



*The City of Auburn Hills*  
City Council Meeting  
Minutes

September 12, 2016

**CALL TO ORDER:** Mayor McDaniel at 7:08 p.m.  
**LOCATION:** City Council Chamber, 1827 N. Squirrel Road, Auburn Hills, MI 48326  
**ROLLCALL:** Present: Mayor McDaniel, Mayor Pro Tem Mitchell, Council Members Burmeister, Kittle, Knight, Verbeke  
Absent: Council Member Hammond  
Also Present: City Manager Tanghe, Assistant City Manager Grice, Police Chief Olko, Assistant Fire Chief Macias, City Clerk Kowal, DPW Director Melchert, Community Development Director Cohen, Roads and Fleet Mgr. Brisson, City Engineer Juidici, City Attorney Beckerleg  
4 Guests

**4. APPROVAL OF MINUTES**

4a. Regular City Council – August 22, 2016

**Moved by Mitchell; Seconded by Knight.**

**RESOLVED: To approve the August 22, 2016 City Council meeting minutes with corrections.**

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

**No: None**

**Resolution No. 16.09.158**

**Motion Carried (6–0)**

4b. City Council Workshop – August 22, 2016

**Moved by Verbeke; Seconded by Mitchell.**

**RESOLVED: To approve the August 22, 2016 City Council workshop minutes as submitted.**

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

**No: None**

**Resolution No. 16.09.159**

**Motion Carried (6–0)**

**6. PUBLIC COMMENT - none**

**7. CONSENT AGENDA**

7a. Board and Commission Minutes

7a.1. Beautification Advisory Commission – July 20, 2016

7a.2. Pension Board - August 10, 2016

7a.3. Retiree Health Care Board – August 10, 2016

7b. Motion – Extend the Collection Services contract with Penn Credit Corporation for delinquent ambulance billing accounts for one (1) additional year.

**RESOLVED: To approve to exercise the option to extend the contracted service of Penn Credit Corporation for the purpose of collecting delinquent ambulance billing accounts at the rate of 19% In-house and 29% when legal action is required for an additional one (1) year from September 18, 2016 to September 18, 2017 and authorize the City Manager to sign the agreement on behalf of the City.**

7c. Motion – Extend the backup EMS ambulance service to the fire department's EMS system contract with Star EMS for one (1) additional year.

**RESOLVED: Move to approve to exercise the option to extend the no cost contracted service of Star EMS for the purpose of backup ambulance service to the fire department's EMS system for one (1) additional year May 1, 2016 to April 30, 2017 and authorize the City Manager to sign the agreement on behalf of the City.**

7d. Motion – Approve 2016 Annual Storm Structure Rehabilitation Program

**RESOLVED: To approve the costs associated with the 2016 Storm Structure Rehabilitation Program and award the bid to Koala-T Construction, Inc., 424 Ferry Ave., Pontiac, Michigan 48341 in the amount of \$ 96,850.00. Further, to approve the OHM Scope of Engineering Services for a not-to-exceed amount of \$ 17,600.00. Funding is provided from Major Streets account 202-452-935.000 and Local Streets account 203-453-935.000.**

7e. Motion – Lease of Office Space to OHM Advisors

**RESOLVED: to approve the lease agreement with OHM Advisors under the terms and conditions included in the lease with the lease term beginning December 1, 2016; and authorize the City Manager to execute the**

lease on behalf of the City.

**Moved by Knight; Seconded by Kittle.**

**RESOLVED: To approve Consent Agenda items 7a., 7b., 7c., 7d., and 7e.**

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

**No: None**

**Resolution No. 16.09.160**

**Motion Carried (6–0)**

## **8. OLD BUSINESS**

8a. Public Hearing/Motion – Adopt Ordinance to Amend Article V, Nuisances in Chapter 34, Environment of the Auburn Hills City Code on Second Reading

Mr. Cohen explained this ordinance amendment is being considered to fill a void in the current ordinance. Litigation was brought by a tenant concerning damage to a vehicle parked in front of the residence. The judge dismissed the case because in the ticket section 18-13 of the ordinance was cited, which addressed parking on the front yard, not causing damage. Attorney Beckerleg drafted this ordinance to prevent this type of damage. The purpose of this amendment is to prevent damage caused by repetitive driving on the lawn, not intended to curtail someone who has occasion to drive across their lawn.

Staff recommends adoption of the ordinance.

Mayor McDaniel reminded Council this had been before them for the first reading, so tonight is the adoption of the ordinance, if so desired.

*Mayor McDaniel opened the public hearing at 7:15p.m. No one wished to comment closed, and the Mayor closed the public hearing at 7:15.*

**Moved by Mitchell; Seconded by Verbeke.**

**RESOLVED: To adopt an ordinance to amend Article V, Nuisances in Chapter 34. Environment of the Auburn Hills City Code on second reading, to be known as Ordinance No. 16-880.**

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

**No: None**

**Resolution No. 16.09.161**

**Motion Carried (6–0)**

## **9. NEW BUSINESS**

9a. Motion Accept the First Reading of an Ordinance to Amend Chapter 14. Animals of the Auburn Hills City Code and Set for Public Hearing and Second Reading / Adoption at the Meeting of October 10, 2016.

Mr. Cohen recognized Ms. Calhoun-Parker, a resident who is having problems with large numbers of turkeys in her yard twice a day because neighbors are feeding them. This ordinance was drafted in response to that issue.

Mr. Burmeister noticed that deer are also addressed, asking why residents will be banned from feeding the deer.

Mr. Cohen responded that deer are not banned in the ordinance, specifically geese and turkeys are named.

Mr. Burmeister questioned how feeding deer can be differentiated from feeding turkeys, since they both eat the same thing; this ordinance will be very difficult to enforce.

Mr. Cohen explained this ordinance will allow the Ordinance Enforcement officer an opening to discuss the problems of feeding the turkey and geese, with those who are feeding the animals. Currently, without any ordinance, there isn't a tool available for the discussion.

Mr. Grice noted State law only allows the feeding of deer from September 15 to January 1. This ordinance is attempting to control one nuisance, but it is a fine line when legislating which animals can be fed.

Mr. Burmeister noted this ordinance does not prohibit putting a large quantity of corn in a bird feeder, available to all wildlife.

Mr. Knight stated he agrees with the comments made. Perhaps the ordinance should just say "no feeding wildlife", believing this ordinance may need to be reviewed.

Mayor McDaniel commented of feeding of wildlife would restrict the use bird feeders. He asked if there are any companies that will come out and take care of the problem.

Mr. Grice replied that he is not aware of any. Turkeys are a federally regulated bird.

Mr. Kittle empathizes with the resident, but is concerned where the line should be drawn with local government intervening. He noted some people use motion activated sprinklers that make noise and spray water on the animals to keep them away. He doesn't believe this is an area that government should become involved with, and will not be support this ordinance. He noted there is a turkey deterrent website available.

The Mayor sympathizes with the resident also, but this issue has not been widely complained of in the City. Typically when a resident has a problem with wildlife, the resident will contact a service that will take care of the problem. He isn't sure an ordinance is the answer, by using City resources for one particular instance.

Ms. Verbeke asked if it is common for residents to feed wildlife, even deer, in light of the fact that there is no hunting in the City limits.

Mr. Cohen responded most complaints are concerning geese, especially around the Vinewood Pond. This is the first turkey complaint; this proposed ordinance is based on other communities' ordinances. He isn't aware of any community who bans the feeding of all wildlife.

Ms. Mitchell agrees, she doesn't want to start managing wildlife in residents' backyards. She is concerned with the fact that neighbors are feeding the turkeys and therefore inviting the birds into a neighbor's backyard; so this proposed ordinance will give Ordinance Enforcement Officers a tool to work with, to deter residents from feeding the turkeys and creating a nuisance for other residents.

Mr. Knight is concerned that the individual feeding the turkeys must be caught in the act of feeding to enforce the ordinance.

Mr. Tanghe explained a statement from a neighbor is sufficient.

Mr. Beckerleg confirmed a statement from someone that witnessed the feeding, is all that is needed.

Mr. Grice noted, the neighbors feeding the turkeys have not been talked with.

**Debra Calhoun-Parker**, stated she talked with her neighbor prior to Mr. Grice visiting her home. She approached the neighbor, explaining the DNR advises against feeding turkeys. The neighbor explained to her his ultimate goal is hunting the turkeys. He asked to see the literature she had gotten from the DNR. Regarding the water sprinklers, she has used them, but had to run the water for six to eight hours each day, which is quite costly. The neighbor has also built a hunting blind on his property.

Police Chief Olko confirmed for Mayor McDaniel, this is the first she has heard of the hunting blind to hunt turkeys.

Mayor McDaniel suggested holding off on approving this ordinance for further investigation by Police Chief Olko to indeed, see if there is a hunting blind and the intentions of the neighbors to hunt the turkeys with bow and arrows. These neighbors need to be educated on the law of no hunting of any type within the City.

**Clarence Bennett**, Tienken Road, explained many years ago he trapped the ground hog and transferred them to the woods. He also had problems with deer, and was able to divert them back to the woods.

#### **No Council action taken.**

### **11. COMMENTS AND MOTIONS FROM COUNCIL**

Mr. Knight:

- Was blown away by the trucks on Grey Road and asked that the Police patrol the street at least once a week and talk with Church's Lumber about rerouting the truck traffic. The trucks weren't speeding, just using Grey Road instead of Auburn and Squirrel Roads; the GPS mapping needs to be changed.

Ms. Verbeke asked if City Council can give a directive to the Police Department for sitting on Grey Road and issuing tickets to those who are speeding.

Mr. Knight didn't believe the trucks were speeding, but suggested changing the speed limit for truck traffic to 20 miles per hour.

- Would like to discuss if ~~35%~~ 25% is the correct amount for future fund balances.
- Recalled when the downtown parking was back-in angle parking and all the complaints that were received, but noted how difficult it is now to back out of parking spaces onto Auburn Road. He believes if properly introduced, the back-in angle parking is much safer and would like a study done over the next year.

Mr. Kittle:

- Thought the budget discussion during the workshop, was the best it's ever been. He too believes the policy should be reviewed and establish a fund balance percentage as a Council policy.

Mr. Burmeister:

- As a member of Senior Home Assistance Repair Program (SHARP), he noted the program is looking for volunteers to join the team. The number of requests is increasing and there is not enough volunteers to do all the work. Any interested volunteers can call Senior Director Karen Adcock at 248-370-9353.

Ms. Mitchell:

- Complimented the Beautification Advisory Commission on the wonderful invitations that were sent for the Awards Dinner. She thanked those Members for their service.
- She is in agreement with Mr. Knight and Mr. Kittle of the need to revisit the fund balance that has been established for the City's budget. In today's environment, she isn't sure if the 35% is sustainable.

Mayor McDaniel:

- He is in support of having a fund balance discussion as well.

**12. CITY ATTORNEY’S REPORT - none**

**13. CITY MANAGER’S REPORT**

- He and the Mayor attended the opening celebration for VLF Automotive last week, a new automotive company located in Auburn Hills.
- Some City staff attended the Oakland University Grizz Fest last week, where students were welcomed back to Auburn Hills.
- Congratulated the Police and Fire Benevolent Fund organization on the sold out golf outing. The biggest turnout ever, with 150 golfers.

**14. EXECUTIVE SESSION – Land Sale**

**Moved by Verbeke; Seconded by Mitchell.**

**RESOLVED: To adjourn to Executive Session.**

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

**No: None**

**Resolution No. 16.09.162**

**Motion Carried (6–0)**

*Adjourned to Executive Session at 7:42 p.m. and reconvened the regular meeting at 8:14 p.m.*

Mr. Tanghe explained since going into Executive Session, Pat Howe has arrived at the meeting, coming from another meeting.

**J. Patrick Howe**, representative of Purpose Built Properties LLC, has been discussing the purchase of property at the corner of Squirrel and Auburn Roads. There are preliminary plans to proceed with the construction of a mid-rise apartment building.

**Moved by Mitchell; Seconded by Burmeister.**

**RESOLVED: To authorize the City Manager, on behalf of the City, to enter into a purchase agreement for the sale of property located at 3300 Auburn Road with Purpose Built Properties, LLC, in the amount of \$80,000.**

**Furthermore, to authorize the City Manager to execute all the documents up to and including those necessary to close the transaction.**

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

**No: None**

**Resolution No. 16.09.163**

**Motion Carried (6–0)**

**15. ADJOURNMENT**

Hearing no objections, the meeting adjourned at 8:16 p.m.

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Kevin R. McDaniel, Mayor

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Terri Kowal, City Clerk