



The City of Auburn Hills

City Council Meeting

Minutes

November 10, 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 Tanghe, Assistant City Manager Grice, Director Olko, City Clerk Kowal, DPW Director Melchert, Community Development Director Cohen, City Attorney Beckerleg, and City Engineer Stevens

19 Guests

Mayor McDaniel noted there are modifications made to this evening's agenda, including an addition of Item 5b. Presentation of Keep Michigan Beautiful Awards; Old Business, 8b., Adopting an Ordinance for the Local Officials Compensation Commission is an addition; and removing 9a., Waiving Jurisdiction for the Economic Development Corporation; New Business Items will move up accordingly.

4. APPROVAL OF MINUTES

4a. Regular Council Meeting – October 20, 2014

Moved by Verbeke; Seconded by Kittle.

RESOLVED: To approve the October 20, 2014 regular meeting minutes.

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

No: None

Motion Carried (7-0)

Resolution No. 14.11.213

4b. Executive Session – October 6, 2014

Moved by Knight; Seconded by Mitchell.

RESOLVED: To approve the October 6, 2014 Executive Session minutes.

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

No: None

Motion Carried (7-0)

Resolution No. 14.11.214

5. APPOINTMENTS AND PRESENTATIONS

5a. Presentation – Swearing in of Police Officer Bryan Eftink's Promotion to Sergeant

Director Olko noted Officer Eftink began his career with Auburn Hills on September 10, 2002, has served in the Directed Patrol Unit, Evidence Technician, Forensic Video Analyst, and instructor in the Small Squad Tactics and trains not only Auburn Hills, but other departments throughout southeast Michigan as part of OAKTEC. He is the Department's only Advanced Traffic Crash Reconstructionist, which takes years to achieve; and works with the SOCIT Team (South Oakland Crash Investigation Team). Officer Eftink is a member of the Department's Honor Guard, and represents the Department as an instructor at the Oakland County Community College Police Academy. He received Officer of the Year Award from the American Legion in 2004 and the Optimists Club in 2014. He holds 12 Unit Accommodation Awards, four Individual Merit Awards, one Certificate Merit Award, two Safe Driving Awards (each for five years of safe driving), two Participation Awards for the National Night Out and one Letter of Accommodation. Officer Eftink went through the extensive and challenging assessment center testing process for this promotion.

Ms. Kowal administered the Oath of Office to Sergeant Bryan Eftink.

Mayor McDaniel congratulated and thanked Sgt. Eftink for his service, on behalf of himself, City Council and residents.

5b. Presentation – Keep Michigan Beautiful Awards

Mr. Tanghe explained the mission of Keep Michigan Beautiful is to promote, provide education, and to recognize beautification and restoration projects throughout the State. Keep Michigan Beautiful annually recognizes activities that substantially contribute to environmental improvement, cleanup, beautification, site restoration and historical preservation. The City has won for previous projects, and this year, an award was received for the restoration of the DEN, which is the old log cabin building located downtown. The cabin has been converted into a student and community learning center and is owned and operated by the Auburn Hills Tax Increment Financing Authority.

Mr. Tanghe presented the award to Mayor McDaniel and City Council.

Mr. Grice presented a second Keep Michigan Beautiful award to Mayor McDaniel and City Council for Hawk Woods Park. Students and volunteers have played an important part in the construction of six log cabins. The Oakland County Technical Campus has conducted their Building Trades class at the Park by building two of the cabins and City staff, on their own time, have constructed the other cabins. Hawk Woods provides both a peaceful retreat and an instructional preserve for the community.

Mayor McDaniel on behalf of himself and Council thanked the Staff for their contributions for making these types of awards possible for the City.

6. PUBLIC COMMENT

Michael Jones, 4490 N. Squirrel Road, sent an email to City Council, and reiterated he does not support the Squirrel Road project, which will increase the amount of traffic on Squirrel Road. He currently has a difficult time getting in and out of his driveway, and there is quite a bit of traffic noise. He understands the need to maintain the road, but not to increase the size, contributing to additional traffic. He would like Council to consider stopping the project south of the big tree, and leave the current footprint as is; a center turn lane in front of the houses will not be of any help.

Phillip Clampitt, 3744 Tienken Road, wants to save the 300 year old, Black Walnut tree on Squirrel Road. He understands the City is considering three different options for the big tree; he and his wife hope Council will choose the option in which three lanes of the northward expansion of Squirrel Road will end near Thornwood, and the big tree will remain undisturbed. This option has several other advantages besides not cutting the big tree; being the most economical, requiring no easement acquisition and no shifting of the road; residents on both sides of Squirrel Road in the immediate vicinity of the tree prefer this approach, being the least disturbing to the value of their property; this option would satisfy the wishes of many Auburn Hills residents and others who have signed a petition to preserve the Squirrel Road big tree; and a center lane is not required in this stretch where the big tree is located, because it will not make much of a difference in the traffic flow into Orion Township or Rochester Hills.

Kim Marshall, 4470 N. Squirrel Road, does not support the center turn lane on N. Squirrel Road, nor the removal of the big Black Walnut tree on N. Squirrel Road. She also doesn't support the removal of trees on the west side of Squirrel Road to accommodate a shift in the road. She too, prefers ending the left turn near Thornwood.

Don Hughes, 3744 Bald Mountain Road, would like Council to reconsider the removal of the N. Squirrel Road, Black Walnut tree for the purpose of expanding Squirrel Road. He presented the Council with a petition containing over 350 signatures of those opposing the removal of the Squirrel Road, big Black Walnut tree. The petitions includes language requesting Council to hold a public hearing prior to finalizing any construction project for N. Squirrel Road. He too, favors the option of ending the left turn lane at Thornwood.

Anne Doyle, 4405 N. Squirrel Road, has lived there for 24 years. She wanted to explain that a meeting in July indicated easements would be sought on the west side of Squirrel Road, so there would be no impact to the big Black Walnut tree. She is asking the City not to rush into an irreversible decision and to give the community the opportunity to voice their concerns.

Setting the record straight regarding her property, she stated she asked the City to stake out the temporary and permanent easements that would be necessary for the road construction, resulting in 30,000 square feet and approximately 40 trees, including many mature trees. The documents she received from the City, essentially reflected her donating the land, which she is not willing to do. She is not looking to make money from any easement, but she is willing to sit down with the City for discussion. She is not in favor of the road project.

Randy Wyatt, explained he recently brought to Council's attention a breaking and entering that occurred at his neighbor's residence, with an unacceptable police response time of 30 minutes. He has received, through the FOIA process, documentation, including the audio tape of the call his son placed and emails exchanged between City Council and the Department. He also noted he read the Police Blog that mentioned dispatch procedures. He suggested a simple thank you for bringing the incident to the Police's attention would have been appreciated.

7. CONSENT AGENDA

7a. Board and Commission Minutes

7a.1. Beautification Advisory Commission – October 15, 2014

7a.2. Planning Commission – October 30, 2014

Mr. Knight noted a small correction was made to the BAC minutes earlier in the day.

Moved by Knight; Seconded by Burmeister.

RESOLVED: To approve the Consent Agenda.

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

No: None

Motion Carried (7-0)

Resolution No. 14.11.215

8. OLD BUSINESS

8a. Motion – Approve Resolution of Support for Taylor Road Reconstruction & Economic Development Project

Mr. Melchert explained staff is recommending reconstruction of Taylor Road and maintaining the current alignment of the junction of Taylor Road at Lapeer Road. There was consideration to bring the alignment to Zelma Drive, however, the funding and timing would substantially be higher.

The resolution is part of the application for grant funding and additional wording has been included on the resolution: *WHEREAS, the City has committed to provide \$230,000 toward the Taylor Road Reconstruction project as match money with the Michigan Transportation Economic Development Fund (MTEDF) Grant consideration of \$903,715.*

There has been concern and questions regarding the curve on Lapeer Road, but as of yet, there has not been any determination if and/or when the curve may be softened.

Mr. Melchert assured Ms. Hammond the road will be widened from the existing concrete portion of Taylor Road.

Ms. Verbeke asked for clarification of not making any changes to Lapeer Road, including the addition of a turn-around.

Mr. Melchert confirmed there will be no changes to Lapeer Road; there is a turn-around just south of Opdyke Road that will allow Taylor Road traffic to access northbound Lapeer Road. The stacking will not be any different than what currently exists.

Mr. Stevens noted though there will be more traffic on Taylor Road, the cross-over may need a modification at some point. There will be costs associated with a change as well as MDOT approval.

Mr. Tanghe noted the traffic flow onto Lapeer Road isn't a great concern; originally the Taylor Road developments were projected to have a much higher density. He also explained not all the traffic will be exiting Taylor Road at Lapeer Road and heading north, some will head south and others may head west.

Ms. Verbeke stated she would be interested in knowing numbers of the different directions the traffic travels.

Mr. Knight asked if the City can enhance the project for better traffic flow with City money added to the grant money. He suggested extending both lanes; Lapeer Road when turning onto Taylor Road and Lapeer Road when exiting from Taylor Road. He would like to proceed with this request, but consider enhancing access as well.

Mr. Melchert stated the project can be enhanced with City money.

Mr. Kittle echoed some of Mr. Knight's concerns of shooting across Lapeer Road to make the turn onto Opdyke Road or the northbound turn-around. A turn-around closer to Hoops may make sense as well as an acceleration lane when leaving Taylor Road onto Lapeer Road.

Moved by Kittle; Seconded by Mitchell.

RESOLVED: To Approve the Resolution of Support for Taylor Road Reconstruction and Economic Development Project.

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

No: None

Motion Carried (7-0)

Resolution No. 14.11.216

8b. Motion – Adopt Ordinance 14-863 to amend Chapter 2-261, Administration, Changing the Number of Members and Terms of Office for the Local Officials Compensation Commission.

Mr. Beckerleg noted this is a housekeeping issue, in keeping with State law requirements. The increase to seven Compensation Commission members up from five members, reflects a municipality of more than 20,000 residents.

Mayor McDaniel opened the public hearing at 7:49 p.m. and hearing no comment, closed the public hearing at 7:49 p.m.

Moved by Verbeke; Seconded by Knight.

RESOLVED: To adopt Ordinance 14-863 to amend Chapter 2-261, Administration, of the Auburn Hills City Code, changing the number of members and terms of office for the Local Officials Compensation Commission, as stipulated in the Home Rule City Act, MCL 117.5c(a).

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

No: None

Motion Carried (7-0)

Resolution No. 14.11.217

9. NEW BUSINESS

9a. Motion – Approval of Combined PUD Step One - Qualification / Step Two – Site Plan, along with Tree Removal Permit / First and Main of Auburn Hills – Senior Assisted and Independent Living Community

Mr. Cohen explained the Five Points Church is willing to sell approximately eight acres for this development, which will be constructed on property west of the Church. Five Points Church will retain 12 acres and will be doing improvements and renovations to the Church. The site is directly north of the YMCA and east of the Oakland Square Cooperative. The project consists of two phases, the first phase will consist of the assisted living/memory care wing. This will be a three story building, with the first two floors as assisted care living and the top floor for memory care assistance. The first phase is expected to begin in January 2015 and completed by late summer. Once the first phase is fully occupied and 50%

occupancy reservations for the second phase is complete, building for phase two will begin. Phase two will have 61 units of independent living.

The average age of individuals that will be living in this facility will be between 85 and 87 years old. Most residents will move into the facility in their mid 80's and will stay in the facility as they age, with the entire facility becoming an assisted living facility.

The facility will have many amenities including a healing garden, putting green, community garden, gathering spaces, hair salons, chapel, dining hall, library and movie theater; a cruise ship on land.

Much of the open space will be preserved to the west and the north, as well as retaining most of the trees. There will also be a cross access drive between this facility and the Church, having no need to access Walton Boulevard. Once both phases are completed, the building will appear as one building; the exterior will consist of brick, stone and glass. The total investment for this project is \$28 million.

Ms. Verbeke asked for clarification on traffic movement in and through the site.

Mr. Stevens explained there will be no left turn conflicts because the driveway and Joswick Road, which is just east, are slightly offset from each other.

Mr. Knight asked if any senior can be a resident who is currently not in need of assisted living.

Greg Markvluer, SVP of Corporate Finance, Granger Group, explained seniors are welcomed at any stage of their life. The east portion of the building is geared towards assisted living and memory care units. Once that section is fully occupied, the second building will begin and that is where an independent senior would be living.

Moved by Hammond; Seconded by Knight.

RESOLVED: To accept the Planning Commission's recommendation and approve the combined PUD Step One – Qualification and Step Two – Site Plan along with the Tree Removal Permit for First and Main of Auburn Hills Senior Assisted and Independent Living Community, subject to staff and consultants' conditions.

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

No: None

Motion Carried (7-0)

Resolution No. 14.11.218

9b. Motion – Approval of Text Amendment to the Zoning Ordinance Addressing Automatic Changeable Copy Signs / Section 1811. Signs

Mr. Cohen explained the sign requested by Baker College is not allowed by City ordinance, which initiated the proposed amendment. The proposed sign is taller and has a larger LED portion than what is currently allowed. The current ordinance allows a sign to be six feet tall in a residential district and eight feet tall otherwise. The new ordinance is proposing all signs be 10 feet tall and allowing a larger LED board, increased from 32 sq. ft. to 60 sq. ft. and allow the LED board to be up to 75% as opposed to the current 50% of the total sign area. Also, reduce the hold time for messages from 90 seconds to 15 seconds. A study was done of neighboring communities and a hold time of 15 seconds seemed to be a reasonable amount; four messages every minute.

The Planning Commission held a public hearing for the request, and recommends approval of the amendment.

Ms. Verbeke noted she is not a fan of the signs, and believes 15 seconds is too short of a time for messages. She asked if approved, existing signs such as McDonald's, will be able to have a much larger sign.

Mr. Cohen noted the McDonald's signs were approved with a ZBA variance a number of years ago and are taller than 10 feet. If McDonald's chooses to change their signs they must go before the Zoning Board of Appeals for the change. The only other tall sign he recalls, is the YMCA sign.

The hope with this ordinance change, will encourage churches to put their signs on taller bases, making the signs more visible. The biggest impact for the current signs will be the lower hold time.

Ms. Mitchell noted she initially had the same concerns as Ms. Verbeke, but the 15 seconds is the average of the hold times from the surrounding communities. Another item, is many of the signs in Auburn Hills seem aged, which doesn't reflect well on the City, and the ordinance changes will likely spur businesses to replace older signs.

Mr. Knight noted the ordinance changes are for maximum sizes allowed.

Mr. Kittle was in agreement with Ms. Verbeke, possibly allowing 30 seconds as a time hold, but he timed out 15 seconds, noting it was substantial time to read a message from a moving in a vehicle.

Mr. Cohen confirmed for Mayor McDaniel the amendments reflect current standards in other communities.

Moved by Knight; Seconded by Burmeister.

RESOLVED: To accept the Planning Commission's recommendation and approve the text amendment to Section 1811. Signs of the Zoning Ordinance regulating automatic changeable copy signs. The amended ordinance shall be referenced as Ordinance 14-864.

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

No: None

Motion Carried (7-0)

Resolution No. 14.11.219

9c. Motion – Approval of Special Land Use Permit / Baker College – Automatic Changeable Copy Sign

Mayor McDaniel noted a representative is not available from Baker College and suggested Mr. Cohen proceed with the project introduction and after hearing the introduction, Council can determine if they wish to proceed or postpone a determination.

Mr. Cohen stated the property is located at 1500 University Drive, directly across from Havenwyck Hospital. The existing monument sign will be removed and replaced with an automatic changeable copy sign. This SLU request is intended to comply with the newly approved amendments to the Zoning Ordinance.

The Planning Commission, as well as City staff, recommend approval of the sign.

Ms. Hammond asked if special messaging, such as Amber Alerts, will be displayed on the sign if necessary.

Mr. Cohen stated yes, the school agreed to post messages as requested by the City.

Ms. Hammond noted she had no problem moving forward with the request, even though no representative is available this evening.

Mr. Cohen confirmed for Mr. Knight, the ordinance amendment is for static signs, there are no rolling signs allowed.

Mr. Knight agreed, he is comfortable moving forward with the request because there isn't any major construction or changes; however, this is setting a precedent.

Moved by Burmeister; Seconded by Hammond.

RESOLVED: To accept the Planning Commission's recommendation and approve the Special Land Use Permit for Baker College's Automatic Changeable Copy Sign subject to staff and consultants' conditions.

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

No: None

Motion Carried (7-0)

Resolution No. 14.11.220

10. COMMENTS AND MOTIONS FROM COUNCIL

Ms. Verbeke:

- The Beautification Advisory Commission will be looking for and recognizing residents who decorate or illuminate their homes during December, with the new Light Up the Night program.
- A resident mentioned it sometimes takes days to get snow removal on Shimmons Circle, and asked that it be noted and up for discussion at the appropriate time.
- Asked when the N. Squirrel Road project will next be on the Council agenda.
Mayor McDaniel stated the next discussion will be December 1, 2014.
- She and Mr. Tanghe went to lunch at Oakland University this week and met with recipients of Auburn Hills scholarships; a great time was had by all.

Ms. Mitchell:

- Suggested with the election over, that it may be a good time might be to follow up with the State about baseline water testing for drilling sites.
- Congratulated staff on the success of all the autumn activities the City has had.
- Congratulated Clerk Kowal on a wonderfully run election.
- A resident raised concerns about emergency services and asked Director Olko to take a look at the transcript and listen to the audio tape and provide an appropriate response.
- There will be a new Head Start program beginning in Auburn Hills at the Baker College campus starting next fall, and applications are now being accepted.

Ms. Hammond:

- Explained leaf burning remains as it has in the past, it is allowed, but only on specific dates and days as stipulated in the ordinance.
- Noted she has had time to watch the Council meetings on cable TV, and the sound is much better than in the past, but the picture is very grainy. She suggested something be done to improve the quality.
- There is a SHARP meeting, Thursday, November 13, 2014, at 6:00 p.m., in the Community Center. New members are always welcomed, as well as residents seeking help.

Mr. Knight:

- Thanked the Mayor for being his deputy for the Halloween pass out.
- Appreciated the residents who spoke this evening regarding the big Black Walnut tree, by providing factual information and not just opinions.

- Reminded everyone of Veteran's Day tomorrow.
- Noted concrete was being poured like crazy on Featherstone and a great job was being done.
- Asked about an abatement report and listing the outstanding abatements.
- Asked for consideration of keeping the white Christmas lights on downtown, until March 1st.
- Will be writing a simplified version of the current burning ordinance for residents to understand and will bring to Council for suggestions at a future meeting.

Mr. Kittle:

- Asked if SHARP is looking for volunteers
Ms. Hammond stated volunteers are always being sought.
- In response to Mr. Knight, he believes the attempt is to get communities to recognize the abated tax amounts as lost revenue.
- It may be time to check out streaming video instead of using the current City technology.
- Asked if the temperature threshold is nearing when cement can no longer be poured, noting the work on Featherstone.

Mr. Stevens stated there will be a meeting with the contractor this week, with how to proceed with the project. Regarding temperatures, asphalts point is 40 degrees or higher and concrete can become compromised at or below freezing. The plan is to have traffic flowing on both sides of Featherstone throughout the winter.

Mr. Knight had been told differently that the method of pouring the concrete dictated the temperature the concrete could be poured and the typical cutoff date for pouring is December 15th. He believed there was a cost involved for having the opportunity for pouring later into the season.

Mr. Stevens stated 35 degrees is not an issue, but the very cold weather that is forecasted for next week is problematic.

- Asked what is happening with the Ajax Paving plant on Dutton Road, there has been some talk.
Mr. Tanghe stated he has been in touch with the Orion Township Supervisor. The Supervisor has been in contact with MDEQ and it has not yet been determined if there are any violations. He understands MDEQ has not determined anything to be hazardous, but there may be some chemical mix to help neutralize the odor. He, Mr. Tanghe assured Supervisor Barnett the City would be willing to participate in a meeting with Ajax Paving.
Mr. Kittle heard from Supervisor Barnett, that all the people buying homes in the new subdivisions are signing an acknowledgement that they are buying property next to an asphalt manufacturing facility.
Mr. Kittle suggested putting the link to the MDEQ's complaint site on the City's website.
- From previous counts there are approximately 10,000 cars heading north on Squirrel Road, past Tienken Road, and he would like to know of that 10,000 how many are turning left, turning right, and continuing straight through. Those numbers may help in deciding if the left turn lane can end near Thornwood as suggested by residents.

Mayor McDaniel:

- Welcomed Ms. Hammond back after her leave.
- Noted another well run election by the City Clerk and her staff; doing a great job.
- As of 2015, City Council meetings will be held on the second and fourth Monday's of the month. This allows for a more regular schedule and not having back to back meetings or gaps between meetings because of holidays or elections. This also allows Council and staff to attend other's meetings and others to attend this Council's meetings.

11. CITY ATTORNEY'S REPORT – none.

12. CITY MANAGER'S REPORT

- Had a great meeting with Oakland University's new President, Dr. George Hynd last week. The discussion included collaborative efforts and focusing on making Auburn Hills their college town.
- Has welcomed and met with Dr. James Schwarz, the new Avondale Superintendent.
- He attended the etiquette dinner at Oakland University with Ms. Carroll.
- The transaction has been completed with Cunningham-Limp for the 1.1 acre of the Fieldstone property.
- Mr. Cohen and Mr. Beckerleg are working on the baseline water testing that Ms. Mitchell asked about earlier.
- A web-based performance management system is being worked on for AFSME and non-union employees, with full implementation by the first part of January.

- A Chamber event, Women Tell All, will be taking place November 19th and he and a number of staff will be participating. Three women, including Director Doreen Olko, will be presenting their successes.
- Staff will be interviewing media consultants November 21st; five companies are being interviewed with a recommendation forthcoming.
- The next Auburn Hills road show will be December 3rd at Delphi. This allows City employees to showcase services and facilities to major employers within the City, so the employees can learn what is available to them.
- The Arts and Crafts Fanfare is this Saturday, November 15th, from 9:00 a.m. until 5:00 p.m. at the Community Center.
- The Christmas tree lighting will be held December 5th, at 6:00 p.m., in downtown Auburn Hills, including a number of fun events.

13. EXECUTIVE SESSION – Discussion of Attorney Opinion

Moved by Hammond; Seconded by Verbeke.

RESOLVED: To Adjourn to Executive Session to discuss Attorney opinion.

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

No: None

Motion Carried (7-0)

Resolution No. 14.11.222

Adjourned to Executive Session at 8:37 p.m. Resumed regular meeting at 9:31 p.m.

Moved by Burmeister; Seconded by Kittle.

RESOLVED: To accept the findings and conclusion contained in Ms. Young's report.

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

No: None

Motion Carried (7-0)

Resolution No. 14.11.223

14. ADJOURNMENT

The meeting adjourned at 9:34 pm.

Kevin R. McDaniel, Mayor

Terri Kowal, City Clerk