



The City of Auburn Hills

City Council Meeting

Minutes

February 3, 2014

CALL TO ORDER: by Mayor Pro Tem Kittle at 7:00 p.m.

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

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

Absent: Mayor McDaniel

Also Present: City Manager Auger, Assistant City Manager Tanghe, Director Olko, Deputy Director/Police Hardesty, Deputy Director/Fire Manning, Community Development Director Cohen, DPW Deputy Director Grice, City Clerk Kowal, Recreation Director Marzolf, Manager/PGA Pro Marmion, City Attorney Beckerleg, and City Engineer Juidici.

41 Guests

Mayor Pro Tem Kittle moved Agenda Item 9a. to the end of New Business, after Agenda Item 9j.

4. APPROVAL OF MINUTES

4a. Regular Council Meeting – January 20, 2014

Moved by Knight; Seconded by Mitchell.

RESOLVED: To approve the January 20, 2014 regular City Council meeting minutes.

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

No: None

Motion Carried (6-0)

Resolution No. 14.02.014

4b. Council Workshop Meeting – January 20, 2014

Moved by Mitchell; Seconded by Hammond.

RESOLVED: To approve the January 20, 2014 Council workshop minutes.

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

No: None

Motion Carried (6-0)

Resolution No. 14.02.015

5. APPOINTMENTS AND PRESENTATIONS

5a. Oath of Office to Sergeant Scott McGraw

Director Olko introduced Sergeant McGraw, welcoming his wife, two daughters and his parents. Sgt. McGraw was raised new Midland, Michigan. After graduating from Beaverton High School, he attended Delta Community College and Saginaw Valley State University. Upon graduation from Saginaw Valley, he was one of 23 selected to attend the Michigan Police Corps Academy at Ferris State University. Scott hired in at Auburn Hills in 2003. He has trained to be an evidence technician, crash investigator, bike patrol officer and field training officer. He is a member of the Auburn Hills Honor Guard. Scott has served two years in the mall position, as well as serving on the Directed Patrol Unit.

City Clerk Kowal administered the Oath of Office to Sergeant Scott McGraw.

6. PUBLIC COMMENT

Cheryl Gregory, 3220 Pinecrest Way, asked if Council has an action plan time line regarding the oil and gas drilling within the City. She, like many of her neighbors has received a lease agreement; however, she is not willing to sign the lease, nor is her neighbor.

Italia Millan, 3744 Bald Mountain Road, after listening to the DEQ geologist, she and her husband remain very concerned about the negative impact of gas and oil drilling. She urged Council to take action to protect the residents and their property, as well as the green spaces in the City. She too, would like to know a timeline of action taken by the City, and the possibility a moratorium for further research into drilling.

Jim Przybylo, 3778 Tienken Road, asked for a timeline and an action plan from the City.

Mayor Pro Tem Kittle assured residents that City Staff and City Council have been and will continue to work diligently on the gas and oil drilling issue and learning all aspects of the issue. A moratorium is a very useful tool and is used as a last resort; however, at this time City Council does not feel it is necessary.

7. CONSENT AGENDA

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

7a Board and Commission Minutes

7a.1. Tax Increment Finance Authority – January 14, 2014

7a.2. Planning Commission – January 23, 2013

Moved by Verbeke; Seconded by Knight.

RESOLVED: To approve the Consent Agenda.

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

No: None

Motion Carried (6-0)

Resolution No. 14.02.016

8. OLD BUSINESS – None

9. NEW BUSINESS

9a. Motion – Appeal of Freedom of Information Act Denial by James Baxter – Moved to the end of 9. NEW BUSINESS

9b. Motion – Approve PUD Step One – Qualification / Step Two – Site Plan approval, along with Tree Removal Permit approval, to construct a mixed use building/ River’s Edge of Auburn Hills.

Mr. Cohen explained this is a request for approval to construct a four-story mixed use building downtown, at the southwest corner of Auburn Road and South Squirrel Road. The bottom floor of this building will have two commercial businesses, with the hope that one of those spaces will be a restaurant. The second and third floors will have a total of 21 lofts and the top floor will have 10 apartments. There are 53 covered parking spaces for the residential portion and an additional 11 spaces for the commercial use. The idea with the retail space is to have those patrons park on the street, in the parking structure, or in a public parking lot. Burton-Katzman, project developer, is looking to make this a LEED certified building.

Ms. Verbeke asked about the height difference between this building and its next door neighbor.

Mr. Cohen stated he was unable to get the information, but noted this proposed building is similar in height and the floor heights are similar, with the lofts in this proposed building a little taller; this proposed building will be slightly taller than Astoria Park.

Mr. Cohen, responding to Mr. Knight stated he doesn’t have any renderings of the river bank.

Ms. Hammond asked how and where deliveries will be made for the retail business and restaurant, since larger trucks generally do deliveries.

Chuck DiMaggio, Burton-Katzman Senior Developer, noted how pleased he is to be back working in the City. Regarding deliveries, trucks will pull into the driveway off Auburn Road to take deliveries to the back doors via the sidewalk and then exit onto Squirrel Road. It may be a little tight, but it is an urban development. The main quest is to keep the trucks from blocking traffic and using the parking lot; generally, most deliveries will be made earlier in the day.

Ms. Hammond stated it isn’t possible to control delivery times.

Mr. Knight concurred, noting delivery trucks will park wherever possible to make deliveries.

Ms. Verbeke questioned how the 53 covered parking spaces will be enforced for resident parking and not retail customers.

Mr. DiMaggio stated in other similar developments, the residential parking is more enclosed in the building so there is less likelihood of anyone parking in those spaces. In this building, some of the residential parking is beneath the building, with the other residential parking in carports. There will also be signs, noting for residential parking only with the unit number. There are 11 commercial parking spaces located at the far west end of the building, and will rely on the City’s parking system for the majority of the commercial parking, as is typical in downtown settings.

Continuing, Mr. DiMaggio stated the two bedroom units have two assigned parking spaces and one and a half parking spaces designated for the lofts. The one-bedroom units have one assigned parking space, but can purchase an additional parking space.

Mr. Burmeister is pleased to see the development on this corner, and asked if commercial businesses are interested in locating in a building basement.

Mr. DiMaggio stated it is actually the main level; their brokerage company is actively seeking tenants for the building, both restaurant and non-restaurant as well as office users. The downtown is an attraction and a draw for businesses; many office users want to return to downtown settings because of the available amenities. With City approval and plans complete, the brokers will kick into high gear to find tenants for the building.

Mayor Pro Tem Kittle asked if building construction will begin whether or not if there are signed tenants.

Mr. DiMaggio stated it will depend on the financing; believing leases will be needed for the ground floor as well as some commitments for the residential.

Mr. Cohen confirmed with both steps of PUD approval, the project will be ready to move forward.

Moved by Mitchell; Seconded by Knight.

RESOLVED: To accept the Planning Commission’s recommendation and approve the Combine Step One – Qualification and Step Two – Site Plan, along with the Tree Removal Permit for River’s Edge of Auburn Hills, subject to staff and consultant conditions.

**VOTE: Yes: Burmeister, Hammond, Kittle, Knight, Mitchell, Verbeke
No: None**

Motion Carried (6-0)

Resolution No. 14.02.017

9c. Motion – Approve the 2014-2018 Auburn Hills Parks and Recreation Master Plan Resolution

Mr. Marzolf noted throughout the year, staff received input from residents on the new Plan by gathering data with questionnaires, public meetings, and a youth focus group. This information was shared with the Planning/Recreation Commission Members over the course of several meetings. Valuable input was also received from the Planning /Recreation Commission Members, as well as from Community Development and Recreation Department staff, which is also incorporated into the new Plan.

With the economics during the last few years, creative ways were found to continue meeting the Plan’s objectives, including a new pedestrian bridge, purchased from Rochester Hills for \$1.00, connecting Civic Center Park and the athletic field. In addition to installing the pedestrian bridge, the DPW did some in-house improvements to the Hawk Woods Nature Center. Most of the cabins at Hawk Woods have been replaced over a five-year period and some great improvements have been made in front of the lodge.

There are some carry-over projects from the previous Plan, as well as new objectives for this new Plan.

- An emphasis is placed on developing and enhancing City owned parks and properties.
- To further develop and complete the downtown River Walk, connecting parks with adjacent neighborhoods and business centers. Phase I of the River Walk will begin at Riverside Park with an amphitheatre and a plaza; Phase II will connect the parks along the river - Riverside Park, the Skate Park and River Woods Park, through a trail system; Phase III will continue to develop River Woods Park.
- Improving pedestrian pathways, and filling some of the existing gaps.
- Connect pedestrian pathways with the neighborhoods and business centers.
- Continue the looping system in the northeast corner of the City.
- Improve City bus stops including a hard surface, benches and shade. This was a result of the surveys for promoting Active Communities assessment and Community for a Lifetime assessment.
- Offer programs and events that meet the needs of a diverse community.
- Continue to develop new partnerships to enhance programming and events while reducing operating expenses.
- Develop more programming - targeting youth and teens. The process is currently underway to hire a new teen coordinator.
- Clinton River Trail improvements, which a grant has been applied for.
- Development of an operations plan for Hawk Woods Nature Center.
- Consideration of a refrigerated ice rink downtown.
- Form partnerships with Oakland University and Avondale Schools performing arts programs.

Mr. Marzolf thanked City Council and the Planning/Recreation Commission for all of their support.

Mr. Marzolf confirmed for Mr. Knight the budget does not support everything listed in the five-year Plan and more funding is needed.

Ms. Verbeke noted the Recreation Master Plan enables the City to apply for grants.

Mr. Marzolf concurred, noting the Plan will be filed with the DNR, allowing the City to apply for state and federal grants.

Ms. Verbeke thanked Mr. Marzolf for the creative job he has done with limited funds, for thinking outside the box, and trying to connect troublesome pathway locations.

Ms. Mitchell thanked Mr. Marzolf for all his efforts in this Plan and is pleased with the carrying over of those items in previous plans. She is also appreciates the inclusion of community suggestions resulting from the assessments. With such an extended amount of the time for public feedback, she asked if Mr. Marzolf was pleased with the responses.

Mr. Marzolf stated more input is always appreciated, and there were quite a number of responses. There is always an open door policy, inviting and appreciating input at any time.

Mayor Pro Tem Kittle stated he appreciated the thoroughness and thoughtfulness included in the Plan as well as creative funding and grants to assist with the projects.

Italia Millan, 3744 Bald Mountain Road, noted the Plan includes using a sanitary sewer easement as a trail connecting Squirrel Road to Bald Mountain Road, near Hawk Woods Nature Center. Her concern is the easement runs parallel with her property and is a few feet from her house; she feels this is a privacy and safety issue.

Continuing, Ms. Millan noted in 2007, her husband had asked Mr. Cohen what could be done if the public has access to the easement. Mr. Cohen's response was the City may look at some type of privacy screening to shield the property and suggested a request be forwarded to the City Manager's office.

Ms. Millan noted the easement was to be used by City personnel only, as a maintenance road; however, other vehicles began using the road. After complaining to the City, a gate was installed to keep non-City personnel out. She asked if this becomes a trail, will the gate be removed allowing all vehicles to have access to the road.

Mr. Marzolf stated all those issues will be looked at; however, the proposed trail has been in the past two Plans and has yet to be implemented, and it may be several more years. Also, he assured everyone, the residents and public concern is always addressed and problems are always examined.

Moved by Verbeke; Seconded by Burmeister.

RESOLVED: To approve the attached resolution (Attachment A) and adopt the City of Auburn Hills Parks and Recreation Master Plan (2014-2018) and to direct staff to submit the plan to the MDNR for consideration.

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

No: None

Motion Carried (6-0)

Resolution No. 14.02.018

9d. Motion – Approve the 2014-2018 Golf Car Fleet Bid

Mr. Marmion explained bids were received from the three major golf car manufacturers in the industry. The bids for the golf car fleet are a five-year lease to purchase 80 electric golf cars that the City will own at the end of the five years. The last two five-year leases were with Club Car, with the most recent lease just expiring for 80 cars. The cars reliability is based on amp hours; one round of golf is approximately 25 amp hours. Beginning last May, testing was conducted to determine the amp hours on each vehicle, resulting in 20,000 amp hours; currently the amp hours range is between 28,000 to 32,000 amp hours.

Research was done, determining the cost to keep the current vehicles and replace batteries, tires, and windshields as needed as well as repairing seats or other parts of the cars. The cost savings in the long term will result in approximately \$10,000; however, the trade-in value of each car after another five years decreases from \$1,600 per vehicle to \$500.

Midwest Golf & Turf (Club Car) was the lowest bidder with their model the Precedent, \$46,800 annually, totaling \$232,400.

Mr. Knight asked about the 10 vehicles that are being kept, if the cost of maintenance is included in the total amount and questioned if the appearance of the old cars is similar to the new cars.

Mr. Marmion noted the \$232,400 is for the purchase of the 80 new cars. Currently, for big events he has had to rent an additional 10 to 30 cars at \$35 per vehicle, spending approximately \$5,000 per year. The City has also been using some of the golf cars for big events, such as National Night Out or the parade. There will be a savings over five years to maintain some of the cars that have the lowest amp hours, and changing out parts as necessary to have them all in good condition. Staff at the golf course does a fantastic job of maintaining and detailing the cars, so they are in very good shape. The color scheme for the new cars is the same as the current cars.

Continuing, Mr. Marmion confirmed 70 cars will be traded in and 80 new cars will be purchased, for a total of 90 vehicles. He also noted other vehicles were considered; however, electric vehicles are still the least expensive.

Mr. Knight asked if there will be a savings or a break-even by keeping those 10 vehicles as opposed to paying \$35 per vehicle rental.

Mr. Marmion stated there will be minimal expense for maintaining the current 10 vehicles. The only expense with the new fleet over the first two years is damage, which can be captured from the customer through the rental agreement.

Ms. Verbeke suggested possibly keeping a cart on the main City campus for staff use.

Mr. Marmion stated that is a possibility.

Mayor Pro Tem Kittle asked from a revenue standpoint, what the car rental return is against the purchase price.

Mr. Marmion believed the total return on just the fleet, will be just under \$200,000 after the expenses of electricity and maintaining the cars.

Clarence Bennett, a resident, asked if there has been consideration for solar panels on the car roofs.

Mr. Marmion explained that is an option, but the main consideration is cost savings and the associated value. Two years ago that type of roofs was installed on vehicles, but mainly in sunnier Florida and California.

Mr. Knight reminded staff he would like to see changing the fees at the golf course for City residents.

Mr. Marmion assured Mr. Knight it is on his to-do list and will return to Council with new proposed fees.

Moved by Verbeke; Seconded by Mitchell.

RESOLVED: To approve the 2014 Club Car Precedent i2 Golf Car Fleet Lease/Purchase with Midwest Golf & Turf for a total amount not to exceed \$232,400, distributed over five years at an annual expense of \$46,480 and authorize the City Manager to convey acceptance by purchase order.

Responding to Mayor Pro Tem Kittle, Mr. Marmion stated the new vehicles are identical to the current vehicles.

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

No: None

Motion Carried (6-0)

Resolution No. 14.02.019

9e. Motion – Approve Contract for Fieldstone Golf Course Food Service

Mr. Tanghe explained a committee of four; Ms. Hammond, Mr. Grice, Mr. Marmion, and himself, had the job of finding a food and beverage provider for Fieldstone Golf Club (FGC). The Committee selected the two most qualified vendors whose responsibilities will include the performance of all restaurant food and beverage services, golf outings and banquet services, and catering services. Upon completion of interviews, food tasting, and a comprehensive review of the credentials of each vendor, the committee unanimously agreed that the best fit for FGC is Kosch's Hospitality, which will do business at FGC as Fieldstone Hospitality, LLC.

Continuing, Mr. Tanghe stated Gordie Kosch and Grant Kosch are available for questions. Also, the agreement outlines all of the expectations and requirements.

Mr. Knight asked if the limited liability corporation was started for this particular job.

Gordie Kosch, owner, stated, yes this LLC was created for this contract, as is done with any contracts he enters into. The limited liability aligns with the name of the particular company for administrative purposes.

Mr. Knight asked, because Mr. Kosch will be representing the City, if the Police Department has any concerns or issues with Mr. Kosch or his company serving alcohol.

Mr. Kosch stated for the past 32 years, he and his company have owned, operated and managed numerous, 20 to 25, establishments with liquor licenses. His reputation with the Michigan Liquor Control Commission is outstanding.

Ms. Hammond confirmed the Committee did their due diligence checking out each company.

Ms. Verbeke asked if the City owned liquor license would be leased to this company.

Mr. Tanghe explained the City and Mr. Kosch will be operating with a Participation Agreement, meaning the City will continue to maintain the liquor license, but Fieldstone Hospitality, LLC will be operating under the license. Mr. Kosch asked to be listed as an additional insured for the liquor liability, which the City is waiting to hear back from the insurance company. The insurance company claims, because the City is the liquor license holder, the liability falls on the City.

Ms. Verbeke noted there are volunteer workers at Fieldstone who sometimes grab a soda during the course of their day and asked how that will change.

Mr. Marmion stated under the agreement, the workers will get discounted food and beverages and assured Ms. Verbeke all those issues will be addressed and accommodations will be made.

Mr. Kosch stated he will adapt to the City's wishes on handling those situations.

Mr. Marmion stated years ago, Kosch Food Service catered many events for Fieldstone, when the trailer was the clubhouse. He is looking forward to elevating the food service of Fieldstone to the next level and its full potential. Noting, Mr. Kosch has been very helpful and gracious over the years.

Mr. Kosch assured everyone the Friday night fish fry will continue and be evaluated.

Deputy Director/Police Hardesty clarified the Police Department has not yet conducted a background check, and will not until hearing from the Michigan Liquor Control Commission (MLCC). The MLCC will not begin the process until the agreement between the City and Kosch's has been received.

Mayor Pro Tem Kittle asked Mr. Kosch how many similar full service food and beverage golf courses he runs.

Mr. Kosch stated seven golf courses.

Mayor Pro Tem Kittle asked where the liability lies with people bringing their own alcoholic beverages onto the course, taking beverages from the golf course, or those having been served too many alcoholic beverages.

Mr. Kosch explained it is the collective job of everyone to educate the public that bringing beverages onto the course or taking them from the course is illegal. Mr. Kosch stated he and his company have never had liquor operation violations in his 32 years of dealing with liquor. He employs between 250 and 500 employees and nine to 11 liquor operating units, and all employees serving alcohol must take TIPS training. As the Participation Agreement holder and manager, Fieldstone Hospitality, is primarily responsible for liquor violations.

Moved by Verbeke; Seconded by Knight.

RESOLVED: To approve the Agreement between the City of Auburn Hills and Fieldstone Hospitality, LLC for the period of March 1, 2014 through December 31, 2018 under the terms and conditions as set forth in the Agreement; and authorize the Mayor and City Clerk to execute the Agreement on behalf of the City. City Council's approval of Section 24c of the agreement, a provision to name the Vendor as additional insured for liquor liability, is subject to our insurance carrier's approval to do so and is an approval that is pending.

Mr. Knight asked how the partnership term is determined; he understands the agreement begins in March, but what about Christmas parties.

Mr. Tanghe explained there is an operation schedule included in the Agreement, indicating a time schedule as well as a seasonal schedule.

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

No: None

Motion Carried (6-0)

Resolution No. 14.02.020

9f. Motion – Approve Modifications to Downtown Pavement Markings and Signalization

Mr. Tanghe explained the modifications being sought are a result of the proposed development at the southwest corner of Auburn and South Squirrel Roads. It has been deemed possible to convert on-street parallel parking on Auburn Road to diagonal parking. Gaining three additional on-street parking spaces would serve the new development and be added to the general downtown parking inventory. This requires a shift in the current roadway configuration and modifications to the roadway markings and modifying signalization at the intersection. The cost of this work, including design/bidding/coordination is \$45,750 and is available from TIF District A.

At the TIFA Board of Directors meeting on January 14, 2014, funding was approved for changes to pavement markings and signalization in and nearby the intersection of Auburn and South Squirrel Roads. Since these changes take place on a local roadway, the TIFA is seeking Council concurrence to allow implementation.

Mr. Knight asked if there could be a barrier temporarily installed where lines are painted on the roadway indicating it is not a traveling lane, where Auburn Road shrinks from five lanes to two lanes. The stripes are difficult to see, but a barrier, planter, or something tall would allow a driver to realize the roadway begins to narrow. There is a problem on Auburn Road at Cherryland where the road narrows and the right lane merges, many drivers drive through the section of road that has the stripping where vehicles should be merging. He is in favor of changing the parking spaces to diagonal parking, but would like one or two spaces used as a stacking lane for right hand turns. He will not support the modifications; he believes it is an accident waiting to happen.

Mr. Auger noted there are traffic laws and codes that must be followed when designing or modifying roadways; there isn't sufficient stacking space to add a right turn lane as suggested by Mr. Knight. The City is looking at the stripping, different paint, wider stripes or reflective paint; something to get the driver's attention. Regarding cars passing on the right, near Cherryland, it is a similar situation of people illegally passing on the shoulder of a two-lane road. If the space is there, drivers will use it; if cars are parked, then there isn't any traveling in the lane.

Ms. Verbeke agrees there needs to be a right-turn lane, and asked how that can be accomplished.

Mr. Juidici believes the width is short to meet standards for a right-turn lane. There are currently four very narrow lanes; the new reconfiguration is for three, wider lanes. To allow enough room for a right-turn lane, the south curb line adjacent to the intersection would have to be moved three to four feet.

Ms. Verbeke asked why that isn't being done.

Mr. Juidici explained not only would the curb be moved, but a planter box, irrigation, street lighting, and utilities, which would be a substantial amount of money.

Mr. Knight stated he understood the expense, conceding the right turn lane isn't possible; however, he would like something done at the other end of town, near Cherryland. He also noted the difficulty in backing out onto a busy road and how dangerous it can be.

Ms. Mitchell prefers not having a right-turn lane, without it the traffic will have to wait a little longer allowing the driver to see what downtown has to offer. She does agree with Mr. Knight and the difficulty of seeing the stripping and would like to see a solution.

Mr. Juidici agrees, the long term solution is to have something more than stripping. At the time of changing to angle parking and decreasing the lanes, stripping was the cost effective solution as opposed to making major infrastructure changes. If the curbs were removed, changing from angle parking back to parallel parking would be impossible without incurring a great expense. If angle parking remains, when Auburn Road needs pavement rehab, the curb line can be removed to decrease the lane width and the stripping area would become sidewalk and/or landscaping area.

Ms. Hammond agrees the backing out of parking spaces is quite difficult and she isn't in favor of adding more angled parking with the River's Edge project. The truck traffic has difficulty turning the corners now because of not having enough room. The stripping on the road is not seen by drivers, she suggests using bright orange or yellow paint. There is a similar problem on Squirrel Road in front of the administration buildings; people aren't paying attention to the turn right only sign. She believes street markings in the City are problematic and need addressing.

Mayor Pro Tem Kittle suggested looking at this further and finding an appropriate, long term solution.

Mr. Knight reiterated his understanding of the difficulty with creating a right-turn lane and understands it isn't possible, but he would like to see landscaping or a sidewalk where the road striping is located.

Ms. Verbeke asked if action could be postponed, to allow staff to return with options resulting from this discussion.

Moved by Verbeke; Seconded by Knight.

RESOLVED: TO POSTPONE ACTION ON THIS ITEM.

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

No: None

Motion Carried (6-0)

Resolution No. 14.02.021

9g. Motion – Accept the First Reading of an Ordinance to Amend Article VIII, Woodlands Preservation in Chapter 34, Environment of the Auburn Hills City Code and Set for Public Hearing and Second Reading / Adoption at the Meeting of March 3, 2014.

Mr. Cohen explained the City's Woodland's Ordinance stipulates any construction project that will impact trees must receive a tree removal permit. The Ordinance also requires replacement of the trees that were removed from the site and if it isn't possible to replace all those trees on the site, then the trees must be planted elsewhere in the City, such as a park, or provide the cost of those trees, \$380 per tree, deposited into a fund.

The Tree Fund was intended to spend the money, only on new trees. Currently the Tree Fund totals approximately \$500,000. It is anticipated over the next 10 years, the Tree Fund will swell to nearly \$1 million. Over the past 10 years, the Fund has remained relatively constant, \$500,000, spending mostly just the interest. Some of this money will be spent on Squirrel Road and Riverside Park.

This proposed amendment would allow the developers another option of not paying into the Tree Fund, but to present a proposal to the City that would benefit the public. It would allow a developer to help fund either monetarily or otherwise, a project the City would like done, but isn't budgeted for. This would be a win-win for the City and the developer. It is possible for the developer to support a current project at a lesser cost than contributing to the Tree Fund.

In one pending case, staff has determined a developer will be required to pay roughly between \$500,000 and \$750,000 into the Tree Fund, because of not being able to fit all the required replacement trees back onto the site required by the Woodlands Preservation Ordinance due to new impervious surface being added (e.g., parking lots and building).

This unique provision would work like a Planned Unit Development (PUD), where a proposal is offered and both sides would have to mutually agree to proceed. Thus, if the City does not like the developer's offer it does not have to accept it; it is totally at the City Council's discretion.

Ms. Verbeke stated she is torn with this proposal, noting Ms. Mitchell had a good idea of only allowing this provision in specific zoning districts. She asked what specifically the Tree Fund money can be used for.

Mr. Cohen explained historically in Auburn Hills, the Fund has been used for street trees or trees for parks. The Woodland's Ordinance is less stringent; money can be spent on irrigation or mulch around the trees. Continuing, Mr. Cohen stated this proposal would be a tool, allowing a contribution be made to a new sewer, a pathway or a park amenity.

Ms. Verbeke suggested breaking the City into quadrants and wherever the developing parcel is located, the funds must be spent within that quadrant. Another possibility of not allowing a tax abatement to a company that the City is offering this option to. She isn't real passionate about the amendment, but would like other options.

Mr. Auger stated those are good points, and those points could be negotiated in each and every proposal that would come before Council. He clarified, this isn't an option for PUD's, Mr. Cohen likened the amendment option to a PUD, in that it would be totally at Council's discretion. As elected officials, Council would have to weigh the present day value of what the developer is offering, or to put the money in fund that can only be used for trees.

Ms. Hammond noted Auburn Hills is known as Tree City and for green space, but asked if funds could be used to help pay for the amphitheatre.

Mr. Auger stated, yes, the Parks and Recreation Master Plan's wish list could benefit from this ordinance amendment.

Mr. Cohen confirmed for Ms. Hammond, Council would be informed of the amount of money that would be generated by paying into the Fund if a project could not meet the tree ordinance. If a developer has a project proposal, it would come before City Council for discussion and approval or rejection; if approved there will be a written agreement between the developer and the City. Continuing, Mr. Cohen mentioned, developers still must meet the landscape ordinance, which is more rigid than most communities. The City's Woodland Consultant, Eric Olsen, has an actual tree count for each site, so the number of replacement trees from a developed site is accurate.

Ms. Mitchell agrees the City would benefit from having more flexibility with the Tree Fund. Also, her statement from the Planning Commission meeting was most people don't realize how commercial Auburn Hills, because of all the landscaping that screens the businesses. She understands Council would have full control of accepting or denying a project, but she would like some guidelines or a reference point when this would be an option, such as the contribution to the Tree Fund would be over a certain percentage of what the development cost is.

Ms. Mitchell mentioned she had visited an established business on Taylor Road, who was under the impression that Auburn Hills would not allow trees to be cut down. The company lost power and production because of the tree. She doesn't want the City's image to appear there isn't a willingness to work with businesses.

Ms. Verbeke asked how Mr. Olsen felt about this possible amendment.

Mr. Cohen stated Mr. Olsen would like to save every tree; however, he understands why this amendment is being proposed. Mr. Olsen has completed the tree survey for the earlier mentioned project and he understands the difficulty of replacing all the required trees.

Responding to Ms. Verbeke, Mr. Cohen envisions procedurally, there would be an attachment to the Development Agreement with a Woodlands Permit, because it will be part of the Woodlands Ordinance.

Ms. Verbeke asked if Council would review the site plan and a tree agreement with any conditions at the time of site plan approval.

Mr. Cohen stated that is correct.

Ms. Verbeke agrees with Ms. Mitchell and would like to see structure or conditions to allow the alternative of paying into the Tree Fund.

Mr. Knight would expect an alternate project would cost the equivalent of money deposited into the Tree Fund. He believes there will be good alternatives for developers to choose from and if Council objects, then back to the drawing board. The fewer restrictions will allow more flexibility.

Mayor Pro Tem Kittle asked if the proposed amendment, as it stands today, can be tweaked with some of the suggestions and be brought back for a second reading and adoption, or does the amendment have to remain as presented this evening.

Mr. Beckerleg stated relative minor changes can be made to the language and brought back for adoption.

Mayor Pro Tem Kittle believed the original ordinance remains the same, with a caveat added as another tool.

Ms. Millan is concerned the City is creating an incentive to have trees cut down by amending the Woodlands Ordinance. She would be in favor of allowing the funds to be spent only on green improvements.

Mr. Przybylo asked if anyone has walked through the parks to see how many trees have fallen down; he believes trees should be replaced before spending all the tree funds.

Moved by Knight; Seconded by Hammond.

RESOLVED: To accept the First Reading of an Ordinance to Amend Article VIII. Woodlands Preservation in Chapter 34. Environment of the Auburn Hills City Code and Set for Public Hearing and Second Reading/Adoption at the meeting of March 3, 2014 with staff recommendations for potential guidelines.

Ms. Verbeke stated she will not vote in favor of this amendment; she doesn't want the ordinance changed.

Mr. Knight suggested potential guidelines in the motion, may or may not have additional language added to the amendment, it will be at Staff's discretion.

Mr. Auger stated he and staff has heard the concerns, they will regroup and see what creative guidelines can be included in the amendment, to make sure this amendment won't be abused.

Mr. Knight stated he has faith in this Council and future Council's to use this amendment wisely, without having to add criteria that may cause restrictions.

Mayor Pro Tem Kittle noted Staff does a great job coming up with creative ideas.

Ms. Mitchell stated she will support the motion, knowing Staff will return with some guidelines.

VOTE: Yes: Burmeister, Hammond, Kittle, Knight, Mitchell

No: Verbeke

Motion Carried (5-1)

Resolution No. 14.02.022

Ms. Verbeke asked staff to advise Council what expenses are currently allowed in the Tree Fund.

9h. Motion – Approve the Purchase of Police Department Ballistic Vests

Deputy Director/Police Hardesty explained soft body armor is issued to all sworn staff and is required it be worn on patrol. The NIJ (National Institute of Justice) tests and certifies body armor and has determined that after five years the Kevlar within the vests begins to break down and may no longer provide the protection necessary to stop bullets or fragments from penetrating the vest. The warranty for soft body armor is also five years. The Police Department has reached its normal replacement cycle for the body armor purchased in 2009. The 2014 Police Department approved budget includes \$42,000 for the purchase of 40 concealable soft body ballistic vests. The Department will be applying for a grant through the Bulletproof Vest Partnership, which allows up to 50% of the cost of each vest purchased, provided the vest complies with the requirements of the NIJ. The maximum amount that may be reimbursed is \$16,000.

On December 18, 2013 an invitation to bid (ITB) was placed on Michigan Inter-governmental Trade Network for the purchase of 40 Seraph Gen 2 level II ballistic vests. Level II vests provide protection from certain types of rounds; it does not protect against rifles, but against most other hand guns. On Duty Gear, LLC was the lowest bidder, at \$640 per vest, plus an additional \$70 or \$55 for a shock plate; depending on the size. The total is \$28,400. For the past several years On Duty Gear has been the uniform and ballistic vest supplier for the Police Department and they have provided excellent service. On January 27, 2014 the Public Safety Advisory Committee reviewed and recommended this purchase.

Mayor Pro Tem Kittle asked if the Department is comfortable with purchasing the vests from the lowest bidder, or would a higher priced vest offer better protection.

Deputy Director/Police Hardesty explained this vest is from Armor Express, a Michigan company, and the Department has worn these vests in the past and has been very satisfied with them. The vest is comfortable and though light weight it protects from bullets. The owner stands behind this product with a demonstration of shooting himself while wearing the vest. This is an affordable but well respected piece of equipment.

Moved by Verbeke; Seconded by Mitchell.

RESOLVED: To approve the purchase of 40 Seraph Gen 2 Level II ballistic vests from On Duty Gear, LLC for a cost of \$28,400.

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

No: None

Motion Carried (6-0)

Resolution No. 14.02.023

9i. Motion – Approve the Bid Contract for EMS Billing Services

Deputy Director/Fire Manning explained with full EMS operations, as approved by Council, there is the need for a billing service. The Fire Department received six bids representing five different companies. Mobile Health Resources (MHR) of Lansing provided the lowest percentage rate at 5.5%; this would be 5.5% of actual revenue collected. Using the first year projected revenue or \$575,505.35, from the original EMS report, would result in \$31,653 annually or \$108,425 over the three-year contract. MHR does not have an additional cost for the software or start-up costs.

Continuing, Deputy Director/Fire Manning stated four companies were invited to make a presentation. The owner of MHR spoke directly with the Department, their references were checked, the proposed software is used nationally, and this company is very capable of handling the billing for Auburn Hills.

Mr. Knight asked if there are statistics detecting one company having more success at receiving payment for services rendered than the others.

Deputy Director/Fire Manning stated all the companies claim a certain percentage of collection, all within a 1% to 2% of each other.

Mr. Burmeister asked what program is used for the reporting system and if the program user friendly.

Deputy Director/Fire Manning explained there was Department participation in an on-line demonstration; Sansio ePCR is the name of the computer program. It is user friendly, is used nationally, including fire departments in New York City, Los Angeles, and several other large metropolitan departments.

Deputy Director/Fire Manning concurred there is 24/7 support for the software.

Mayor Pro Tem Kittle was curious if MHR's system is up to par with the other companies, noting all the other companies have either/or both, start up costs and software costs.

Deputy Director/Fire Manning stated that was a concern of the Department's as well, and the Sansio ePCR software is very up-to-date, the reporting system is required to report to the state and federal government for this type of operation so this software meets all those requirements. The explanation is, MHR finds it easier to provide one software for all of the operations in the field, which matches up seamlessly with the MHR billing software so therefore, he doesn't need additional staff to enter all the data, provided all his clients use the same software. So the company doesn't have to hire additional staff to enter data from many different programs.

Mr. Burmeister asked if there is an adequate number of computers available to staff.

Deputy Director/Fire Manning noted as part of the \$44,000 federal grant the Department received, the trucks have the computers and are ready for this software to be installed, if approved.

Mr. Burmeister asked if the computer information from a run must be transferred to the hospital prior to leaving the hospital.

Deputy Director/Fire Manning stated that is an option; there is a two-hour window allowed to transfer that information. There are a few options to transmit that information; there is also an option of a short page, which gives the medical staff the needed information, allowing the Department staff to leave the hospital as quickly as possible.

Moved by Hammond; Seconded by Burmeister.

RESOLVED: To approve the bid of Mobile Health Resources (MHR) for the purpose of ambulance billing and processing at a cost of 5.5% for a contract length of 3 years and authorize the City Manager to sign a contract with MHR on behalf of the City.

Mayor Pro Tem Kittle noted, though he wasn't in favor of the City providing EMS service, he will support this billing service.

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

No: None

Motion Carried (6-0)

Resolution No. 14.02.024

9j. Motion – Approve the Bid Contract for Backup Ambulance Service / STAR EMS

Deputy Director/Fire Manning explained in the event of multiple calls, it is necessary to establish a backup system with an ambulance service that could cover additional calls beyond the capacity of Auburn Hills units. The Fire Department posted a request on the Michigan Intergovernmental Network (MITN) seeking proposals to provide backup ambulance service for the EMS operations. Only one company, STAR EMS, submitted a bid to supply an ambulance with two paramedics upon request. STAR currently has the public/private partnership with the City and works within the surrounding communities, allowing STAR to be strategically placed with the ability to respond quickly. STAR response would only take place if the City's EMS is responding to other calls or if there was a large scale incident.

Mr. Knight asked if STAR will provide two technicians that will at least meet the City's standards.

Deputy Director/Fire Manning stated yes, STAR EMS technicians are advanced paramedics.

Mr. Burmeister noted STAR is providing backup EMS services, and asked who will be doing the emergency dispatch, City personnel or STAR.

Deputy Director/Fire Manning explained The City will provide EMD services and STAR has agreed to do EMD if there is a gap while City staff is being trained. STAR will also act as a backup in the event additional EMD services are needed.

Mr. Knight asked if there is a backup plan beyond STAR; a mutual aid with Rochester Hills or another local community.

Deputy Director/Fire Manning stated there is a two part backup plan. STAR has a backup plan if all of their units are busy and the City has a Mutual Aid Agreement with Rochester, Rochester Hills, and Oakland Township, who could provide ambulance service if needed.

Moved by Knight; Seconded by Burmeister.

RESOLVED: To enter into a contract with STAR EMS to provide backup ambulance service to the Fire Department's EMS system at no cost to the City. The contract period shall extend 2 years with an option for the City to extend for one year and authorize the Director of Emergency Services to sign the contract on behalf of The City.

Mr. Knight asked why the Director of Emergency Services is signing the contract on behalf of the City and not the City Manager, and asked how that is determined.

Mr. Auger stated it is determined by City Council's motion. Generally it is the City Manager or the Mayor along with the Clerk to sign on other issues, but on a contract such as this, it is appropriate for the Director of Emergency Services to sign the agreement.

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

No: None

Motion Carried (6-0)

Resolution No. 14.02.025

9a. Motion – Appeal of Freedom of Information Act Denial by James Baxter – Moved to the end of 9. NEW BUSINESS

Moved by Mitchell; Seconded by Verbeke.

RESOLVED: Since this item contains a letter of opinion from the City Attorney, this item be moved to Executive Session.

Mr. Knight stated there is more than one topic to be discussed in Executive Session and asked if this motion was appropriate.

It was explained this motion is only to move Agenda Item 9a. to Executive Session, not recess to Executive Session at this time.

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

No: None

Motion Carried (6-0)

Resolution No. 14.01.026

10. COMMENTS AND MOTIONS FROM COUNCIL

Ms. Hammond:

- Is very frustrated with the street markings, and the markings must be reviewed by staff and the engineers, especially downtown and the roads leading into the downtown area.

Mr. Knight:

- Was notified by more than one resident that the majority of the Council meeting being played on cable TV isn't audible.
Mr. Auger stated the City is aware there have been some issues, and the IT department is reviewing the recording prior to playing on TV, and trying to remedy the problems.
- The owner of Duffy's Pub asked for the City to take a look at the access of delivery trucks to his business, there have been some modifications to an adjoining property that is causing delivery truck difficulty.

Mr. Auger explained this is a matter of a private property owner utilizing the right to his property. Some thought that was parking for Duffy's; however, it is parking for that property owner's business. Police and Fire are aware, but agree there is access for emergency vehicles if needed. There is an easement behind the buildings that is shared by those businesses.

- Noted there is an interest of Chase Bank employees for extra City calendars; he will deliver extras to them.

Ms. Mitchell:

- Thanked Auburn Hills Chamber of Commerce for hosting the State of the Community address. She is pleased the address is available on the website and asked if the address could also be available on the City's other social media sites.
- Thanked City staff for responding so quickly to her email questions and concerns.

Mr. Burmeister:

- Asked for a status update on Dollar General.

Mr. Cohen stated engineering plans have been submitted and ground breaking is supposed to begin this spring.

- The street lights on South Squirrel Road were flashing on and off, for about five minutes at 4:00 a.m.

Mr. Grice stated he will check into it.

- Asked what happen to the money that is currently in the Tree Fund.

Mr. Grice explained historically the Fund has been preserved for a time when the City may not have the money for planting trees; he will come before Council at a future meeting to request to use some of the those funds for the improvements on Squirrel Court.

One of the challenges over the years has been using those funds; not wanting to plant new trees knowing within a few years there may be a new development removing those trees or a City project that would also have to remove trees. TIFA has been very gracious in funding many of the tree programs over the last ten years; however, with reducing TIFA funds there will be a need to draw on the Tree Fund. Regarding the amendment to the tree ordinance, he suggests requiring a minimum amount in the fund at all times, but allow the flexibility of the amendment.

Mr. Burmeister asked in the event of another episode such as the Emerald Ash Borer, would there be sufficient money in the Fund to replace trees.

Mr. Grice explained in the event of an act of God or such a disease, there is federal funding available; the City would seek reimbursement from the federal government after replanting trees.

Ms. Verbeke asked with all the ice and snow, if there will be a number of trees that will need replacing.

Mr. Grice explained the ice and snow hasn't been an issue, it has been the extremely cold weather killing the buds which result in a second budding. There are a percentage of weak trees that will succumb to the winter weather.

Ms. Verbeke:

- Asked if the shoulder of University Drive will continue to remain closed until it has been repaired.

Mr. Auger isn't sure about the shoulder; however, there was a great meeting with MDOT and hopefully there will be some news soon.

- Thanked Mr. Tanghe for being in the office Sunday to get information to Council.

Mayor Pro Tem Kittle:

- The DPW and road crews have done a remarkable job on the roads, especially with the weather being so cold and brutal. He would like a new assessment on road maintenance, and how project plans for 2014 and 2015 may need to be accelerated because of this year's winter weather. Also, after the second quarter, take a look to see if any adjustments should be made to the budget.

11. CITY ATTORNEY'S REPORT – none

12. CITY MANAGER'S REPORT

Mr. Tanghe:

- Introduced the new intern, Samantha (Sam) Mariuz; the internship is a one-year position as a Management Assistant in the City Manger's Office. Ms. Mariuz is a 2013 graduate of Oakland University with a Bachelor's Degree in Political Science. She is currently enrolled in the Public Administration Master's Program at Wayne State University. She will be available at the City, Monday, Tuesday, Thursday and Friday. She will be trained in local government management, with exposure to the budgeting process, labor relations, labor negotiations, project management, managing and organizing at least one community event, as well as many other tasks.

Ms. Mariuz thanked everyone and is looking forward to learning about local government.

Mr. Auger:

- Echoed Mayor Pro Tem Kittle's appreciation of the quality service of the DPW staff, not only in snow removal, dealing with back-to-back snow events and the cold temperatures, but also the coordination with the Police Department, doing an outstanding job for the community.
- The snow emergency situations have been very helpful in getting the streets cleared; the residents seem to know when a snow emergency will be called and are very quick to remove their vehicles. Because of resident's cooperation, the DPW can clear the streets and the snow emergency is short lived. The main difficulty is after piling the snow on the corners, it freezes making it very difficult to remove. Staff is looking into solutions.

13. EXECUTIVE SESSION

13a. Sale of Land / Amendment to Purchase Agreement

13b. Appeal of FOIA from James Baxter

Moved by Verbeke; Seconded by Hammond.

RESOLVED: Adjourn to Executive Session to discuss Sale of Land/Amendment to a Purchase Agreement and the Appeal of a FOIA request from James Baxter.

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

No: None

Motion Carried (6-0)

Resolution No. 14.01.027

Adjourned to Executive Session at 9:34 p.m. Resumed regular meeting at 10:10 p.m.

13a. Sale of Land / Amendment to Purchase Agreement

Moved by Hammond; Seconded by Knight.

RESOLVED: To approve the amended contract for sale of real property by and between the City of Auburn Hills and FMD Land Company, LLC as contained in the Agreement dated February 3, 2014; and authorize the Mayor and City Clerk to execute the Agreement on behalf of the City.

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

No: None

Motion Carried (6-0)

Resolution No. 14.02.028

13b. Motion – Appeal of Freedom of Information Act Denial by James Baxter

Moved by Mitchell; Seconded by Verbeke.

RESOLVED: To approve the request of City Attorney Vanerian to reverse the disclosure denial in part with regard to items 1), 3), 4), 5), 7), and 8) referenced in the Response subject to redaction of names, addresses and other personal identifying information from the Co-op complaints and prior tickets issued by the ordinance officer. In addition, the City will uphold disclosure denial with regard to items 2) and 6) referenced in the Response as stated above.

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

No: None

Motion Carried (6-0)

Resolution No. 14.02.029

14. ADJOURNMENT

The meeting 10:13 pm.

Kevin R. McDaniel, Mayor

Terri Kowal, City Clerk

Attachment A

**CITY OF AUBURN HILLS
RESOLUTION OF ADOPTION
CITY OF AUBURN HILLS PARKS AND RECREATION PLAN (2014-2018)**

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 3rd day of February, 2014

The following resolution was offered by Council Member Verbeke and supported by Council Member Burmeister:

WHEREAS, the City of Auburn Hills has undertaken a planning process to create a new Parks and Recreation Master Plan which describes the physical features, existing recreation facilities, and the desired actions to be taken to improve and maintain recreation facilities during the period between 2014 and 2018; and

WHEREAS, the City staff and Recreation Commission has provided opportunities for citizens to express opinions, ask questions, and discuss all aspects of the City's park system and recreation programs at the beginning of the master planning process via focus group meetings and surveys; and

WHEREAS, the City staff and Recreation Commission developed a new Parks and Recreation Master Plan for the benefit of the entire community as a document to assist in meeting the recreation needs of the community, and

WHEREAS, a public meeting was held by the City Recreation Commission on January 23, 2014 to provide an opportunity for citizens to provide input and comment on the new Parks and Recreation Plan, and

WHEREAS, after the public meeting, the City Recreation Commission adopted the plan and recommended to City Council approval of said Plan as a guideline for improving recreation for the residents of the City of Auburn Hills; and

NOW, THEREFORE, it is hereby resolved by the Auburn Hills City Council that supports the Recreation Commission's findings and adopts the *City of Auburn Hills Parks and Recreation Plan (2014-2018)*.

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

NAYS: None

ABSENT: Mayor McDaniel

ABSTENTIONS: None

RESOLUTION 14.02.018 APPROVED (6-0)

STATE OF MICHIGAN)

)SS

COUNTY OF OAKLAND)

I, the undersigned, the duly appointed City Clerk for the City of Auburn Hills, Oakland County, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the Auburn Hills City Council held on the 3rd day of February, 2014.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this 4TH day of February, 2014.

Terri Kowal, City Clerk