



CITY OF AUBURN HILLS

Regular City Council Meeting Minutes

October 19, 2020

CALL TO ORDER: Mayor McDaniel at 7:00 PM.
LOCATION: Virtual Meeting, 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 Beckerleg, City Clerk Pierce, Mgr. of Business Development Carroll, Police Chief Baker, Assistant Fire Chief Macias, Fire Lt. Shambeck Director of Authorities Skopek, City Planner Keenan, Recreation Director Hegdal, Fieldstone Golf Club Manager Hierlihy, Senior Services Director Adcock, DPW Director Melchert, Mrg of Municipal Properties Torres, Engineer Juidici

2 Guests

4. APPROVAL OF MINUTES

4a. City Council Meeting Minutes, October 5, 2020

Moved by Knight, Seconded by Verbeke.

RESOLVED: To approve the City Council Minutes of October 5, 2020 as presented.

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

No: None

Resolution No. 20.10.140

Motion Carried (7 - 0)

5. APPOINTMENTS AND PRESENTATIONS

6. PUBLIC COMMENT

7. CONSENT AGENDA

7a. Motion – To award MGSE Security a contract to replace the front doors of the Community Center.

RESOLVED: To award the contract for the replacement of the front doors of the Community Center to MGSE Security of Rochester Hills in the amount of \$12,625.80 funded from 101-265-931.000.

7b. Motion – To award the City's Municipal Financial Advisor to PFM Financial Advisors

RESOLVED: To award the City's Municipal Financial Advisor to PFM Financial Advisors, LLC through 2023. Additionally, authorize staff to work with the City Attorney to compose, review, and/or execute an acceptable services agreement authorizing the City's Manager's approval upon signature. Further, approve the City Manager extend and execute the contract with PFM for annual debt disclosure services.

Moved by Knight, Seconded by Kittle.

RESOLVED: To approve the Consent Agenda.

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

No: None

Resolution No. 20.10.141

Motion Carried (7 - 0)

8. OLD BUSINESS

8a. Motion – To approve the 2021 Recreation Fee Schedule.

Ms. Hegdal presented the revisions requested by City Council at the October 5, 2020 meeting. She and also provided the percentage of facility usages between residents and non-residents.

Mr. Knight shared his concerns about single day usage. He would like to have the time schedules adjusted to have the facilities used based on a four hour rental. Ms. Hegdal shared that an hourly rate vs. daily rate was determined by the amount of seasonal staff needed. In order to clean up properly it takes several hours as well as adjustments to staff hours. Mr. Marzolf shared that not every rental leaves the facilities clean and he agrees that it will take more staff to clean the facilities. Mr. Knight asked to have a time limit of four hours in the contract for the pavilion and amphitheater.

Concern was shared regarding people just showing up to one of the facilities without a rental agreement. Mr. Tanghe stated that people can be asked to leave without an agreement and that is the risk that is taken if one were to just “show up”. It is permissible for people to gather on municipal property. Ms. Hegdal shared that during the summer months it was decided to lock the electric outlets and to only unlock it for rentals that go through the recreational department.

Appreciation was shown to the Recreational Staff for the updates to the requests from Council regarding the increase of the security deposits and that revisions are in the direction they want to see. The Mayor asked that the staff be flexible with the rental hours.

Moved by Marzolf, Seconded by Knight.

RESOLVED: To approve the 2021 Recreation Fee Schedule.

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

No: None

Resolution No. 20.10.142

Motion Carried (7 - 0)

8b. Motion – To approve the 2021 Fieldstone Golf Club Fee Schedule.

Mr. Hierlihy presented the updated fee schedule with the changes made to the senior and junior rates that are off season. Adjustments have been made as suggested by Council.

Moved by Kittle, Seconded by Moniz.

RESOLVED: To approve the 2021 Fieldstone Golf Club Fee Schedule.

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

No: None

Resolution No. 20.10.143

Motion Carried (7 - 0)

9. NEW BUSINESS

9a. Motion – To approve an extension of the previously approved Special Land Use Permit for outside storage of materials / Unique Fabricating.

Mr. Keenan presented the request from Unique Fabricating for a four (4) year extension of their Special Land Use Permit to allow returnable totes and wooden pallets to be stored outside their building. The applicant has been found to be in compliance with the City Ordinance. The existing storage is screened by trees with the exception of one area that will be filled in.

Mr. Daniel Gojcaj, Facility Manager, Unique Fabricating, Inc attended virtually.

Mr. Burmeister shared his concern for this Special Land Use and questioned the frequency of the fire inspections. Deputy Chief Macias stated that the Fire Inspectors periodically check the facility.

Mr. Moniz stated that he has visited this site and has seen several issues that are different from what the packet contains. He noted that the pallets are higher than what is allowed, screening trees are dead and on the northside, there are several trees that have been cut down and not replaced. The trees have not been replaced as noted in the agreement and the weeds are higher than the guardrail. He also stated that there are two large dumpsters in an unapproved location. Mr. Gojcaj stated that the company just had some landscaping completed and there was a dead tree that was missed. He plans to plant in the Spring of 2021. He also stated that over the weekend they removed obsolete materials which required dumpsters that have since been removed. He had someone pick up the debris that had blown out of the dumpster and cleaned up the area. Mr. Gojcaj is making adjustments to staff and will appoint one person outside to deal with returnables. Mr. Moniz shared that the neighbors have stated this company is helpful when there is an issue. It was further discussed that when the trucks come in, they park on the southside of the building and then they idle all night. Mr. Gojcaj stated that he was not aware of this and will not allow them to stay in this area.

Ms. Verbeke shared that she is not in support of this extension due to the number of issues discussed. She would rather see a shorter time period given to provide an opportunity to get the concerns resolved. She stated that this is not the first time these items have not been addressed.

Mayor McDaniel stated that he would like to move forward with 5 year extension but have the company understand that these things need to be addressed sooner than one year and return to Council if they have not complied.

Mr. Keenan stated that he will report back to City Council in the Spring to address the replacement of trees.

Mr. Burmeister stated that he is not in support of this extension and that Staff should have held them accountable. He stated that Mr. Gojcaj is stating he will make the necessary improvements but the representative from 2016 also stated that he would do things correctly and did not, making his promises invalid. He would like to see better policing on the City's part.

Mr. Moniz addressed the concerns of the idling vehicles late at night and was advised that if necessary the residents can call the Police to address the issue. Mr. Moniz would like to see better signage stating that there is no overnight parking on the property.

Mr. Burmeister questioned the amount of shifts and would like to know how the SLU are being monitored. Mr. Gojcaj shared that there are two shifts from 6:00AM – 2:00PM and 2:00PM – 10:00PM. Mr. Keenan shared that there were on two complaints on this property due to noise in 2016 and during an inspection in July 2020.

Ms. Verbeke asked for clarification on the compliance issue. Mr. Keenan shared that the trees were just recently removed and Mr. Gojcaj stated that they were removed because they were dead/not up to his standard. Mr. Keenan also stated that there are two issues at hand with the trees; trees for screening and landscape trees. He stated that Code Enforcement does not inspect landscape trees. He stated that they look for totes in the property lines and ensure they are screened from view. He believes, Mr. Gojaj will bring about different results.

A communication was received from Jessica Solomon, resident, expressing concern with the outdoor storage.

Mr. Marzolf stated that the Planning Commission meeting was in favor of this extension.

Moved by Knight, Seconded by Kittle.

RESOLVED: To accept the Planning Commission’s recommendation and approve the five (5) year extension of the previously approved Special Land Use Permit for the outside storage of materials for Unique Fabricating, subject to staff and consultants’ conditions. The permit extension shall expire on October 19, 2025.

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

No: Burmeister, Verbeke

Resolution No. 20.10.144

Motion Carried (5 - 2)

9b. Motion - To authorize construction of a storage Barn on the Main Municipal Campus.

Mr. Torres presented the plan for a new storage barn to be built on the municipal campus with the funds being provided by the Tax Increment Finance Authority (TIFA). The location will be behind the Seyburn mansion where the concrete pad currently sits. There will be low visibility due to the large mature trees that are in that vicinity with an addition of lower trees. Mr. Grice did walk the site twice to ensure the placement was correct and that the visibility would be low.

Council expressed their concerns with this project. They shared their concerns regarding the aesthetics of the building and wanting it to be screened properly and to match the other buildings on the main campus. Mr. Torres shared that the facility will have the same siding and roofing as City Hall.

Moved by Moniz, Seconded by Knight.

RESOLVED: To authorize the construction of a pole barn on the main municipal campus in accordance with the plans and specifications in the bid awarded by the TIFA Board on October 13, 2020.

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

No: Marzolf

Resolution No. 20.10.145

Motion Carried (6 - 1)

9c. Motion - To award 2020 Chrysler Drive Traffic Signal Upgrades, Baldwin Road Signal Improvements and Pedestrian Crossing Installation, and Related OHM Scope of Construction Services.

Mr. Melchert presented the bid award for the traffic signal upgrades at the intersection of Chrysler Drive intersections and the Baldwin Road Pedestrian crossing project. It was identified that the signals are on the Chrysler campus and not the intersection of Squirrel Road and Chrysler Drive. The lights at Chrysler Drive and Squirrel Road are not in need of replacement at this time and MDOT is currently making the necessary replacements for the lights they are responsible for.

Mr. Knight shared his concerns with the City paying for the expense of this project and suggested that a Special Assessment District (SAD) be considered. Mr. Beckerleg stated that under Chapter 58-29 a single lot can be charged for an SAD and Chrysler could be considered a single lot. The full SAD process would have to be followed. The roads are public roads so it would be a public improvement, even though the roads are not being used by residents.

It was discussed that the City maintains the City right-of-way on the Chrysler property. There was discussion in 2019 regarding not making this a SAD. The lights in question are 100% in the public right of way and are the City's responsibility. The lights that need to be replaced have been inspected by Oakland County and are deemed to be urgent.

Mr. Kittle shared his recollection of the lights being the responsibility of the City. Mr. Beckerleg stated that if there is a written agreement, it needs to be followed. He recommended to postpone this item to do the appropriate research.

Mayor McDaniel stated the he is not in favor of utilizing the City funds, it would be better to utilize the SAD process.

Mr. Melchert stated that if this motion is approved, Dan's Excavating would like to get started with their portion of Chrysler Drive while the pricing is good. They would like to set the new poles in January and February.

Mr. Juidici shared that the project was packaged separately so the approval could be provided to Dan's Excavating while the pricing is good. Dan's Excavating would begin with the underground work.

Ms. Verbeke shared her concerns for the safety of people crossing the street for the Baldwin Road signal. She asked if there was a plan to put in a sidewalk towards the mall. Mr. Melchert assured her that the upgrades are outside the flow of traffic from those exiting Great Lakes Crossings Mall. He also shared that the mall and surrounding restaurants are on private property and cannot be regulated by the City.

Mr. Marzolf shared his appreciation to see the non-motorized pathway plan taking place.

Moved by Verbeke, Seconded by Knight.

RESOLVED: To award the 2020 Baldwin Road signal improvements and pedestrian crossing installation to Dan's Excavating, Inc. in the amount as indicated in the report and award related Construction Services to the City's Engineer, OHM Advisors, in the not to exceed amount of \$7,000.

**VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, McDaniel, Moniz, Verbeke
No: None**

Resolution No. 20.10.146

Motion Carried (7 - 0)

Moved by Verbeke, Seconded by Kittle.

RESOLVED: To postpone the decision on the Chrysler Drive Traffic Signal.

**VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, McDaniel, Moniz, Verbeke
No: None**

Resolution No. 20.10.147

Motion Carried (7 - 0)

9d. Motion – To authorize the Cost Participation Agreement for the installation of a pedestrian crossing on Baldwin Road.

Mr. Melchert shared this project is able to work independently from the Chrysler Drive project. The cost responsibilities will be split into thirds with the City only needing to cover one third towards the project. The City will cover all administration services.

Moved by Verbeke, Seconded by Marzolf.

RESOLVED: To authorizing a Cost Participation Agreement with the Board of County Road Commissioners of the County of Oakland, Michigan for signal upgrades and the installation of a pedestrian crossing on Baldwin Road.

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

No: None

Resolution No. 20.10.148

Motion Carried (7 - 0)

9e. Motion – To purchase AeroClave RDS3110 Portable Decontamination Units.

Assistant Chief Macias presented the need for improvements in disinfection and decontamination practices within the department. Lieutenant Shambeck presented the disinfection practices and the need to improve the disinfection process. He explained the improved turnaround time to get ambulances available to be used again after a pathogen has been exposed inside the unit. The goal is to have this apparatus directly connected to the ambulance unit itself yet available to be used in a room to disinfect if needed. The chemical being used is nontoxic and effective against over 40 common pathogens. It was stated that this chemical is reasonably priced. Lt. Shambeck shared that they are looking into various reimbursement options to help cover a portion of the cost of this purchase. Due to this item being in high demand, if ordered within the week it would be in use by the end of the year.

Mr. Burmeister questioned the dwell time of the chemical and was pleased to hear that the rig would only be unavailable for ten minutes due to the cleansing.

Mr. Kittle questioned the need to amend the item due to the possible reimbursement through the CARES act. Mr. Tanghe stated that it is best to make the purchase at this time and wait for the reimbursement to be covered.

Moved by Knight, Seconded by Moniz.

RESOLVED: To amend the 2020 General Fund by appropriating \$61,360 to Fire Suppression account 101-339-978.00 for the purchase of four (4) AeroClave RDS3110 portable disinfectant units at \$60,140.00 from AeroClave, LLC and their installations to be performed by Emergency Vehicle Plus for \$1,220.00.

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

No: None

Resolution No. 20.10.149

Motion Carried (7 - 0)

9f. Motion – To accept an ordinance to amend Chapter 46– Offenses and Miscellaneous Provisions, of the Auburn Hills City Code, to add a new Article regarding Forfeiture of Property, Controlled Substance Violations; on First Reading and set for a Public Hearing, Second Reading and Final Adoption on November 2, 2020.

Attorney Beckerleg presented the proposed amendment to Chapter 46 by adding a new article regarding forfeiture of a property and controlled substance violations. He stated that by adopting this ordinance it will allow the city to move forward with a forfeiture and not have to wait on the State.

Moved by Knight, Seconded by Burmeister.

RESOLVED: To adopt an ordinance to amend Chapter 46 – Offenses and Miscellaneous Provisions, of the Auburn Hills City Code, as amended, to provide for the seizure of personal and real property that are the proceeds of a crime, and XI – for the seizure and forfeiture of personal and real property subject to lawful seizure from controlled substance violations in the City of Auburn Hills, on first reading and set for a public hearing, second reading and final adoption on November 2, 2020.

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

No: None

Resolution No. 20.10.150

Motion Carried (7 - 0)

10. COMMENTS AND MOTIONS FROM COUNCIL

Ms. Verbeke – Would like a report of the Special Land Uses for outdoor storage.

Mr. Knight – Stated he appreciated the discussion tonight on the fees. He thanked DPW for getting the markers on the memorial trees in the park. He stated that the road from the clock downtown east is ready to be paved. He shared his concerned with people using the park spontaneously with funds paid for by the City.

Mr. Marzolf – Reported on a call from a resident regarding gun noise being heard in the Bald Mountain Area. He would like to see a posting of some sort. He shared that he appreciates the events that are being held.

Mr. Moniz – Confirmed the next meeting will be virtual. Mayor McDaniel stated the City Council meetings will be held this way through the end of the year.

Mayor McDaniel – Shared that the YMCA is for sale for almost \$14 million.

11. CITY ATTORNEY REPORT

12. CITY MANAGER REPORT

Mr. Tanghe – He provided the name of Mr. Stohlman as the developer on the property that Mr. Marzolf spoke of.

12a. CITY CLERK COMMENTS

Ms. Pierce provided details to the upcoming election.

13. ADJOURNMENT

Hearing no objections, the Mayor adjourned the meeting at 9:50PM.

Kevin R. McDaniel, Mayor

Laura M. Pierce, City Clerk