City Charter (Section 4.23), the City Council shall select annually one or more depositories in which funds of the City shall be deposited. Additions may be made at the discretion of the City Council during the year. It is very important for the City to have several institutions on the approved list, so that we may seek competitive bids when investing City money.

Attached is a listing of banks and credit unions in and around our area for investing City funds. The banks and credit unions are the same as 2012, with the addition of Michigan Schools and Government Credit Union. These institutions are rated using Bankrate.com and by our investment managers, Ambassador Capital and Cutwater Asset Management. All information provided is as of the third and fourth quarters of 2012, and the first and second quarters of 2013. Keys to the ratings systems are provided. Highlighted banks meet Council’s past recommendations.

STAFF RECOMMENDATION
This listing of depositories is in compliance with our City Charter and our Investment Policy. Prior Council recommendations were that approved depositories should have a rating of 20 or higher, be rated a B or better, or be strong in 2 out of the three rating categories. Highlighted banks meet Council’s recommendations. It is recommended by staff that the City Council approve the attached resolution listing the authorized depositories for the City of Auburn Hills.

MOTION
Move to adopt the attached resolution approving the list of authorized depositories for City funds.

I CONCUR: 

PETER E. AUGER, CITY MANAGER
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**Ambassador's Rating System:**

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<tr>
<td>Poor</td>
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**Ambassador does not rate Credit Unions**

**Banks must meet 2 out of the 3 ratings**

**Credit Unions must meet both ratings**
RESOLUTION TO APPROVE LIST OF AUTHORIZED DEPOSITORIES FOR THE CITY OF AUBURN HILLS

WHEREAS, Section 4.23 of the Auburn Hills Charter states that “The City Council shall select annually one or more depositories in which funds of the City shall be deposited” and

WHEREAS, Section 7.0 of the City of Auburn Hills Investment Policy states that “The City Treasurer shall maintain a listing of financial institutions and brokers/dealers authorized to provide investment services,” approved annually by City Council for investment and depository purposes, and

WHEREAS, the currently approved list of legal depositories has expired,

NOW THEREFORE BE IT RESOLVED, that the Auburn Hills City Council approve the following financial institutions as legal depositories for all public monies effective to December 31st, 2014

Bank of America
First Merit
Comerica Bank
Fifth Third (5/3) Bank
Flagstar
Huntington National (Bancshares)
JPMorgan Chase
Level One Bank
Mercantile
PNC Financial Services
Talmer
The Private Bank
Wolverine
Cornerstone Community Financial Credit Union
Credit Union One
Genisys Credit Union
InTouch Credit Union
Alliance Catholic Credit Union
Michigan Schools & Government Credit Union
Michigan State University Credit Union
Parda Federal Credit Union
INTRODUCTION AND HISTORY

According to our City Investment Policy adopted on September 21, 2009, Section 7.0 requires that a list of broker/dealers used by the City for investments be approved annually by resolution of the City Council. The broker/dealers used for the City are those used by our two investment managers, Ambassador Capital and Cutwater Asset Management. Each broker/dealer has signed an agreement to abide by Public Act 20.

Attached is the listing of broker/dealers used by our two Investment Managers, and were approved in 2012. Broker/Dealers do not issue debt, and are pass-through agents used by our Investment Managers to place trades.

STAFF RECOMMENDATION

This listing of broker/dealers used by our Investment Managers is in compliance with our Investment Policy

MOTION

Move to adopt the attached resolution approving the list of authorized broker/dealers used by the Investment Managers on behalf of the City of Auburn Hills.

I CONCUR:

PETER E. AUGER, CITY MANAGER
RESOLUTION TO APPROVE LIST OF AUTHORIZED BROKERS / DEALERS FOR THE CITY OF AUBURN HILLS

WHEREAS, Section 7.0 of the City of Auburn Hills Investment Policy states that “The City Treasurer shall maintain a listing of financial institutions and broker/dealers authorized to provide investment services,” approved annually by City Council for investment and depository purposes,

NOW THEREFORE BE IT RESOLVED, that the Auburn Hills City Council approve the following brokers/dealers as legal pass-thru agents for all public monies effective to December 31st, 2014

Bank of America / Merrill Lynch
Citigroup
Comerica
Fifth Third
Jeffries Group
JP Morgan Chase
Merrill Lynch & Co.
Mizuho Corporate Bank
Morgan Stanley
Raymond James Morgan Keegan
Royal Bank of Canada
TCF Bank
UBS AG
Wells Fargo S&Co.
November 27, 2013

Auburn Hills City Council
Auburn Hills, Michigan

Re: Installation of a Drilling Rig

To Whom it May Concern,

My name is Michael T. Eland and I reside at 3227 Pinecrest Way. My property abuts the back end of the Apostolic Church of Auburn Hills property.

Several years ago a committee of 3 from the church including the minister came to my house to appeal to me to go before the city council to give my approval for the church to build on the property on Squirrel Rd that is adjacent to my property. The committee presented a beautiful picture of what they were trying to accomplish. Manly, to build a beautiful church, a school and a nature center for the children with a learning gazebo. The church and school were to be built east of Galaway Creek and west of the creek would be developed as a nature center with a gazebo for the children that would adjoin my property. I was told that the property was donated by a Mrs. Foster to build the church, school and nature center.

The committee asked me to go before the city council to give my approval for the church to be built. Based on the information that the committee furnished me at that time, I went to the council meeting and gave my approval. Since the church has been opened no additional construction has been done to the property for the children. In addition the property has been neglected since the church was constructed. There are dead trees laying all over the property with no care being done to clear or maintain the area. The neighbors on the adjoining property try and keep their property up but the church has neglected their own property making the area an eye sore.

Finally the church has not given any consideration for their neighbors as far as maintaining the rear of the church property. Now they want to put up a drilling rig without the consent of their neighbors and the have no regard for the value of their neighbor's property. If the church wants to put up a rig then let them put it in front of their church or on their playground, not by Pinecrest Way.

Sincerely,

Michael T. Eland
Bloomfield Hills resident hopes to develop treatment for blindness

The Oakland Press (http://www.theoaklandpress.com)

Public safety officer named Auburn Hill’s employee of the year

Wednesday, November 27, 2013

Auburn Hills announced that Jeramey Peters has been named the city’s employee of the year for 2013. Peters is a public safety officer and has been with the city since 2004. He and other nominees were honored at an employee lunch on Nov. 18.

Auburn Hills has 165 full-time staff. The employee of the year award began in 2012 to recognize outstanding contributions by city employees.

“We have an incredible team at Auburn Hills, but each year there is an employee that is a standout,” said Auburn Hills City Manager Pete Auger. “We congratulate Jeramey Peters on this recognition and thank him for his efforts to best serve Auburn Hills residents and businesses in his role as a public safety officer.

Peters is an Oakland County resident and holds an associate’s degree and bachelor’s degree in criminal justice. In addition to Peters, other Auburn Hills employees nominated by the city and recognized at the luncheon were Water Resources Coordinator Shawn Keenan, Human Resources Generalist Jane Parpart, Interim Fire Lieutenant Gary Chapman and Sewer Crew Leader of the Department of Public Works Rob Cox. They are pictured with Auburn Hills City Manager Pete Auger (right).


© 2013 The Oakland Press (http://www.theoaklandpress.com)
AUBURN HILLS

Auburn Hills chamber hosting annual Silver & Gold awards brunch

The Auburn Hills Chamber of Commerce will hold its annual Silver & Gold Awards Holiday Brunch, Friday, Dec. 13, at the Crowne Plaza, 1500 N Opdyke Road, Auburn Hills. The program is 10:30 a.m. to noon, and honors business leaders in the areas of innovation, leadership and community involvement. It also recognizes volunteers and supporters of the Auburn Hills Chamber.

There are three hosted Silver Awards. The Gold Awards, sponsored by the Palace’s Come Together Foundation, are given to key members and volunteers for outstanding service and support of the Auburn Hills chamber. Tickets are available at $25 for members, $35 for non-members, and $15 for Chamber Board and Ambassadors. Add $5 to each ticket after today. Sponsorships are available for $400, which includes eight tickets and event signage. Visit www.auburnhillschamber.com or call 248-853-7882.

AUBURN HILLS

Schuette to speak on Monday Dec. 9

Michigan Attorney General Bill Schuette will speak about the state’s initiative against human trafficking entitled “Human Trafficking in Michigan,” at 1:30 p.m. Monday, Dec. 9 at the Oakland Community College Auburn Hills in G-240 of the Student Center, 2900 Featherstone Road, Auburn Hills. Schuette will discuss the results of the recent 2013 Report on Human Trafficking.

— Special writer Ashley Young
Continental Structural Plastics targets China for acquisitions

By: Rhoda Miel

December 6, 2013

AUBURN HILLS, MICH. — Continental Structural Plastics is closing in on a deal that will take it to China as well as expand in the United States to make carbon fiber auto parts.

Chairman and CEO Frank Macher said the auto supplier has two memorandums of understanding with potential acquisition targets in China now and is evaluating which facility it will purchase to become its manufacturing footprint in Asia.

It expects to announce details during the first quarter of 2014, Macher said during a Dec. 6 briefing at CSP's new headquarters and technical center in Auburn Hills.

Earlier this year, CSP purchased the assets of a thermoset molding company in Pouance, France, which has since become CSP Europe, establishing not only a manufacturing base in Europe but also acquiring new expertise in carbon fiber molding.

The Pouance plant has a strong history in multiple carbon fiber processing techniques, including resin transfer molding, sheet molded compound and traditional prepreg for both Class A surfaces and structural parts. The
Pouance site also makes its own RTM equipment and will make machines for CSP to use globally, said Michael Siwajek, director of research and development.

CSP has a long history in providing major composite parts for the auto industry. It already was a supplier of thermoplastic composites when it purchased the Budd Plastics division of Germany’s Thyssen Krupp Automotive AG in 2006. Budd had its own in-house SMC compounding line in Van Wert, Ohio — where it co-developed an SMC blend that would lead to fewer paint blemishes. Budd also made the first high-volume commercial composite truck beds for Ford Motor Co.’s Sport Trac.

Last month, the company announced it would invest $18.3 million in a new paint facility at another former Budd plant, in Carey, Ohio.

Macher, an industry veteran who was vice president of Ford’s Automotive Components Group and a CEO of auto suppliers Collins & Aikman, Federal Mogul Corp. and ITT Automotive, joined CSP in 2010.

The Van Wert compounding operation will be at the center of CSP’s plans to launch commercial production of carbon fiber, Siwajek said. The company will expand the site there once it is ready to begin full-scale manufacturing.

Timing for when that expansion happens depends on CSP’s customers, Macher said.

CSP is a development partner with Ford, Dow Chemical Co. and Dow’s carbon fiber joint venture, DowAksa Advanced Composites Holdings. The team is working on bringing a faster and less expensive carbon fiber composite option to the market.

The new technical center has a pilot carbon fiber SMC line as part of that project.

CSP has developed a prototype hood for a Lincoln MKS sedan that would replace standard mid-density SMC with a combination of lightweight SMC and a structural carbon fiber composite using a 1-inch chopped carbon fiber.

In addition to seeking fast and reliable molding systems, the company has had to put a lot of work into finding the way to align the carbon fibers within a higher volume production system.
“Carbon fiber doesn’t like polymers. It likes itself,” Macher said. “It’s one of those narcissistic materials.”

The technical center also has developed tools for predictive engineering, three presses to produce test parts and is studying the potential to recycle SMC and other key projects needed to take composites to the next level in an auto industry looking for lightweight solutions.

“We have to go beyond body panels,” Siwajek said. “It has to be put into true structural applications.”

CSP has delivered 40 different parts to Ford for validation as part of the development process and is now waiting for word from customers to determine how soon it can look at commercial launch of its carbon fiber programs. With the expertise from both North America and Europe, it will also be able to make those parts in a variety of methods — from SMC to RTP to prepreg — and with the expected expansion to China next year, produce them globally.


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Despite moving its headquarters to Herndon, Va., five years ago, Volkswagen of America has invested about $12 million and added hundreds of employees at its offices in Auburn Hills since 2008.

VW employment in metro Detroit has recovered from a low of around 600 in mid-2008 to 1,400 today and is likely to grow further. The company’s plan to increase North American manufacturing and sales has been good for Auburn Hills.

After the 2008 move to suburban Washington, D.C., I figured the last VW employee to leave Michigan would turn off the lights within a year or two, but I was way wrong.

“You can’t find this skill set in D.C. You could never reproduce the knowledge base that’s here in Michigan,” VW Group of America executive vice president for quality Marc Trahan told me as we walked past desks, labs and garages filled with workers handling everything from quality tests to dealer finance, real estate, electronics, safety and customer relations.

Once solely a sales operation, Volkswagen of America has gained responsibility for manufacturing and quality in the U.S. and Mexico. The famously top-down VW Group — which includes VW, Audi, Lamborghini, Porsche, Bentley and several brands not sold in North America — has given VWA more autonomy to make decisions, particularly those that affect the quality of vehicles made in Chattanooga, Tenn., and Puebla, Mexico.

“It’s better to be in charge of your own destiny,” Trahan said. The change has led to quicker solutions to problems and helped drive the Volkswagen brand’s warranty costs to a 20-year low.

Poor quality ratings have dogged VW for decades in the U.S. Its manufacturing growth in the U.S. and Mexico has opened the door for more work in Auburn Hills to catch problems before they get to customers.

“VW of America is evolving,” Trahan said. “We’re gaining responsibility and accountability for quality.”

The U.S. plays a key role in VW Group’s growth program, which calls for combined VW and Audi sales here to grow 72% from 580,279 last year to a million in 2018.

To reach that, the group will add one or two factories in North America. A new Mexican plant will begin building the next generation of the Audi Q5 SUV in 2016. It’ll be the only Q5 plant in the world, exporting most of its production to Europe, Asia and other markets in addition to the U.S.

It’s not official yet, but VW also is virtually certain to add a second vehicle at its Chattanooga plant, which opened in 2011. Chattanooga currently builds the Passat midsize sedan. It’s widely expected to add a Ford Explorer/Toyota Highlander-sized crossover. The Crossblue, a six-passenger concept vehicle VW unveiled in January at the North American International Auto Show in Detroit, probably shows what the automaker has in mind.

VW’s Auburn Hills office will do more work with suppliers as the automaker increases production in North America.
VW moved its U.S. headquarters to metro Detroit in 1983. The building in Auburn Hills opened in 1989. It’s a handsome brick building, surrounded by trees and with plenty of windows. Engineering sketches and photos of Volkswagen and Audi vehicles line the building’s halls, and a windowless room with VW’s highest level of security preps the prototypes and show cars the automaker displays each year at the NAIAS.

Other areas, notably customer relations, have enough open space to add people as VW and Audi sales rise and the offices here add responsibilities.

Other changes at the building included converting the old executive garage into labs and workshops that test electronics, prepare cars for cold-weather testing, examine parts that came in because of warranty work and more. One corner of the old garage has become a new fitness center with workout machines and locker rooms.

“That was my old parking spot,” Trahan said, pointing at a treadmill.

Contact Mark Phelan: 313-222-6731 or mmphelan@freepress.com. Follow him on Twitter @mark_phelan.
‘Monday Night Football’ experience comes to Great Lakes Crossing Dec. 14-15

Tuesday, December 10, 2013


The weekend-long event, which will be held in the parking lot near Rainforest Cafe, will give fans a chance to amp themselves up for the upcoming bout against the Baltimore Ravens and is sponsored by GMC, the official vehicle of the NFL.

Guests will be able to test drive GMC vehicles for a chance to win tickets to Monday night’s game, test their skills at the GMC Lab, play Madden NFL 25, the latest installment in the EA Sports series and have a chance to meet and get autographs from Detroit Lions players.

Scheduled to make an appearance on Dec. 14 are Joique Bell from 3 p.m. to 4 p.m., Kris Durham from 4:30 p.m. to 5:30 p.m. and Louis Delmas from 5:30 p.m. to 6:30 p.m.

Scheduled to show up on Dec. 15 are Stephen Tulloch from noon to 1 p.m., Darius Slay from 1:30 p.m. to 2:30 p.m. and Joseph Fauria from 3 p.m. to 4 p.m.


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Among new construction on campus, Oakland University’s O’rena stands out

Among new construction on campus, gym stands out

By Paul Kampe, The Oakland Press

Friday, November 29, 2013

Amidst a plethora of new construction on Oakland University’s Rochester-area campus sits what is arguably the school’s most significant addition in recent decades. It’s not a library, or student housing, or even the nearby parking structure designed to help accommodate the influx of traffic it generates. The school’s athletics complex, the O’rena, which has hosted numerous seasons of basketball as well as nationally-recognized events, recently turned 15 years old.

“Time has gone fast,” said men’s basketball coach Greg Kampe, who helped shape the arena’s design. “We’ve done a nice job taking care of it.

“It’s been a great home court advantage for us.”

If ever there was a season when the school’s basketball teams needed a helping hand, it’s now. Oakland’s teams began the season a combined 0-12. The men’s team returned winless after a brutal, seven-game road trip to begin the season to take on nearby Rochester College Saturday (Nov. 30).

Like many home courts in college basketball, the Golden Grizzlies have turned theirs into a shield from the harsh atmospheres of road life. The men’s team owns a .731 all-time winning percentage atop their grizzly bear mascot flanked by black baselines. They have lost just 10 games in the last five seasons in their gym. In fact, they’ve never had a losing record at the O’rena.

One constant through the years has been the support of the school’s renowned student section, the “Grizz Gang.” The collective has gone by different names in years past, but can be counted on to raise the volume in the building — or don Speedos in mid-February in support of the teams — whatever it takes.

While it might not have the size or notoriety as the student sections at Michigan or Michigan State, the Grizz Gang has earned the affection of sharpshooting redshirt senior guard Travis Bader.

“I love them,” he said. “There’s always certain people at every game.

“I admire their support.”

PHOTOS: Oakland University’s O’rena through the years

The arena’s low ceilings and sound boards provide vocal support to the raucous crowds in the student section and elsewhere.

“Noise goes up and comes right back down,” said Kampe, who in the first of two stints as interim athletic director was involved in the conception of the arena in the mid-1990s.

http://www.theoaklandpress.com/apps/pbcs.dll/article?avis=OP&date=20131129&...
MEN'S SOCCER: Oakland's Joey Tinnion earns Horizon League award after comeback win over Detroit
An overlooked competitive advantage literally hangs from the ceilings of the O'rena — the baskets. Whereas as many arenas use hoops based on the ground, Oakland’s hang from the roof, similar to high school gymnasiums.

“It’s soothing,” Kampe said. “We made a conscious decision to do that.”

The player who will likely go down as the program’s greatest shooter of all time, Bader said he shoots well in the O’rena because of the familiarity born through the thousands of hours he’s spent in its friendly confines.

“Just seeing some of the great shooters before me, I would definitely say it’s a good place for scorers and shooters,” he said.

Bader said he spends nearly four hours each day at the O’rena. Despite the time he’s invested, Bader has yet to find a favorite spot on his home floor, saying his preferred location is “anywhere I have time to shoot.”

It’s easy to find the 3-point arc at the O’rena, as Bader did 11 times in a game last season, because every inch inside its parameters is filled with black, like its 3,000 seats.

Oakland has been home to two of the nation’s best shooters of the past five years: Erik Kangas and now Bader, who is on pace to reset the nation’s career record for 3-pointers. Kampe said the reputation of a “shooter’s gym” helps in recruiting.

Over the past decade and a half, updates have added to the ambiance of the O’rena.

The arena added more character in the mid-2000s when murals of the school’s most celebrated athletes were added to the east- and west-end walls.

“We thought it was a great way to capture Oakland University’s history,” Kampe said.

The project is expected to continue on the north and south walls as more celebrated student-athletes pass through its doors one last time.

The retired numbers of three of the most heralded men’s basketball players in the school’s history — the school’s first All-American player, Scott Bittinger’s No. 1; the school’s first NBA player, Rawle Marshall’s No. 5; and the No. 34 of the program’s first NBA draft pick, Keith Benson — adorn the south wall near a new scoreboard also added in recent seasons.

Construction of the arena involved in part an expansion upon the campus’ original field house, Lepley Sports Center, which Kampe affectionately referred to as “a glorified high school gym” where he spent the first half of his now 30-year tenure at Oakland University. Lepley Sports Center was opened five years after the school’s 1957 inception. In addition to being the home court for the school’s men’s and women’s basketball teams and volleyball program, the O’rena houses locker rooms for all 18 of the school’s Division I sports, a training room, office space for the athletic department, an academic skills center, a weight room and an equipment room.

The school’s Campus Recreation Center — or “The Rec” as it’s commonly known — adjoins the venue. “The Rec” includes a three-court gym, weight training and fitness areas, aerobic rooms, racquetball and squash courts, a wellness center and classroom space.

The arena’s opening coincided with the school’s ascension to Division I athletics, a long leap from the confines of the Great Lakes Intercollegiate Athletic Conference it had called home for 25 years. Then No. 5-ranked Michigan State helped open the arena, Nov. 17, 1998. Students camped outside of the box office to score tickets. More than a decade later, it remains one of the top-attended games in O’rena history, accompanied by the numerous other big games in the venue’s past.

“We had the courage to go up to Division I,” Kampe said. “And for 30 minutes, we played with them.”

http://www.theoaklandpress.com/apps/pbcs.dll/article?avis=OP&date=20131129&category=NEWS&...
MEN'S SOCCER: Oakland's Joey Tinnion earns Horizon League award after comeback win over Detroit

The Golden Grizzlies, having recently parted ways with their “Pioneers” monicker, <URL destination="http://www.msuspartans.com/sports/m-baskbl/recaps/111898aaa.html">eventually lost handily, but their effort was noted by Spartans coach Tom Izzo.

The venue's seating capacity has been exceeded on numerous occasions, one of which when Oakland beat Michigan in November 2000. That is just one of three wins over so-called “BCS” programs at the O’reña. Most recently, Oakland upset Tennessee in front of 3,755 fans in November 2011 in the arena’s first nationally-broadcast game.

The Horizon League, the athletic conference Oakland recently joined, waived its mandatory 5,000-seat capacity membership clause in order to add the school following defections by Butler and Loyola-Chicago. Oakland’s website calls the venue “the newest and most modern facility of its kind in The Horizon League.”

“It fits us well,” Kampe said, adding he hopes his program eventually outgrows the O’reña. “It’s matched our needs well.

“I’d rather play at a full 4,000-seat arena than half of an 8,000-seat arena.”

The school’s athletic department feels it has already outgrown the teen-age venue, but an expansion of the arena is not likely, Kampe has said in the past. The school has, however, been in the process of raising funds to add a practice facility for its athletic teams, its players and department staff. An estimated $8 to $20 million would need to be raised. Director of athletics Tracy Huth previously said the need for expansion is largely due to sheer volume of student-athletes the school has gained through adding various sports.

The project followed the longest building freeze in campus expansion in school history at the time — almost 10 years.

Ground broke on the arena in December 1996 and the project cost $37 million, according to the school’s online archive, paid through general obligation, tax-exempt bonds and a $95 student fee per semester to fund construction and maintenance.

Mother Nature struck the 250,000-square foot facility, collapsing the building’s roof in January 1999 after a severe snowstorm, forcing the school to close a section of seats during a game. The facility earned the distinction of “Outstanding Sports Facility” a year later. A possible practice facility expansion could possibly add another 10,000 to 25,000 square feet, by Huth’s June 2012 estimate.

The firm which handled the O’reña’s construction, Bloomfield Hills-based TMP Associates, has designed several area high schools as well as conceptualizing recent renovations of the University of Michigan’s Crisler Center in Ann Arbor. The firm also constructed several other buildings on the sprawling campus, including O’Dowd Hall and the Oakland Center, according to its website.

Despite its discreet appearance, because the O’reña is situated on a large slope on the campus’ east side, it has hosted high-profile events such as the Republican National Debate. The GOP gathering necessitated various touch-ups, such as a glossy coat being added the concrete stairs inside and the re-pouring of concrete outside the venue. The hardwood court received a facelift last year, the main change being the swapping out of bear-head logos, and another touch-up when Oakland joined the Horizon League this summer.

After starting the season on an extended vacation, Oakland’s men’s team now has nine of its next 11 games at the O’reña. Tickets range from $7 to $15. Visit OUGrizzlies.com or call (248) 370-4000 for more information.
Pontiac school deficit higher than estimated

Auditors doubtful about Pontiac schools future

By Diana Dillaber Murray, The Oakland Press

Thursday, December 5, 2013

Auditors for the Pontiac schools questioned the ability of the district to continue operating as it is.

However, new Superintendent Kelley Williams said between the auditors and the Oakland Schools intermediate district, the district has a better handle now on where the district is financially and an action plan to remedy poor financial management is being prepared.

Not only did the Pontiac school district deficit increase by $14 million, from $37.7 million to $51.7 million, but the majority of recommendations made in June 2012 to improve finances were not followed according to outside auditors in their annual report.

“With the current year deficit of $14 million (the increase between June 2012 to June 2013), this raises substantial doubts about the ability of the school district to continue as a going concern,” said Alan Young, managing director of Alan C. Young and Associates, whose team did the audit.

Even Williams cautioned the board that it is possible that the deficit might go even higher than reported before there is real clarity on its actual financial status.

However, Williams said because of the fresh audit of the 2012-2013 school year and Oakland Schools’ recent efforts to examine records and files and revamp finance and business operations, and the district’s collaboration with the state Treasury under the consent agreement, officials have a better handle on the district’s financial standing now than in several years.

As Oakland Schools’ employees continue combing through all financial files, they may uncover further issues and discrepancies, Williams said.

“I feel confident we are getting a handle on the finances, but please note we are still finding checks and files,” so we may turn up more, said Williams, who was made interim superintendent in May and permanent superintendent in October. Under a consent agreement negotiated with the state, Williams has been given the opportunity for a “last chance” effort to rescue the Pontiac school district from its financial crisis before a complete state takeover.
However, under a 20-page consent agreement approved by the Pontiac Board of Education, Williams is carrying out her mission with the state-appointed Don Weatherspoon, former emergency manager at two other Michigan districts.

So far, Weatherspoon is acting as a consultant to Williams, but has the authority to take actions Williams doesn’t take to carry out the requirements and goals of the consent agreement.

As part of that agreement, Oakland Schools (ISD) was contracted by the board on Nov. 15 to operate the district’s business office and the human resource office. All employees in the two departments have been or will be evaluated and hired by Oakland Schools.

Young presented the audit summary Monday night at the Pontiac Board of Education’s regular board meeting. Members of Young’s team of auditors said they had cited 10 findings in last year’s audit with recommended changes to improve finances. Of those, only three recommendations were followed. This year 20 findings were cited. Of those, six were financial issues and 10 were issues over non-compliance with government requirements. Young said his firm had to call in about eight people to get all the information needed to provide the audit.

Young said $10 million was allocated over and above the amount budgeted for the 2012-2013 school year.

“There were numerous files that did not contain tax withholding forms,” and there was a problem with bank reconciliations, with numerous outstanding checks that were older than a year; amounting to $145,000, Young reported. “Most likely, they did not get cashed.”

The reaction of board members to the negative report ranged from pointing out their many frustrating requests for monthly financial statements, budget updates, check reconciliations and other financial data that went unanswered; to pointing out, with some cynicism, that the same problems have been cited in regular audits every year and forensic audits and nothing has changed. The deficit continues to go up.

To board queries about how they can ensure the budget is followed, auditors said trustees should receive a report by the 15th of each month comparing the board-approved budget and the actual revenue and expenditures.

Williams said “The ISD still has lots of areas to clean up and a huge disarray of files to put in place. There is a sense of urgency but it is going to be done right,” she said.

Williams told the board that, unlike in the past, a corrective action plan will be created to go into effect in late January to address all findings and deficiencies. This plan will be presented to the state and will be followed, she said, firmly.

“It is very disturbing to know our principles and policies that are written out and in place have not been followed,” Williams said. In addition, Williams said that not enough had been done in previous years to make cuts when there was a decline in enrollment and loss of funds.

“We lost a tremendous amount, $13 million, and over the past five or six years, there have not been enough cuts,” said Williams.

“I am very confident in the ISD and in the great collaboration between the ISD, the state and Dr. (Don) Weatherspoon,” said Williams.
Young said the district lost $7 million in state aid, $4.2 million in federal funds and $2.3 million local funds between June 2012 - June 2013. Staff was reduced by 11 percent. Also, student enrollment dropped by more than 430 students during the same period, which contributed to the loss of state revenue. It may have dropped as much as 600 since the audit.

Williams said the district was not able to obtain millions in federal funds because in order to receive them, it is necessary for districts to spend the money first, then get reimbursed with the federal dollars. Pontiac district did not have adequate cash flow to accomplish that requirement.

URL: http://www.theoaklandpress.com/general-news/20131208/pontiac-school-deficit-higher-than-estimated

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Pontiac students may go to school year round

Major changes coming for Pontiac students

By Diana Dillaber Murray, The Oakland Press

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During the next school year, students in the Pontiac school district may be attending classes year round, with two-week breaks that offer special help with their studies.

Students at Pontiac High School and Pontiac Middle School may also be taking more online classes on Chromebook laptop computers which will be provided to them. Students will also have individual support of tutors rather than only a facilitating teacher.

The innovations are among six to take effect if an academic action plan proposed by Superintendent Kelley Williams is approved by the Michigan Department of Education. The plan is due to the MDE by Dec. 15, the same day as the financial plan.

Williams said she has shared the framework of her plan with Vickie Markavitch, superintendent of Oakland School intermediate district, and the two have worked together on it along with state-appointed consultant Don Weatherspoon and representatives from the MDE.

“We have the right individuals on the bus in the right seat” working with us, said Williams.

Williams said she believes the district’s radical academic changes may become a blueprint for other urban districts with declining enrollment, high poverty, low student achievement and inadequate state funding.

And everything will be done in a way that will match funding with programs in a way that will not only avoid any further increase in the deficit but will reduce it, she said.

“We are looking to reduce time off in the summer,” said Superintendent Williams. “Research shows that when students are off in the summer, students lose a lot of learning. We are looking at 20-25 days off versus 60 days in the summer,” she said.

Beginning this school year, students will have an extra 10 days of school in June for intervention as a pilot of the year-round school.

The online classes will be offered as part of what is called “blended learning” that also includes regular classroom teaching.
Big Ten: Martinez rallies Nebraska past Northwestern

Pontiac High School students will have more vocational-technology courses so that upon graduation they will be ready for immediate employment and/or for the successful pursuit of a college education without taking remedial courses and many college-bound students must take now.

“We do not want our high school to be taken over by the EAA,” said Williams, referring to the state’s Education Achievement Authority, that now operates more than a dozen of Detroit’s failing schools.

Every school will be provided with coaches, a project that will be done with the help of Oakland Schools intermediate district.

“This means there will be more coaches in the classrooms doing evaluations and giving feedback” that will help teachers and administration, she said.

Also, every teacher in every school will be on a six-week instruction cycle. Each week, teachers in each building will meet with a coach and discuss areas of success and concern. At the end of the six weeks teachers will know how students are doing in that unit of instruction and will have the opportunity to intervene and work with children to help them overcome their difficulties with the subject matter. If 80 percent of students are doing well, that means the teacher’s instruction was successful; if only 20 percent are doing well, that would indicate the teacher needs to determine what is not working.

To help, class sizes will be reduced from the average of 41 per teacher at this time. This is a goal of Pontiac school officials, teachers and the state.

“We have been in discussions with the MDE how to use the Title funds” in a way that can put more teachers in the classrooms in programs that are eligible for federal funding.

Key to the plan is obtaining $10 to $13 million in federal funds geared to help students in low-income communities increase their achievement levels and the MDE’s help in streamlining the reimbursement process so Pontiac schools can receive the funds within a two-to-three-day timeline. The district missed out on millions in grant money last year because it did not have the money to spend for programs so it could get reimbursed.

Oakland Schools Superintendent Markavitch said, “The educational plan will provide Pontiac students with more opportunities to be engaged in relevant and rigorous learning.

“It also builds in processes and resources that will assist the staff of Pontiac’s schools in monitoring and adjusting instruction around student learning. For example, the extended learning year will be a better intervention than traditional summer school with many more, if not most of Pontiac students participating.

“Another example, using more blended learning activities at the high school and middle school level will increase student engagement around learning; and students will not only be connected to community and career related projects, they will be linked into technology through the Chromebooks provided to each student – Chromebooks loaded with an up-to-date comprehensive curriculum and all the links to go with it.

“In addition, we are very hopeful that the MDE will approve a waiver allowing the use of federal funding for reducing class sizes – getting kindergarten through 6th grade classes down below 30 is a priority for second semester of this year.

“These and other initiatives will improve teaching and learning in the Pontiac schools for now and for the future,” Markavitch said.

The district will also be open to more partners to help the effort to help with programs to close the achievement gap, she said.