



CITY OF AUBURN HILLS

Regular City Council Meeting Minutes

August 3, 2020

CALL TO ORDER: Mayor McDaniel at 7:00 p.m.

LOCATION:

City Council Chamber, 1827 N. Squirrel Rd, Auburn Hills, MI 48326

Present: Mayor McDaniel, Council Members Burmeister, Kittle, Knight, Marzolf, Moniz and Verbeke

Absent: None

Also Present: City Manager Tanghe, Assistant City Manager Grice, City Attorney Roberts, City Clerk Pierce, Police Chief Baker, Fire Chief Taylor, Finance Director Schulz, A/R Manager Culver, Recreation Director Hegdal, Senior Services Director Adcock, Mgr. of Business Development Carroll, Deputy DPW Director Stahly, Engineer Juidici

7 Guests

4. APPROVAL OF MINUTES

4a. City Council Meeting Minutes, July 20, 2020

Moved by Verbeke, Seconded by Burmeister

RESOLVED: To approve the City Council Meeting Minutes of July 20, 2020.

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, McDaniel, Moniz, Verbeke

No: None

Resolution No. 20.08.98

Motion Carried (7 - 0)

5. APPOINTMENTS AND PRESENTATIONS

5a. Avondale Youth Assistance Annual Year in Review, presented by Mike Kazyak, Chairperson

Mr. Kazyak, Chairperson for Avondale Youth Assistance, presented the annual year of review. He shared the different events that the program has held. He commented that some of the children have struggled due to the Covid issue and how support has been provided to the students. He also shared that there were seven students that were recognized for their efforts in leadership, community service and personal achievement.

Ms. Verbeke questioned the number of Auburn Hills students that are part of the program and would like to receive a breakdown when one is available. Mr. Kazyak shared that most of the students that are helped are in the Auburn Hills community.

Mr. Moniz, Mr. Marzolf and Mr. Burmeister thanked Mr. Kazyak for the hard work and dedication that is provided to the students of the Avondale Youth Assistance Program.

Mr. Knight asked that money be set aside in the budget, for the Youth Assistant Program. Mayor McDaniel shared that this can be reviewed during the budget process.

5b. Second Quarter Cash Management Report, presented by Brian Green, AndCo Consulting

Mr. Green presented the second quarter cash management report. He reported that due to the Covid situation there has been regular contact with City Staff and the professional investment managers. He

stated that the trend of positive results and successes has continued. He informed Council that the cash pool is up another .4%. He shared that the long term success shows additional revenue needs.

6. PUBLIC COMMENT

Congresswoman Haley Stevens thanked Council for their leadership and dedication to the City. She presented the City with a flag that has been flown over the Capital in honor of Mayor McDaniel. She shared the progress that has been made during her time in office. Mayor McDaniel thanked Congresswoman Stevens for always being accessible to City Staff when issues arise.

7. CONSENT AGENDA

7a. Board and Commission Minutes

7a1. Tax Increment Finance Authority, July 14, 2020

RESOLVED: To receive and file the Board and Commission Minutes.

7b. Motion - To receive and file the AndCo Consulting 2nd Quarter 2020 Cash Management Summary and Executive reports.

RESOLVED: To receive and file the AndCo Consulting 2nd Quarter 2020 Cash Management Summary and Executive reports.

7c. Motion - To approve the Cost Participation agreement with Oakland County Board of Commissioners associated with West Entrance Drive Improvements.

RESOLVED: To approve cost participation agreement with the County of Oakland Board of Commissioners associated with West Entrance Drive improvements. Services provided to be paid with budgeted funds as appropriated in the 2020 Adopted Annual Budget.

7d. Motion – To approve the 2020 HIDTA sub-recipient agreement with Oakland County.

RESOLVED: To approve the 2020 HIDTA Agreement between Oakland County and the City of Auburn Hills and authorize the Chief of Police to sign the agreement on behalf of the City.

Moved by Kittle, Seconded by Knight.

RESOLVED: To approve the Consent Agenda.

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, McDaniel, Moniz, Verbeke

No: None

Resolution No. 20.08.99

Motion Carried (7 - 0)

8. OLD BUSINESS

9. NEW BUSINESS

9a. Motion – To adopt a Resolution approving ballot questions for proposed City Charter Language Amendments to be placed on the ballot at the November 3, 2020, General Election.

Mr. Tanghe presented the proposed Charter amendments that are to be placed on the November 3, 2020 ballot. It was discussed that the Statement of Purpose and ballot question is the language that would be on the ballot. It was noted that the changes that are being made are minor. Mr. Kittle stated that he would like to make sure that enough information is provided for the residents.

Moved by Verbeke, Seconded by Kittle

RESOLVED: To adopt the attached resolution titled: Resolution Approving Proposed Amendment to the City Charter and Approving Ballot Language; and direct the City Clerk to do all things necessary to provide for the submission of the aforesaid propositions to the electors of the City of Auburn Hills at the November 3, 2020, general

election. Furthermore, direct the City Clerk to provide a copy of the Resolution and copies of the proposed Charter Amendments and affected sections of the Charter, Ballot Questions, and Statements of Purpose to the Governor and Michigan Attorney General and to the Oakland County Elections Division. (Attachment A)

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, McDaniel, Moniz, Verbeke

No: None

Resolution No. 20.08.100

Motion Carried (7 - 0)

10. COMMENTS AND MOTIONS FROM COUNCIL

Mr. Knight – He shared that he is pleased with the completion of North Squirrel Road. He commented that he would like to see Council draft a resolution asking Governor Whitmer to make her Executive Orders based on a percentage of capacity when limiting the amount of people inside a building. Mayor McDaniel asked Staff to look at making a possible resolution. He shared that the Boys and Girls Club Steak and Burger event will be September 28, 2020 at Fieldstone Golf course.

Mr. Kittle – He questioned how Great Lakes Crossings was doing amidst the pandemic. Mr. Tanghe and Ms. Verbeke shared that it is quiet and not at capacity, however they are open and operational. Ms. Verbeke further shared that people seem to be going to the one or two stores that they need to go to and then leaving. The staff in the stores seem to be following the proper restrictions.

Mr. Moniz – He passed his condolences on to the Rochester Hills families that had family members pass away in Auburn Hills. He asked Chief Baker to share the details on the educational class that is coming up. He also stated that he is willing to help in any way he can to draft a resolution to help with this issue. He asked Ms. Pierce to provide an update on the absentee ballot status. Ms. Pierce stated that the Clerk's office has issued over 4100 absentee ballots and has received 65%. She stated that a typical turnout is 35% and that the last Presidential election issued only 2600 absentee ballots.

Ms. Verbeke – She reminded everyone to vote in the Primary on August 4th. She also mentioned that Alanna will be coordinating the landfill tour.

Mr. Marzolf – He commented that he enjoyed the opening of the Hawk Woods lodge and thanked everyone that worked on it. He shared that he has been at the Friday Night concerts and would like to see more support for the crowd. Mr. Tanghe stated that a meeting was held earlier in the day to put a plan in place to limit the number of people in the seating area to 100. The rest of the people can be in the park area.

11. CITY ATTORNEY REPORT

12. CITY MANAGER REPORT

13. ADJOURNMENT

Hearing no objections, the Mayor adjourned the meeting at 8:12 PM.

Kevin R. McDaniel, Mayor

Laura M. Pierce, City Clerk

ATTACHMENT A

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF AUBURN HILLS

**RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE CITY CHARTER AND
APPROVING BALLOT LANGUAGE**

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, Michigan 48326, at 7:00 p.m. on the 3rd day of August 2020.

The following resolution was offered by Councilperson Verbeke and supported by Councilperson Kittle:

WHEREAS, pursuant to the Home Rule City Act, Act 279, of the Public Acts of Michigan, of 1909, as amended, amendments to the Auburn Hills City Charter may be proposed by the City Council of the City of Auburn Hills on a three-fifths (3/5) vote of the members elect; and

WHEREAS, the City Council has determined that it is appropriate to submit six Charter Amendments to the electors of the City of Auburn Hills at the general City election to be held on November 3, 2020.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Auburn Hills City Council that the following six Charter Amendment Propositions be placed on the ballot for submission to the electors at the general City election on Tuesday, November 3, 2020: Proposition A amending Section 3.7 of the Auburn Hills City Charter, Proposition B amending Section 4.3 of the Auburn Hills City Charter, Proposition C amending Section 4.8 of the Auburn Hills City Charter, Proposition D amending Section 4.9 of the Auburn Hills City Charter, Proposition E amending Section 4.10 of the Auburn Hills City Charter, and Proposition F amending Subsection (k) of Section 14.3 of the Auburn Hills City Charter.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Auburn Hills City Council hereby approves Propositions A through F as follows:

**PROPOSITION A – AMENDMENT TO SECTION 3.7 OF THE AUBURN HILLS
CITY CHARTER**

BALLOT QUESTION

Shall Section 3.7 of the Auburn Hills Charter be amended to provide that the term of office of city councilpersons shall commence on the Monday of the next regular city Council meeting following the date of the regular election in which they were elected, at 7:00 p.m.?

Yes

No

STATEMENT OF PURPOSE

This Charter Amendment would amend Section 3.7 of the Auburn Hills Charter to provide that the term of office of city councilpersons commences on the Monday of the next regular city council meeting following the date of the regular election in which they were elected, at 7:00 p.m.

EXISTING CHARTER LANGUAGE AND PROPOSED CHARTER AMENDMENT LANGUAGE:

(a) Section 3.7 of the Auburn Hills City Charter currently reads as follows:

At each regular city election there shall be elected four (4) councilmen and such additional number as may be required to fill vacancies pursuant to the provisions of this Charter. The three (3) receiving the highest number of votes shall be elected for four (4) years, and the one receiving the fourth highest number of votes shall be elected for a term of two (2) years, a number equal to the number of vacancies being filled (if any) who shall receive the next highest number of votes in order, shall be elected for a term of two (2) years. The term of office of the councilmen shall commence on the second Monday next following the date of the regular city election at which they were elected, at 8:00 p.m., local time.

(b) Upon adoption of the proposed Charter Amendment, Section 3.7 of the Auburn Hills City Charter would read as follows:

At each regular city election there shall be elected four (4) councilpersons and such additional number as may be required to fill vacancies pursuant to the provisions of this Charter. The three (3) receiving the highest number of votes shall be elected for four (4) years, and the one receiving the fourth highest number of votes shall be

elected for a term of two (2) years. The term of office of the councilpersons shall commence on the Monday of the next regular city council meeting following the date of the regular city election at which they were elected, at 7:00 p.m., local time.

**PROPOSITION B – AMENDMENT TO SECTION 4.3 OF THE AUBURN HILLS
CITY CHARTER**

BALLOT QUESTION

Shall Section 4.3 of the Auburn Hills Charter be amended to provide that each city councilperson shall hold office for their elected term from the Monday of the next regular City Council meeting following the date of the regular election in which they were elected?

Yes

No

STATEMENT OF PURPOSE

This Charter Amendment would amend Section 4.3 of the Auburn Hills Charter to provide that each city councilperson shall hold office for their elected term from the Monday of the next regular city council meeting following the date of the regular election in which they were elected.

**EXISTING CHARTER LANGUAGE AND PROPOSED CHARTER AMENDMENT
LANGUAGE:**

(a) Section 4.3 of the Auburn Hills City Charter currently reads as follows:

Each councilman shall hold office for his elected term from the second Monday following the city election at which he was elected.

(b) Upon adoption of the proposed Charter Amendment, Section 4.3 of the Auburn Hills City Charter would read as follows:

Each councilperson shall hold office for their elected term from the Monday of the next regular city council meeting following the city election at which they were elected.

**PROPOSITION C – AMENDMENT TO SECTION 4.8 OF THE AUBURN HILLS
CITY CHARTER**

BALLOT QUESTION

Shall Section 4.8 of the Auburn Hills Charter be amended to provide that any vacancy occurring on the city council shall be filled within thirty (30) days after such vacancy shall have occurred by the concurring vote of at least four (4) remaining members of the city council?

Yes

No

STATEMENT OF PURPOSE

This Charter Amendment would amend Section 4.8 of the Auburn Hills Charter to provide that any vacancy occurring on the city council shall be filled within thirty (30) days after such vacancy shall have occurred by the concurring vote of at least four (4) remaining members of the council.

**EXISTING CHARTER LANGUAGE AND PROPOSED CHARTER AMENDMENT
LANGUAGE:**

(a) Section 4.8 of the Auburn Hills City Charter currently reads as follows:

Any vacancy occurring on the city council shall be filled within thirty (30) days after such vacancy shall have occurred by the city council appointing that person who was the highest vote getter of those persons running for city council in the last regular city election that were not elected to the city council with said appointee to serve until the second Monday next following the next regular city election following his appointment. If the person who was the highest vote getter of those persons running

for city council in the last regular city election and that were not elected to the city council is unable and/or unwilling to serve on the city council, then the vacancy occurring on the city council shall be filled within thirty (30) days after such vacancy shall have occurred by the concurring vote of at least a remaining four (4) members of the city council with said appointee to serve until the second Monday next following the next regular city election following his appointment and, if the city council fails to make such appointment within thirty (30) days following the occurrence of the vacancy, the election commission shall call a special election to fill the vacancy, to be held not sooner than ninety (90) days and not later than one hundred twenty (120) days following the occurrence of the vacancy and to be otherwise governed by the election provisions of this Charter and state statutes.

- (b) Upon adoption of the proposed Charter Amendment, Section 4.8 of the Auburn Hills City Charter would read as follows:

Any vacancy occurring on the city council shall be filled within thirty (30) days after such vacancy shall have occurred by the concurring vote of at least four (4) remaining members of the city council with said appointee to serve until the Monday of the next regular city council meeting following the next regular city election following his appointment and, if the city council fails to make such appointment within thirty (30) days following the occurrence of the vacancy, the election commission shall call a special election to fill the vacancy, to be held not sooner than ninety (90) days and not later than one hundred twenty (120) days following the occurrence of the vacancy and to be otherwise governed by the election provisions of this Charter and state statutes.

**PROPOSITION D – AMENDMENT TO SECTION 4.9 OF THE AUBURN HILLS
CITY CHARTER**

BALLOT QUESTION

Shall Section 4.9 of the Auburn Hills Charter be amended to delete subsection (a) pertaining to councilpersons generally not holding any other city office or city employment inasmuch as that is governed by state law and to re-letter existing subsections (b) and (c) to (a) and (b)?

Yes

No

STATEMENT OF PURPOSE

This Charter Amendment would amend Section 4.9 of the Auburn Hills Charter by deleting subsection (a) pertaining to councilpersons generally not holding any other city office or city employment as that issue is governed by state law and to re-letter existing subsections (b) and (c) to (a) and (b).

EXISTING CHARTER LANGUAGE AND PROPOSED CHARTER AMENDMENT LANGUAGE:

- (a) Section 4.9 of the Auburn Hills City Charter currently reads as follows:
 - (a) Except where authorized by law, no councilman shall hold any other city office or city employment during the term for which he was elected to the council. This shall not apply to appointed city boards or commissions or to volunteer firemen.
 - (b) Neither the council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or any of his subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.
 - (c) Except for the purpose of official inquiries and investigations, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

- (b) Upon adoption of the proposed Charter Amendment, Section 4.9 of the Auburn Hills City Charter would read as follows:
 - (a) Neither the council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or any of his subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.

- (b) Except for the purpose of official inquiries and investigations, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

**PROPOSITION E – AMENDMENT TO SECTION 4.10 OF THE AUBURN HILLS
CITY CHARTER**

BALLOT QUESTION

Shall Section 4.10 of the Auburn Hills Charter be amended to provide that each member of the city council shall receive as remuneration for their service to the city salaries and benefits as established by the Auburn Hills Elected Officials Compensation Commission?

Yes

No

STATEMENT OF PURPOSE

This Charter Amendment would amend Section 4.10 of the Auburn Hills Charter to provide that each member of the city council shall receive as remuneration salary and benefits as established by the Auburn Hills Elected Officials Compensation Commission, which is how the salary and benefits of the city councilpersons are currently established.

**EXISTING CHARTER LANGUAGE AND PROPOSED CHARTER AMENDMENT
LANGUAGE:**

(a) Section 4.10 of the Auburn Hills City Charter currently reads as follows:

- (a) Each member of the council shall receive, as remuneration for his service to the city, the sum of four thousand three hundred dollars (\$4,300.00) per year. In addition to his remuneration as a member of the council, the mayor shall receive the additional sum of one thousand

dollars (\$1,000.00) per year. Such salaries shall be payable monthly and, except as otherwise provided in this Charter, shall constitute the only salary or remuneration which may be paid for services performed by members of the council for the discharge of any official duty for or on behalf of the city during their term of office. Upon authorization of the council, reasonable expenses may be allowed when actually incurred on behalf of the city.

(b) Provisions of this section shall be subject to the review of a compensation commission, to be established by ordinance in accordance with statute.

(b) Upon adoption of the proposed Charter Amendment, Section 4.10 of the Auburn Hills City Charter would read as follows:

(a) Each member of the council shall receive, as remuneration for their service to the city, salaries and benefits as established by the Auburn Hills Elected Officials Compensation Commission pursuant to the Auburn Hills Elected Officials Compensation Commission Ordinance. Such salaries shall be payable monthly and, except as otherwise provided in this Charter, said established salaries and benefits shall constitute the only salary, benefits or remuneration which may be paid for services performed by members of the council for the discharge of any official duty for or on behalf of the city during their term of office. Upon authorization of the council, reasonable expenses may be allowed when actually incurred on behalf of the city.

PROPOSITION F – AMENDMENT TO SUBSECTION (k) OF SECTION 14.3 OF THE AUBURN HILLS CITY CHARTER

BALLOT QUESTION

Shall Subsection (k) of Section 14.3 of the Auburn Hills Charter be amended to provide that all references in the Charter to a specific gender shall be considered to be gender neutral?

Yes

No

STATEMENT OF PURPOSE

This Charter Amendment would amend Subsection (k) of Section 14.3 of the Auburn Hills Charter to provide that all references in the Charter to a specific gender shall be considered to be gender neutral.

EXISTING CHARTER LANGUAGE AND PROPOSED CHARTER AMENDMENT LANGUAGE:

- (a) Section 14.3 of the Auburn Hills City Charter currently reads as follows:

Except as otherwise specifically provided or indicated by the context of this Charter:

- (a) The word “*state*” shall mean the State of Michigan;
- (b) The word “*city*” shall mean the City of Auburn Hills;
- (c) The word “*council*” shall mean the City Council of the City of Auburn Hills;
- (d) The word “*officer*” shall include, but shall not be limited to the mayor, the members of the council, and, as herein provided, the administrative officers, deputy administrative officers, and members of city boards and commissions created by or pursuant to this Charter;
- (e) The word “*person*” may extend and be applied to bodies politic and corporate and to partnerships and associations, as well as to individuals.
- (f) The words “*printed*” and “*printing*” shall include printing, engraving, stencil, duplicating, lithographing, typewriting, photostating, or any similar method;
- (g) Except in reference to signatures, the words “*written*” and “*in writing*” shall include handwritten script, printing, typewriting and teletype and telegraphic communications;
- (h) The words “*publish*” or “*published*” shall include publication of any matter, required to be published, in the manner provided by law, or where there is no applicable law, in one (1) or more newspapers of general circulation in the city, qualified by law for publication of legal notices or in accordance with this Charter;
- (i) The words “*public utility*” shall include all common carriers in the public streets; water, sewage disposal, electric light and power, gas, telephone and telegraph lines and systems, cable television, garbage

and refuse collection and disposal and reduction plants, transportation, and such other and different enterprises as the council may determine or designate;

- (j) All words indicating the present tense shall not be limited to the time of the adoption of this Charter, but shall extend to and include the time of happening of any event or requirement to which any provision of this Charter is applied;
 - (k) The singular shall include the plural, and plural shall include the singular, the masculine gender shall extend to and include the feminine gender and the neuter;
 - (l) All references to statutes shall be considered to be references to such statutes as amended.
- (b) Upon adoption of the proposed Charter Amendment, Section 14.3 of the Auburn Hills City Charter would read as follows:

Except as otherwise specifically provided or indicated by the context of this Charter:

- (a) The word “*state*” shall mean the State of Michigan;
- (b) The word “*city*” shall mean the City of Auburn Hills;
- (c) The word “*council*” shall mean the City Council of the City of Auburn Hills;
- (d) The word “*officer*” shall include, but shall not be limited to the mayor, the members of the council, and, as herein provided, the administrative officers, deputy administrative officers, and members of city boards and commissions created by or pursuant to this Charter;
- (e) The word “*person*” may extend and be applied to bodies politic and corporate and to partnerships and associations, as well as to individuals.
- (f) The words “*printed*” and “*printing*” shall include printing, engraving, stencil, duplicating, lithographing, typewriting, photostating, or any similar method;
- (g) Except in reference to signatures, the words “*written*” and “*in writing*” shall include handwritten script, printing, typewriting and teletype and telegraphic communications;
- (h) The words “*publish*” or “*published*” shall include publication of any matter, required to be published, in the manner provided by law, or where there is no applicable law, in one (1) or more newspapers of general circulation in the city, qualified by law for publication of legal notices or in accordance with this Charter;

- (i) The words “*public utility*” shall include all common carriers in the public streets; water, sewage disposal, electric light and power, gas, telephone and telegraph lines and systems, cable television, garbage and refuse collection and disposal and reduction plants, transportation, and such other and different enterprises as the council may determine or designate;
- (j) All words indicating the present tense shall not be limited to the time of the adoption of this Charter, but shall extend to and include the time of happening of any event or requirement to which any provision of this Charter is applied;
- (k) The singular shall include the plural, and plural shall include the singular. All references in the Charter, including, but not limited to, references to he/she, his/her, the masculine gender, the feminine gender, and other references to a specific gender shall be considered to be gender neutral;
- (l) All references to statutes shall be considered to be references to such statutes as amended.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE AUBURN HILLS CITY COUNCIL AS FOLLOWS:

1. The City Clerk is hereby directed to do all things necessary to provide for the submission of the aforesaid Propositions to the electors of the City of Auburn Hills at the general City election on November 3, 2020.

2. A copy of this Resolution and copies of the proposed Charter Amendments (and current Sections of the Charter proposed to be amended), Ballot Questions and Statements of Purpose shall be submitted to the Governor and Michigan Attorney General for approval as required by law.

3. The proposed Charter Amendments (and current Sections of the Charter proposed to be amended), Ballot Questions and Statements of Purpose shall be published in accordance with the Home Rule City Act and other applicable state law.

4. The proposed Charter Amendments (and current Sections of the Charter proposed to be amended), Ballot Questions and Statements of Purpose shall be posted in the places required by the Home Rule City Act.

AYES: 7

NAYES: None

ABSENT: None

ABSTENTIONS: None

STATE OF MICHIGAN)
)ss
COUNTY OF OAKLAND)

I, Laura M. Pierce, the duly qualified and appointed City Clerk of the City of Auburn Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted at a regular meeting of the Auburn Hills City Council held on the 3rd day of August, 2020, the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this ____ day of August 2020.

LAURA M. PIERCE
City Clerk
City of Auburn Hills