



The City of Auburn Hills

City Council Meeting

Minutes

April 7, 2014

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, DPW Director Melchert, Manager of Fleet & Roads Brisson, Director of Community Development Cohen, Senior Director Adcock, City Attorney Beckerleg, and City Engineer Juidici.
53 Guests

4. APPROVAL OF MINUTES – March 3, 2014

Moved by Mitchell; Seconded by Verbeke.

RESOLVED: To approve the March 17, 2014 minutes.

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

No: None

Motion Carried (7-0)

Resolution No. 14.04.062

5. APPOINTMENTS AND PRESENTATIONS

6. PUBLIC COMMENT

Arnold Viohl, a 29 year resident explained there is a senior swim club that has been meeting at the Hilton hotel and swimming free of charge for many years. Ms. Adcock informed the group the swimming at the Hilton will no longer be available after the end of April, and asked for help from Council to continue the program.

Mayor McDaniel stated Council just learned of this development and is looking into the matter.

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.

Requested by Knight to remove Item 7c. from the Consent Agenda.

7a. Board and Commission Minutes

- 7a.1. Zoning Board of Appeals – March 13, 2014
- 7a.2. Beautification Advisory Commission – March 19, 2014
- 7a.3. Planning Commission – March 20, 2014
- 7a.4. Board of Review – March 2014

7b. Motion – Approve Purchase of 2014 Ram 1500 Pickup Truck for Fire Department

RESOLVED: To approve the purchase of one 2014 Ram 1500 Crew Cab Pickup Truck from Bill Snethkamp's Lansing Dodge, Inc., 6131 S. Pennsylvania Ave., Lansing, Michigan 48911 at a cost of \$ 25,354.18. Funding is provided from the Fleet Machinery and Equipment account (661-442-977.000).

7d. Motion – Approve Interlocal Agreement Regarding the Oakland University Sanitary Sewer Connection

RESOLVED: To approve the Interlocal Agreement between the City of Auburn Hills and the City of Rochester Hills regarding sanitary sewerage billing for the Oakland University Maintenance Facility.

Moved by Verbeke; Seconded by Kittle.

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

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

No: None

Motion Carried (7-0)

Resolution No. 14.04.063

7c. Motion – Approve Purchase of Trailer Attenuator for DPW

Mr. Knight appreciated the extensive information in determining which trailer to purchase and asked if the trailer must be pulled by a dump truck, and why not a pickup truck.

Mr. Brisson explained it is recommended the trailer be pulled by a dump truck, in the event the trailer is hit from behind by another vehicle. The dump truck's weight would keep the trailer from pushing a pickup truck forward; the trailer does not

have brakes, it relies on the towing vehicle. This trailer is the crush zone between the working crew and a vehicle that may strike from behind.

Moved by Knight; Seconded by Hammond.

RESOLVED: To approve the purchase of a Trailer Attenuator and Message Board from second low bidder, Give 'Em A Brake Safety, 2610 Sanford Ave., Grandville, Michigan for \$ 29,793.60. Funding is provided from the Fleet Machinery & Equipment account (661-442-977.000).

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

No: None

Motion Carried (7-0)

Resolution No. 14.04.064

8. OLD BUSINESS

8a. Motion – Approve Michigan Department of Transportation Contract for Featherstone Concrete Overlay and Water Main Replacement Project

Mr. Melchert explained this project has been in the planning stage, and will enter into a contract with the Michigan Department of Transportation (MDOT) for the purposes of constructing a concrete pavement overlay along Featherstone Road, between Squirrel Road and Opdyke Road a similar project that took place on North Squirrel Road.

A water main project is also being proposed, consistent with the City's Water Master Plan by increasing the size of a 16 inch and 12 inch water main to a 20 inch and 16 inch water main. This will provide a larger volume of water and pressure to the Opdyke corridor.

The memo indicated there was adequate funding for this project, but that is not the case. The bids were let on Friday, after the memo was prepared, and the project is approximately 5.38% over the engineer's estimate, resulting in a shortage of \$970,000. The agreement has a section allowing for an additional \$400,000 in federal funding for this project. Though there is a \$470,000 shortage, staff recommends the project move forward to improve the road surface and improving the water main conditions.

Mr. Knight asked if this project will be completed without closing the entire road.

Mr. Melchert explained one side of the road will be closed at a time, allowing traffic to continue flowing both east and west.

Ms. Verbeke requested a more detailed explanation regarding the additional \$400,000 funding.

Mr. Melchert explained the City initiated the grant application three or four years ago, and was approved for \$1.6 million; the overage allows for an additional 25% or \$400,000 more. This project is a little more than \$2 million in grant funding.

Mr. Kittle asked if one of the TIF districts funds will be depleted with this project.

Mr. Melchert stated it has not yet been determined if the shortage is because of the water main or the concrete overlay; those bids have not been reviewed in their entirety but suspects both projects.

Mr. Kittle asked if this project should move forward or if the financials should be thoroughly reviewed first.

Mr. Melchert noted it is important to move forward and keep this project on schedule.

Mr. Auger stated other projects scheduled for this year will be reviewed to see if some might be delayed, but the grant money obtained for this project must be used this year.

Mr. McDaniel asked if approval for this project could be delayed until the next Council meeting, or if the delay could jeopardize the funds.

Mr. Melchert stated MDOT is ready to start construction in 10 days; he would have to check if there can be a delay in start time. He can bring the funding information for the next meeting, which will include the Scope of Engineering Services for OHM to the next meeting, which will be after the fact, but will show where the shortages lie.

Mr. Auger explained this is a State contracted and requires the City to reply within the 30 day window, which falls within this Council meeting. Information can be provided for the next Council meeting of where the overages were and the staff recommendations on where the funding will be taken.

Mr. Kittle noted it could be a budget amendment; he would be willing to approve the project contingent upon receiving the financial/budget information at the next Council meeting.

Moved by Knight; Seconded by Burmeister.

RESOLVED: To approve the resolution to enter into the Michigan Department of Transportation Contract No. 14-5087 for Featherstone Concrete Overlay and Water Main Replacement Project, with the understanding that Council will be provided a status of funds report at the next Council meeting.

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

No: Kittle

Motion Carried (6-1)

Resolution No. 14.04.065

8b. Motion – Review of City Ordinance Chapter 10, Article III

Director Olko noted as directed from the last Council meeting, she has compiled an updated report for the reconsideration of business hours for the smoking lounges. The update reflects activity at the smoking lounges, since last reviewed by Council at the November 2013 meeting. As of November 2013, there are two active smoking lounges in the City, with a third application submitted.

On November 18, 2013, Council passed a licensing ordinance regulating the number of smoke lounges in the City, the hours of operation and other regulatory issues. The Ordinance requires the lounges to close at midnight. The Ordinance also requires the smoking lounges to complete an application process within 180 days. Owners/operators of both smoking lounges were provided with a copy of the ordinance and an application. May 18th, 2014 is the 180th day and the date applications must be received. As of today's date no applications have been received.

Since the City ordinance was implemented there has been a 72% reduction in police calls for service in and around the Exhale Hookah smoke lounge location. Minors have been reported at Exhale as well as activity in the parking lot. Grizzly Hookah has been warned for having non-employees in the establishment after hours.

Regarding surrounding communities:

- Shelby Township is proposing an ordinance modeled after the Auburn Hills ordinance. Shelby Township has 10 to 12 smoking lounges with operational hours until 4:00 a.m. The police there are reporting issues with loitering, underage patrons, alcohol use by minors outside the location(s) and overcrowding at times.
- Rochester City has one smoke lounge, which opened in late February 2014. Rochester has no ordinance and the lounge is open until 4:00 am.
- Orchard Lake has one smoke lounge. They are currently working on an overcrowding violation as well as issues related to minor patrons inside and outside the lounge.
- The City of Troy has one smoke lounge that is for sale and one that never opened after an application was submitted following the implementation of an ordinance in May of 2013, which limits the hours to midnight. To date none of the lounges have closed.
- West Bloomfield recently passed an ordinance requiring smoking lounges close at 2:00 a.m. There is one cigar bar and possibly two smoking lounges.

A resident who had complained in the past of the noise and loitering is pleased with the curfew, noting there haven't been any issues recently, most likely because of the winter months. The resident is concerned with the warmer weather there will be problems again.

Staff recommends if Council chooses to review the hours of operation, to wait until September, through the summer months and the licensing process before making that decision. Hoping this summer will not be as problematic as the past summer.

Ms. Mitchell asked what ramifications are connected with the lounges not completing and submitting an application to the City.

Director Olko stated the establishment would be cited with an ordinance violation.

Mr. Knight suggested waiting until the end of summer to possibly change hours wouldn't be an accurate gauge, since currently the ordinance mandates the establishments close at midnight. He asked if the City could have an ordinance that close at midnight to additional customers, but those that are already there can stay until 2:00 a.m.

Mr. Beckerleg stated a restricted ordinance is possible.

Mayor McDaniel suggested such an ordinance could cause problems for the Police to enforce.

Director Olko concurred, it would be very difficult to enforce without posting an officer at the site.

Mr. Burmeister asked if there is any way of extending the hours, without changing the ordinance.

Mr. Beckerleg stated the ordinance would have to be formally amended to change the hours.

Edmond Guay, 668 Hathaway, a long time resident and Avondale High School teacher of 30 years, appreciates small business owners who invest time, money and effort in a business. He and his family were excited about the opportunities downtown, being kid and family friendly. He and his family have dined at the many current and past eateries downtown and anxiously awaited new businesses as a result of the new apartment complex and university center. He does not believe this is an appropriate business for this area of the City, being within walking distance of both an elementary school and a high school.

Ms. Hammond explained City Council does not have control over what businesses are located downtown or who rents buildings downtown. She does not believe a lease has been signed by the proposed hookah lounge owner.

Mayor McDaniel explained there is not an actual license that the City issues, to either allow or disallow a business; this ordinance stipulates the hours of operation.

Director Olko explained the approved ordinance limits the total number of hookah lounges within the City and the hookah lounge that will be opening downtown was in the process prior to the ordinance being approved in November.

Mayor McDaniel confirmed for Mr. Guay, the City has no control over the businesses that operate in Auburn Hills, providing the zoning requirements are met. The ordinance that was approved stipulates hours of operation.

Mr. Beckerleg agreed with the Mayor and further explained Council is concerned with the issues Director Olko has mentioned, and for those reasons an ordinance was adopted.

Mayor McDaniel assured Mr. Guay, Council is concerned with the issues that have been mentioned by Director Olko and for those reasons an ordinance was drafted and approved. The City however, has not control over who a building owner leases space to, providing the zoning ordinance requirements are met.

Mr. Knight noted the sign for the downtown hookah lounge was already posted, prior to the ordinance being drafted or adopted. The proprietor of that hookah lounge was present at the Council meeting when the ordinance was discussed and was aware that the hours of operation would be changed and enforced.

Rimi Hirmiz, 2723 University Drive, Exhale Hookah Lounge co-owner, noted he has sent all Council Members copies of his sales, spanning from last year through this year. He questioned why bars can stay open past midnight including the one he was in a few weeks ago where a bar fight took place inside the establishment. The hookah lounge business is a night time business and it's sad to see Auburn Hills' residents and OU students leaving the City to relax in other communities lounges. He understands there are issues; however, he is willing to work with the City to keep further instances from happening at his lounge. He will address the parking lot issues, but he needs the chance.

Bobby Fatah, 2723 University Drive, Exhale Hookah Lounge partner, explained they will hire a security guard to patrol the parking lot, as well as one checking ID's at the door to prohibit anyone from underage gaining access to the lounge. They are willing to work with the City and to do whatever they are asked. He is in favor of Mr. Knight's suggestion of allowing those who are already in the lounge at midnight to stay until 2:00 a.m., and not allow anymore patrons to enter after midnight. If they must wait until September, after another review, it will be more difficult to continue paying rent, which is already very difficult.

Ms. Verbeke asked if there is a contact at the Police Department that is working with these owners of Exhale Hookah Lounge, regarding the violations that have been occurring.

Mr. Fatah explained the Police visit the establishment twice a week, and there have been no problems. There is no admittance for underage people; those that are underage are outside.

Ms. Verbeke asked if either owner has gone to the Police to talk about the issues; not waiting for the Police to go to the hookah lounge.

Mr. Fatah stated he has told the Police Officers that he and Mr. Hirmiz, are willing to work with the Police.

Mr. Hirmiz asked that Council not wait until September as suggested by Director Olko; OU classes end April 28th and business will drop off significantly.

Ms. Hammond asked for what reason employees would be hanging out at the back of the building.

Mr. Hirmiz explained the backroom is very tiny, and the employees sometimes prop the door open as well as going in and out to take out the garbage.

Ms. Hammond notes business owners cannot be held responsible for what happens outside an establishment and/or in the parking lots and these owners should not be penalized because of what is happening outside.

Mina Habib, 3872 Forester Boulevard, co-owner of the new hookah lounge, is aware of the issues of existing lounges and has been in touch with Director Olko. He would like to sit down with the other business owners and the Police and discuss each issue and how to address and handle those issues.

Miriam Habib, explained business for the hookah lounge doesn't generally get started until the evening hours, 5:00 or 6:00 p.m.; getting more busy as the evening progresses, so there shouldn't be an impact on children. Underage individuals will not be allowed entry to the lounges. She has the same concerns and love for the City as Mr. Guay and does not want to encounter the negative concerns as their business grows.

Shawn Hirmiz, a Sterling Heights resident, no relation to Rimi Hirmiz, has been a patron of the Grizzly Hookah Lounge since attending Cooley Law School, in Auburn Hills. He has never seen any negative incidents, nor has he personally had any problems. He was very upset when he was asked to leave at 11:55 p.m., before the Michigan State basketball game had ended. There are very few places he and his friends can go, since none own their own homes and they don't drink alcohol. He has noticed the decline in customers since the ordinance was adopted and how the lack of customers is affecting the business and the business owners.

Matt Burbidge, a Lake Orion resident, has been a regular patron of the Grizzly Hookah Lounge since it opened. With the changing of operational hours, he has been unable to frequent the lounge because of his working hours and the lounge closing so early. He believes if the lounges could have longer hours, it would make the businesses more viable as well as other businesses such as pizza establishments and gas stations. With the midnight closing hours, it also makes it more difficult for the Auburn Hills' hookah lounges to compete with other communities' hookah lounges and has inconvenienced him and forced him to other communities.

Austin Arquette, an Oxford resident, attends OCC and frequents the Grizzly Hookah Lounge that is midway between work and school for him. This is a place he likes to unwind after work, but when he gets off work at 11:00 p.m., it doesn't leave him much time to relax at the lounge. Limiting the hookah lounge hours, limits the owners profit and limits the time for patrons to visit the lounge.

Mike Ishaia, co-owner of Grizzly Hookah Lounge, stated his business will not be able to wait until September to have their hours extended, they are getting by currently because OU is still in session. Since the ordinance has taken effect, changing the hours, his business has continued to dwindle as lounges in other communities are getting his business. Regarding the violation from December, a friend had car problems and with the frigid temperatures, he invited her into the building to stay warm while waiting to resolve her car issues. There have not been any other problems regarding his business. He suggested removing the midnight closing time and make each establishment responsible for their actions.

Paul Fried, owner of Auburn Crossing, explained the hookah lounge owners are hard working, pay their rent on time and are important tenants of the shopping center. Some of the fast food restaurants benefit from the evening patrons of the hookah lounge and asked that the hookah lounge hours be extended so the businesses can continue. The hookah lounge is having a very difficult time financially, because of the restricted hours. The owners of this hookah lounge have always been responsive to hearing of any problems the shopping center has had. He feels it is important for the City to support young businesses and would like to encourage the City Council to help these business owners out as well as the other hookah lounge owners.

Roman Yono, a West Bloomfield resident, visits the area hookah lounges and doesn't believe the closing time has any impact on what happens outside the lounge; people will do what they want regardless of the hour. He doesn't necessarily smoke, but enjoys hanging out with his friends.

Mr. Kittle questioned the 72% drop in police calls since the ordinance became effective.

Director Olko stated the majority of calls were between the hours of 11:00 p.m. and 2:00 a.m., and that has dropped significantly.

Continuing, Director Olko stated there has been a lot of communication between the Department and the newest hookah lounge owners, the Habib family. Officers speak periodically with the owners of the Grizzly Lounge, with who there have been very little issues of any kind. Officers have been in and out at Exhale and Deputy Director/Police Hardesty met with the owners when an application was submitted for an expansion on what could be done to resolve any issues. The owners of Exhale have not been very receptive and have not contacted the Police Department. She last met with the owners of Exhale, when their business was under consideration and when they opened. The owners of Exhale have not been interested in meeting with the Department and discuss the specifics; tonight is the first she has heard about a security guard, the willingness to close the back door, to limit the noise, or any solutions.

Mr. Kittle noted there isn't much social media for the Grizzly lounge to communicate with customers, including no website. It's possible the marketing needs to be improved to draw visitors to the lounge and not just adjusting the closing time. The information on the internet indicates the business hours are from noon until 1:00 a.m. Businesses have to adjust as regulations change, such as increasing miles per gallons of gas usage in the car industry, over the years. There also has to be outreach from the businesses to help remedy issues that arise, and not just blame the City for the problems.

Drew Lavigne, a Lake Orion resident attends OU and frequents Grizzly Hookah Lounge. He considers himself a decent, intelligent person, refuting the implication of the types of people that frequent hookah lounges. The lounge is a place where he and his friends can relax; there is no illegal activity going on.

Mayor McDaniel noted nobody can argue that Auburn Hills is pro-business, whether a large or small business. He has heard this evening to hold the individuals of each establishment accountable; however, the residents of Auburn Hills hold the Council accountable. It is the duty of the professionals the City has hired to look out for the best interest of all residents and to bring forward to Council information that must be addressed. In this case it resulted in an ordinance regulating hours of operations. Just as the City Council entrusts City Staff in each of their positions, Council must also trust that those Staff members are making the best recommendations for the City. He is not in favor of changing the ordinance at this time; the season is approaching that had the most complaints. He has faith in Staff that the ordinance should be reviewed again in September.

Mr. Knight stated he understands the burden the midnight closing hour puts on the businesses, however, he believes the neighboring communities will soon have ordinances similar to Auburn Hills, regulating operational hours.

Ms. Mitchell appreciates those speaking to Council on the issue as well as the detailed report provided by the Police Department, detailing the number of police calls before and after the ordinance. The hookah lounge ordinance is a blanket ordinance, covering all lounges as one; there isn't the ability to treat each lounge individually as liquor licenses afford. She has no issues with the hookah lounges, the people that visit the lounges or the location of the lounges, but the challenge is when a business impacts the peace of the City or impacting the comfort of residents, then Council must take action. Auburn Hills is very much pro-business and realizes this type of business appeals to the college age students; she believes it is premature to revisit the ordinance at this time.

Mr. Kittle searched for Exhale Hookah Lounge on the internet and noted the same as Grizzly Hookah Lounge, there is not a website and very little following on Twitter or comments on Yelp. The hours are still posted as 11:00 a.m. until 2:00 a.m.

He doesn't believe the lack of business is totally connected to the hours of operation; he believes there is a lack of marketing. Mr. Kittle also noted in the memo from Director Olko, that the owners of Exhale have shown no interest in meeting with the Police Department to address the underage patron issue, overcrowding, parking lot behavior of patrons, noise, etc. A representative of the Police Department is present at every Council meeting and available at the station at any point to meet with the ownership to resolve these issues. He agrees, the Ordinance should remain as is.

Mr. Burmeister suggested a determination be made for the decrease in Police calls at the hookah lounges, whether it was due to the ordinance and the hours shortened or if the decrease was due to the winter weather.

Mayor McDaniel agreed, but there needs to be more time to make that determination with better weather ahead. Continuing, he stated he isn't against the lounges, but Council's decisions must be made in the best interest of the residents. He, other Council Members and City staff have received numerous e-mails and phone calls of residents voicing their concerns; therefore, he must follow the recommendation of City staff.

Moved by Kittle; Seconded by Knight.

RESOLVED: To direct the Police Department to provide an updated report on compliance with City Ordinance Chapter 10, Article III, by all City smoking lounges by September 15, 2014.

Ms. Verbeke asked Director Olko if she thought the summertime would be a better gauge in determining if the hours of operation warrant a change, since the lounge owners noted a decrease in college students.

Director Olko explained the experience last summer was overcrowding, as well as complaints from a neighbor for noise because of the backdoor being open with very loud music playing.

Director Olko explained Shelby Township is considering an ordinance, modeled on the Auburn Hills ordinance. Currently Troy and West Bloomfield both have ordinances and the City of Rochester does not have an ordinance, and that lounge stays open until 4:00 a.m.

Mr. Knight explained he seconded the motion, not to give hope to the hookah lounges, but to ask for a report in September.

VOTE: Yes: Kittle, Knight, McDaniel, Mitchell, Verbeke

No: Burmeister, Hammond

Motion Carried (5-2)

Resolution No. 14.04.066

9. NEW BUSINESS

9a. Motion – Approve the Site Plan and Tree Removal Permit / BorgWarner Powertrain Technical Center

Mr. Cohen explained the request is for a three-story addition on the west side of the building for the facility located on Automation Drive. This construction is a \$9.4 million investment, in addition to the recently constructed \$1.4 million expansion. Since this plan was approved by the Planning Commission in January, there has been a minor amendment to the plan. The circle in front of the building was going to contain an additional 20 parking spaces by removing the lawn, but it was determined by BorgWarner to leave the grass circle. The proposed three story addition of 46,555 square feet will increase the building to 237,231 square feet with an additional 128 parking spaces.

Mr. Cohen confirmed for Mr. Kittle, the 128 parking spaces as opposed to 148 parking spaces is still more parking spaces than required by the ordinance.

Patrick Westerlund, TDG Architects, representing BorgWarner explained this expansion will allow BorgWarner to increase the number of engineering employees at this facility.

Moved by Burmeister; Seconded by Mitchell.

RESOLVED: To accept the Planning Commission's recommendation and approve the Site Plan and Tree Removal Permit for BorgWarner Powertrain Technical Center subject to staff and consultant conditions.

In response to Mr. Kittle, Mr. Westerlund stated, yes there will be additional visitor parking, from 15 to 26 spaces.

Mr. Cohen assured Ms. Verbeke there is sufficient room on the site for the replacement trees.

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

No: None

Motion Carried (7-0)

Resolution No. 14.04.067

9b. Motion – Approve the Site Plan and Tree Removal Permit/ RECARO Automotive Seating North American Headquarters

Mr. Cohen noted RECARO makes seats for a number of auto companies and are proposing to add 73 parking spaces to the site that is owned by John Secco. The total number of parking spaces will be 249, supporting the increased number of employees, 236, up from 186.

Mr. Knight asked if there is buildable space to the east of the current building.

Mr. Cohen stated there is space an expansion, if needed.

Ms. Mitchell noted based on the building square footage, the Ordinance requires less parking spaces than employees, and doesn't recall that happening in the past.

Mr. Cohen explained the Zoning Ordinance addresses square footage, but the business must allow for ample parking to meet the needs of the business.

John Secco, explained RECARO moved into this building in 2007 and would allow for growth as needed. RECARO has shift work, so all the employees are not at the facility at the same time, as well as some contract employees.

Moved by Mitchell; Seconded by Hammond.

RESOLVED: To accept the Planning Commission's recommendation and approve the Site Plan and Tree Removal Permit for RECARO Automotive Seating North American Headquarters subject to staff and consultants' conditions.

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

No: None

Motion Carried (7-0)

Resolution No. 14.04.068

9c. Motion – Accepting Third and Fourth Quarter 2013 Monitoring Network Review Summaries and 2013 Annual Monitoring Network Review Summary of the Oakland Heights Development Landfill Reports

Andy Foerg, Environmental Consulting Solutions explained there aren't many issues that are of concern except the Action Flow Rates (AFRs) for Cell F, that have exceedances and several leachate indicator parameters and VOCs were detected, which may have been attributed to equipment malfunctions. Repairs have been completed and flow rates are decreasing. Continued monitoring of Cell F is warranted.

Rob Moore, Republic Services Environmental Manager, noted there have been issues with Cell F's Action Flow Rate (AFR), the secondary collection system. The State limits the volume of water that can be discharged on a quarterly basis. The rate for Cell F is extremely low, due to vinyl chloride that was detected in the groundwater network at the facility. It has been confirmed the vinyl chloride is not from Oakland Heights Development, but from an off-site source. This causes monitoring issues so the State has imposed a very low AFR of five gallons, per acre, per day; typically there can be 100 to 200 gallons per acre per day.

In 2012 the last landfill cell began construction, which is creating a bowl. Only half the cell was built at the time so there is a large amount of storm water run-off that is directed into the bowl, the lower area. During the construction they have tried to seal off edge, where there will be a future tie-in for the next cell. Unfortunately there have been some issues with the tie-in, which has allowed storm water run-off into that connection which is contributing to the higher flow rate that has been seen. The last cell will be built this year, hopefully starting in May once the frost has lifted and large machinery can operate. It is the opinion of Republic Services and the State, that once the tie-in is complete there won't be the influence of storm water run-off that the Action Flow Rate will drop. The elements have decreased over time in the secondary, so there is very little leachate indicators parameters present. Also, prior to any waste placement in the cell there has been a liner integrity survey done, which scans the entire floor, looking for leaks. Some tie-in leaks were detected, though very small, and repaired prior to any waste. Overall the cell seemed to be in very good condition; they are very confident there isn't a leak in the primary liner that is causing the elevated flows that is being seen in the secondary.

Mr. Knight asked if the second quarter report will show the change of having the barrier constructed or will the improvement not be evident until the third quarter report.

Mr. Moore stated the improvement may not be seen until the third or fourth quarter. The earth work process will begin in May, the second month of the second quarter, by June or July the plastic should be tied in, there should then be some reduction in addition to doing some storm water management practices with the cell construction and try to reduce the flow of water. There should be improvement in the second quarter, but the improvement will likely be more evident in the third and fourth quarters.

Mr. Foerg stated he is comfortable with the action that is being taken.

Mr. Knight with the construction of the last cell, approximately how many years before the landfill is full and ready to be closed.

Mr. Moore expects the landfill to remain open for another nine or ten years, based on the incoming tonnage.

Mr. Kittle asked if there is another plan in the event the proposed fix doesn't work.

Mr. Moore explained the State would require a further investigation to determine the problem and then correct it. Mr. Moore noted with the extra effort of the liner integrity survey, he is fairly confident the issue has been resolved. Since the mechanical repairs have been made, there has been a decrease the elements. The increase in flow has corresponded to the brief warm-ups during the winter. During a thaw, is when they would have seen an increase in flow, and for that reason, he believes the repaired tie-in was leaking.

Mr. Kittle asked if there is any leakage into the ground.

Mr. Moore assured Mr. Kittle, there is nothing going into the ground, there is still the secondary collection to protect anything from seeping into the ground water. There is routine ground water monitoring of all the wells, making sure there is no migration of anything from the landfill.

Mr. Knight asked when the south cell will be landscaped, now that it is closed.

Mr. Moore stated benches have been constructed on the south side and there has been difficulty in getting plants to grow. Mr. Moore noted there will be an open house in August, and tours of the facility will be offered.

Moved by Knight; Seconded by Kittle.

RESOLVED: To accept the Third and Fourth Quarter Y2013 Monitoring Network Review Summaries and 2013 Annual Monitoring Network Review Summary prepared by Environmental Resources Group, LLC (ERG) for the Oakland Heights Development Landfill.

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

No: None

Motion Carried (7-0)

Resolution No. 14.04.069

10. COMMENTS AND MOTIONS FROM COUNCIL

Ms. Verbeke:

- Joslyn road will be under construction beginning April 15th and should be completed by October 2014, and should remain open throughout the construction.
- The Boys and Girls Club 25th Steak & Burger Dinner will take place April 16th and anyone can call for more information at 248-852-1336.

Ms. Mitchell:

- Noted the Planning Commission will meet Thursday, April 10, and a draft ordinance for oil and gas drilling will be discussed.
- Lake Orion schools are having open enrollment starting April 14th through May 15th.
- An Age Friendly neighborhood meeting will be taking place April 16th at Avondale High School, at 6:30 p.m.

Mr. Kittle:

- The Pontiac School Board has several seats open for the upcoming election in November. There is no primary election and the filing deadline is July 22, 2014. If someone chooses to run, either petitions can be filed or a \$100 filing fee can be submitted.
- Asked Mr. Melchert to thank Mr. Grice for handling the ice situation in the north end of the City. A resident phoned him, (Mr. Kittle), to thank the City for handling the situation very professionally and was pleased with the results.

Mr. Knight:

- Asked Ms. Adcock if she would like to comment on the swimming issue. He believed it to be a liability issue with the hotel.
Ms. Adcock stated she would compile a detailed report for Council.

Ms. Hammond:

- Noted there is a sign on Squirrel Road indicating parking behind the businesses on Squirrel Court is open, but there are no signs on Auburn Road indicating the open parking lot on Squirrel Court.
Mr. Melchert stated there will be signage posted tomorrow, Tuesday, along Auburn Road, directing drivers around the back to the parking lot along Squirrel Court.
- Noticed some of the potholes on Squirrel Road, which is concrete, have been repaired with asphalt and asked if those holes will be repaired correctly with cement once the weather is better.
Mr. Melchert confirmed the repairs will be done with concrete when possible.

Mayor McDaniel:

- Had the opportunity today to sign on behalf of the residents, City staff and City Council, the Pothole Pledge, that Channel 7 is soliciting from the area communities. The Pledge, promises to fill a pothole within the City, though there are three jurisdictions within the City, within three days of receiving a complaint. Mr. Auger has assured him the three days is not an issue, since the DPW has filled potholes as early as a day and a half after receiving a complaint.

11. CITY ATTORNEY'S REPORT – none.

12. CITY MANAGER'S REPORT

- The bid comparison for the Featherstone Road project were opened late Friday and consideration for the Federal funds. There were numerous bids throughout the State and all of the bid costs went up. A cost analysis will be forthcoming.
- He spent the afternoon reviewing the Detroit Sewer and Water Department report from Mr. Daddow, the Deputy Executive at Oakland County, and he will be forwarding a report soon on how and where the discussions are headed.

13. EXECUTIVE SESSION – Continuation of City Manager’s Annual Evaluation - Accountability Form

Moved by Verbeke; Seconded by Hammond.

RESOLVED: Recess to Executive Session for a Continuation of the City Manager’s Evaluation/ Accountability Form

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

No: None

Motion Carried (7-0)

Resolution No. 14.04.070

Council adjourned to Executive Session at 8:49 p.m. and reconvened the regular meeting at 10:49 p.m.

14. ADJOURNMENT

The meeting adjourned at 10:50 pm.