MAY 2013
(4-30-13)

06 City Council Workshop 5:30 p.m., Council Chamber ◆
06 City Council, 7:00 p.m., Council Chamber ◆
08 Retiree Health Care/Pension, 1:00 p.m., Admin Conference Room ◆
09 Zoning Board of Review, 7:00 p.m., Council Chamber ◆ CANCELED
13 Tax Incentive Review Committee, 5:30 p.m., Admin Conference Room ◆
14 Tax Increment Finance Authority, 4:00 p.m., Admin Conference Room ◆
20 City Council, 7:00 p.m., Council Chamber ◆
21 Library Board, 4:30 p.m., Library Small Meeting Room
22 Beautification Advisory Committee, 6:00 p.m., Admin Conference Room ◆
28 Public Safety Advisory Committee, 6:00 p.m., Public Safety Building
28 Planning Commission, 7:00, Council Chamber ◆
AGENDA

Workshop Agenda: Water Rates

1. MEETING CALLED TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL OF COUNCIL
4. APPROVAL OF MINUTES – April 15, 2013
5. APPOINTMENTS & PRESENTATIONS
   5a. Presentation – Introduce and Oath of Office for Full-Time Firefighter Bryan Edward Shambeck
   5b. Presentation – Introduce and Oath of Office for Paid-On-Call Firefighter Brent Edward Waldrep
6. PUBLIC COMMENT
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.
   7a. Board and Commission Minutes
      7a.1. Tax Incentive Review Committee – February 11, 2013
      7a.2. Pension & Retiree Health Care Boards Special Meeting – April 16, 2013
   7b. Motion – Approve DPS Garage Interior Painting Bid
   7c. Motion - Adopt a Resolution to Request Reimbursement of Eligible Mosquito Control Activity
8. OLD BUSINESS
9. NEW BUSINESS
   9a. Motion - Approval of Site Plan, Special Land Use Permit, and Tree Removal Permit / BorgWarner Powertrain Technical Center Expansion
   9b. Motion – Approve the Adoption of the Oakland County Hazard Mitigation Plan (HMP)
   9c. Motion – Approve Resolution for Clinton-Oakland Sewage Disposal System 2013 Inter-Municipal Contract
   9d. Motion – Approve Inter-Municipal Contract for Acquisition, Construction, and Financing of the Perry Street Diversion Project
   9e. Motion – Approve Joslyn Road Concrete Overlay, Collier to north of Pacific Drive Tri-Party Agreement
   9f. Motion – Approve Joslyn Road Concrete Patching, north of Pacific Drive to I-75, Tri-Party Program
10. COMMENTS AND MOTIONS FROM COUNCIL
11. CITY ATTORNEY’S REPORT
12. CITY MANAGER’S REPORT
13. EXECUTIVE SESSION – Pending Litigation
14. ADJOURNMENT

City Council meeting minutes are on file in the City Clerk’s office. NOTE: Anyone planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) is asked to contact the City Clerk’s Office at 370-9402 or the City Manager’s Office at 370-9440 48 hours prior to the meeting. Staff will be pleased to make the necessary arrangements.
**CALL TO ORDER:**
by Mayor McDonald at 7:00 p.m.

**LOCATION:**
City Council Chamber, 1827 N. Squirrel Road, Auburn Hills, MI 48326

**Present:**
Mayor McDonald, Mayor Pro Tem Hammond, Council Members Doyle, Knight, McDaniel, Verbeke

**Absent:**
Council Member Kittle

**Also Present:**
Assistant City Manager Tanghe, Director of Public Safety Chief of Police Olko, City Clerk Kowal, City Assessor Lohmeier, Community Relations Coordinator Carroll, Economic Development Coordinator Renaud, City Attorney Beckerleg, City Management Intern Guest, City Engineer Juidici.

**Guests:**
12

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**4. APPROVAL OF MINUTES**

4a. **Regular City Council Meeting – April 1, 2013**

Moved by Doyle; Seconded by Verbeke.

**RESOLVED:** To approve the April 1, 2013 City Council minutes.

**VOTE:**
Yes: Doyle, Hammond, Knight, McDaniel, McDonald, Verbeke
No: None

**Motion Carried (6-0)**

**Resolution No. 13.04.064**

4b. **Council Workshop – April 1, 2013**

Moved by Hammond; Seconded by Doyle.

**RESOLVED:** To approve the April 1, 2013 City Council Workshop minutes.

**VOTE:**
Yes: Doyle, Hammond, Knight, McDaniel, McDonald, Verbeke
No: None

**Motion Carried (6-0)**

**Resolution No. 13.04.065**

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**6. PUBLIC COMMENT**

Amy Moore, a Forrester Square resident was seeking help from Council regarding the current assessment on her property and trying to refinance her home.

Mayor McDonald suggested Ms. Moore give Assistant City Manager Tanghe her contact information, and Mr. Tanghe can contact her during the week and see if there may be a solution.

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**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.

7a. **Board and Commission Minutes**

7a.1. Board of Review – 2013
7a.2. Planning Commission – March 26, 2013
7b. Motion – Approve Used Car Lot License Renewals
RESOLVED: To approve renewal of Used Car Lot Licenses for the 2013/2014 licensing period for A & S RV Center, Newcomb’s Service, Inc., Oakland Truck and Equipment Sales, Inc. and Parts Place, Inc.
Moved by McDaniel; Seconded by Verbeke.
RESOLVED: To approve the Consent Agenda.
VOTE: Yes: Doyle, Hammond, Knight, McDaniel, McDonald, Verbeke
No: None
Motion Carried (6-0)

Resolution No. 13.04.066

8. OLD BUSINESS - none

9. NEW BUSINESS

9a. Public Hearing/Adoption of a Brownfield Plan for the 3250 Auburn Road Redevelopment Project
Ms. Carroll noted the memo in the packet contains the information regarding this brownfield plan and asked if there were any questions.
Ms. Doyle asked what steps are taken to make the public aware of a brownfield plan and a public hearing; and where would the public be able to view the plan.
Ms. Carroll explained the City chose to post the public hearing on the City’s website; with new legislation, it isn’t necessary to publish a public hearing notice in the newspaper.
Continuing, Ms. Carroll noted this particular property purchased by the TIFA, was formerly known as Water’s Edge. As with all City property purchases due-diligence must be done. In this case, the City was aware of environmental issues on the property. The previous brownfield plan had expired and TIFA needed to do the due-care activities again to make sure nothing on the property had changed and to protect the City from any liabilities that may be associated with the property. When all the testing was completed, it was determined this site remains an unchanged brownfield site.
Ms. Carroll confirmed for Ms. Doyle, the public hearing notice was located on the home page of the City’s website, near the top of the page where special announcements are made. Also, a ‘facility’ as listed in the packet information, is a brownfield site as set by the State.
Mayor McDonald opened the public hearing at 7:10 p.m. and hearing no comment, closed the public hearing at 7:10 p.m.
Moved by Knight; Seconded by Doyle.
RESOLVED: To adopt the attached resolution (Attachment A) approving a Brownfield Plan for the 3250 Auburn Road Development Project.
VOTE: Yes: Doyle, Hammond, Knight, McDaniel, McDonald, Verbeke
No: None
Motion Carried (6-0)

Resolution No. 13.04.067

9b. Public Hearing/Adoption of a Brownfield Plan for the 3505 Auburn Road Redevelopment Project
Ms. Carroll explained this site is similar to the previous site, and as part of the City’s due-diligence testing was also done on this site. This property was purchased by the City in April, 2012.
Ms. Doyle noted there is some cost associated with both properties, and questioned what the process is for the City to move forward.
Ms. Carroll noted because both properties are vacant, there isn’t any due-care obligations of the City. When the property begins to be developed the plan will be amended to suit those specific needs. The property must be contained in a plan in order for local site remediation funds to be utilized.
Confirming for Ms. Doyle, Ms. Carroll noted the City is protecting and containing this property as is for future site development. Ms. Carroll noted the sites cannot be altered in any way until development begins or testing must be done.
Mayor McDonald opened the public hearing at 7:14 p.m. and hearing no comment, closed the public hearing at 7:14 p.m.
Moved by Doyle; Seconded by Verbeke.
RESOLVED: To adopt the attached resolution (Attachment B) approving a Brownfield Plan for the 3505 Auburn Road Development Project.
VOTE: Yes: Doyle, Hammond, Knight, McDaniel, McDonald, Verbeke
No: None
Motion Carried (6-0)
9c. Public Hearing/Motion – Approve Industrial Facility Exemption Certificate/Faurecia USA Holdings, Inc.

Mr. Lohmeier explained this request is for real property, a new industrial building with approximately 280,000 square feet of gross building area which will serve as Faurecia’s North American Headquarters for its automotive components supply business. The building will be divided into 170,000 square feet of office space, 100,000 square feet of shop/testing, and 10,000 square feet of warehouse space.

The total project investment is estimated at $24,000,000, anticipating 689 employees at this facility. There will be 462 employees transferring from the Troy Tech Center, 111 from the Squirrel Road location and 92 from the West Entrance Dr. location and expecting to hire 24 new employees.

Faurecia is seeking an eight year tax abatement, starting December 31, 2013, though the building lease is for 15 years.

Mayor McDonald opened the public hearing at 7:17 p.m.

Robin Dupree, Faurecia Tax Manager agreed with Mr. Lohmeier’s introduction of the project, noting this facility will be a premiere facility for the company. Continuing, Ms. Dupree noted the hope is to break ground this month and to occupy the building by the end of 2014.

Ms. Doyle asked if Faurecia had open tax appeals for any of the currently occupied facilities.

Mr. Lohmeier noted there are no pending tax appeals with Faurecia or owners of the property, General Development.

Ms. Doyle noted there will be 24 new employees hired, and asked what types of jobs those would be.

Ms. Dupree stated she wasn’t sure of the breakdown, but she believed them to be salary positions, technical positions in the research and development area as well as financial positions.

Confirming for Mr. Knight, Ms. Dupree stated this is not a production facility, there will be research and development for the seating division and the front end division.

Mayor McDonald closed the public hearing at 7:22 p.m.

Moved by Knight; Seconded by Verbeke.

RESOLVED: To approve the request for an 8-year IFEC for Faurecia USA Holdings, Inc. for a total real property investment of $24,000,000 by adopting the attached resolution (Attachment C).

VOTE: Yes: Doyle, Hammond, Knight, McDaniel, McDonald, Verbeke
No: None

Motion Carried (6-0)

Resolution No. 13.04.069

9d. Motion – Request to Waive Residence Requirement – Faurecia Interior Systems, Inc.

Mr. Lohmeier explained the facility located at 900 N Squirrel Road has an IFT for personal property of $400,000. The certificate was issued for two years and scheduled to expire December 30, 2012. The agreement includes Faurecia remaining at the facility for two years after the certificate expires. David Broysiak, North American Tax Director for Faurecia, has requested the City forgive and waive the two year residence requirement since these employees are going to be located at its new facility on High Meadow in Auburn Hills.

Mr. McDaniel asked if the residential requirement couldn’t mean within the City as opposed to a specific facility within the City.

Mr. Lohmeier explained at one time the abatement policy indicated the residency requirement was within the City, not facility specific, but at some point the policy was amended and the change occurred to facility specific.

Mr. McDaniel noted a similar request came before Council sometime ago; he suggested Mr. Kittle, Council liaison to TIRIC, might propose amending the policy to have the residency requirement apply to the City as opposed to a facility.

Moved by McDaniel; Seconded by Hammond.

RESOLVED: To approve the request by Faurecia Interior Systems, Inc. to waive its two-year residence requirement pertaining to IFT 11-464 for its facility located at 900 N. Squirrel Road, Auburn Hills so long as Faurecia USA Holdings, Inc. fulfills its new construction IFEC application relating to the construction of the real property facility as approved in City Council agenda item 9c.

VOTE: Yes: Doyle, Hammond, Knight, McDaniel, McDonald, Verbeke
No: None

Motion Carried (6-0)

Resolution No. 13.04.070

10. COMMENTS AND MOTIONS FROM COUNCIL

Mr. Knight:
Invited Council to attend the Boys and Girls Club Steak and Burger dinner being held April 24, 2013 at Meadowbrook Hall, with a reception beginning at 5:30 p.m. followed by dinner at 7:00 p.m.

Thanked staff for responding so quickly to the requests made by both he and Ms. Doyle.

Ms. Verbeke:

- Congratulated Mr. Lohmeier on his recent appointment as the President of the Great Lakes Chapter of the Appraisal Institute.
- Asked if there was any determination resulting from the conversation and meeting Mr. Auger had with the Oakland County Road Commission regarding the painting of directional arrows on Joslyn Road.
  
  Mr. Juidici stated he did not attend the meeting; however, Mr. Melchert and Mr. Brisson attended and he will follow-up with them tomorrow and contact her. He knows the conversation regarded the concrete overlay the Road Commission will be doing on Joslyn Road from the City limit line to just north of Pacific.

  Ms. Verbeke noted in a Road Commission pamphlet she received it mentioned property needed to be acquired to complete the project and was curious what property was needed.

  Mr. Juidici believes there are a few temporary grading permits that are needed to change the grade of the road; all aspects of the project must be aligned to receive the federal government funding for this project. He noted the funding for this project is just north of Pacific; however, there are talks between the City and County of tri-party funding to do repairs as far as the funding will allow.

- Asked if there have been other issues, similar to Ms. Moore’s regarding the Forrester Square assessment.
  
  Mr. Tanghe stated yes, there have been other instances. He noted Ms. Moore will not like the answer he will be giving her, but it isn’t anything the City controls. The only way around the problem is to pay off the assessment and not have a lien against the property.

  Clarifying for Ms. Verbeke, Mr. Tanghe explained it appears as a lien on the property for the life of the special assessment district. At the sale of a property the lien would be paid off with the proceeds from the sale. When the lien is paid off, the City would submit a discharge of lien to the County, indicating the lien has been paid and no longer exists.

  Mr. Beckerleg noted it is required by mortgage companies that the lien be paid in full, not the City.

Ms. Doyle:

- Asked about the e-mail communication regarding the barn and asked if there will be a more formal discussion.
  
  Mr. Tanghe explained the property purchased was for the land, anticipating the removal of the barn and the other buildings. Since then, there has been some thinking that there may be a use for the buildings and if the buildings should be kept. Mr. Spencer, Building Official, stated the house would be an expensive proposition to bring up to code. An individual examined the barn determining it was built between the 1860’s and 1880’s; however, the cost would be considerable to make use of it. The barn could be stabilized in its current state, but it could not be used. The sent e-mail was stating it is back to the original plan of removing the buildings from the property; just a heads-up in case Council had any last minute thoughts or concerns. The current plan is to leave the barn as is; it has been standing for over 100 years, another year or two probably won’t make a difference. At a future date a decision can be made to re-purpose the barn as it stands or possibly disassembling the barn and re-purposing the wood into a gazebo or another structure at one of the City parks.

- Noted there hasn’t been any activity at the soccer fields on Dutton Road and asked how the project was doing.
  
  As mentioned by Mr. Kittle, it is becoming a dust bowl and asked what measures will be taken to keep the dust down.

  Mr. Juidici noted when construction was started last fall there were some problems with utility easements. Those problems have since been resolved and now with the frost gone construction should begin this week. The construction should be completed and restoration should begin in the next couple of months with new vegetation keeping the dust down.

- Mentioned an article about a citizen getting involved to keep a 300 year old tree from being cut down. She wanted to remind residents there is a 300 plus, year old tree on North Squirrel Road and as the City moves forward, she hopes the tree will be treasured and appreciated as part of the City’s heritage.

Ms. Hammond:

- Is happy to see spring, noting the skate park is opened and was quite busy this evening when she drove past.

- Thanked Police Chief Olko for the presence of more police officers on Auburn Road and Squirrel Road, it is very much appreciated.

Mr. McDaniel:
• Asked Mr. Tanghe for an update on the construction of the housing and parking garage downtown.

  Mr. Tanghe stated the schedule is farther behind than was anticipated; however, there will be a partial opening, 40 apartments, by fall. The apartment owner, Mr. Haussman, met with Oakland University administrators, and O.U. will advertise the apartments as an option for housing on their website.

  The retail portion of the building will be ready by fall, with a signed lease from a sandwich shop. He isn’t aware of any other signed leases at this time.

  There will be 97 apartment units, consisting of studio, one-bedroom and two-bedroom apartments, which can house approximately 135 students. The attached parking structure can accommodate 233 cars; the ground floor and the ramp are waiting for the concrete to be poured and then the finishing details and landscape will be completed.

  The DEN, just east of the apartment building, is completed on the inside and the walkways, both front and back, will have direct access to the apartment building/retail units.

  The University Center construction started last week, the former Stan’s Dugout. The upper floor, approximately 2,400 square feet, will be the Avondale Virtual Academy, with a class room that will hold about 40 students as well as an office. It will be the home of UCAN, United College Access Network.

  The lower level will have two class rooms, one will accommodate 50 students and the other, 30 students.

  The larger room will have stackable furniture as well as furniture on wheels, so the area could be cleared and used for other functions, such as the tree lighting ceremony or town hall meetings; City functions. There is no other space similar to this in the downtown area.

  The UCAN building is expected to be open and holding classes in January 2014; the DEN is expected to be ready by September, but will be determined because the need may not be that great with the limited number of apartments ready; and all spaces by January 2014. The parking structure should be opened in May, but no later than June.

  Mayor McDonald asked about the over-head power lines, he thought they were to be put underground.

  Mr. Tanghe stated the lines will be underground; it has been a struggle and work has been done in segments. The power lines that run behind the buildings will be removed last, because new services installed to the back of those buildings will be needed. The lines that run adjacent to Primary will also be placed underground; all will be done this year.

  Mr. Knight asked if the apartments were for students only, and if so, isn’t that discriminatory.

  Mr. Tanghe stated the apartments are available for anyone under the fair housing act; however, the marketing will be towards the student population of Oakland University, Baker College, Cooley Law School and OCC. There will be a professional management company running the apartments and they are aware of the laws.

Mayor McDonald:
  • Reminded Council there will be a joint meeting with Rochester Hills, April 29, 2013.

11. CITY ATTORNEY’S COMMENTS – none

12. CITY MANAGER’S COMMENTS

Mr. Tanghe:
  • Congratulated Jeff Spencer, Building Official, who received an appointment by Governor Snyder to the Barrier Free Design Board for the State of Michigan and joins the ranks of Director Olko who was also appointed by Governor Snyder to the MCOLES, Michigan Commission on Law Enforcement Standards.

13. ADJOURNMENT

The meeting adjourned at 7:53 pm.
At a regular meeting of the City Council of the City of Auburn Hills, Oakland County, Michigan, held in the Council Chamber at 1827 N. Squirrel Road, Auburn Hills, MI 48326 at 7:00 pm. On the 15th day of April 2013,

The following resolution was offered by Council Member Knight and supported by Council Member Doyle;

WHEREAS, the City of Auburn Hills (the City) has created a Brownfield Redevelopment Authority (the Authority) pursuant to PA 381 of 1996, as amended (the Act); and

WHEREAS, the Authority met and considered the Brownfield plan submitted by City of Auburn Hills for the property consisting of parcel with Sidwell Number 02-14-36-103-015; and

WHEREAS, the Authority has reviewed the Brownfield plan in accordance with the Act; and

WHEREAS, the Authority, following review of the plan, unanimously approve the same and recommended approval to the City Council; and

WHEREAS, the notices required by the Act have been given; and

WHEREAS, the City Council, in accordance with the Act, met and conducted a public hearing on April 15, 2013 in order to review the plan; and

WHEREAS, during the public hearing conducted by the City Council on April 15, 2013, all persons, including the affected taxing jurisdictions, were allowed an opportunity to comment on the amended plan and present their view and recommendations.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Auburn Hills City Council that:

1. The City Council of the City of Auburn Hills hereby approves the Plan and determines that the Plan, in accordance with the Act constitutes a public purpose.

2. Furthermore, the Plan meets the requirements of Section 13 of the Act.

3. Furthermore, that the costs of eligible activities proposed are reasonable and necessary to carry out the purposes of the Act.

AYES: Doyle, Hammond, Knight, McDaniel, McDonald, Verbeke
NAYS: None
ABSENT: Kittle
ABSTENTIONS: None

RESOLUTION 13.04.067 APPROVED (6-0)

STATE OF MICHIGAN)
)SS
COUNTY OF OAKLAND)

I, the undersigned, the duly appointed City Clerk for 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 15th day of April, 2013

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this 16th day of April, 2013.

Terri Kowal, City Clerk
CITY OF AUBURN HILLS
RESOLUTION
APPROVING BROWNFIELD PLAN FOR
3505 AUBURN ROAD

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, MI 48326 at 7:00 pm, on the 15th day of April 2013:

The following resolution was offered by Council Member Doyle and supported by Council Member Doyle;

WHEREAS, the City of Auburn Hills has created a Brownfield Redevelopment Authority (the Authority) pursuant to PA 381 of 1996, as amended (the Act); and

WHEREAS, the Authority met and considered the Brownfield plan submitted by City of Auburn Hills Tax Increment Finance Authority for the property parcel with Sidwell Numbers 02-14-25-451-011 and part of 24-14-25-451-010; and the common address of 3505 Auburn Road; and

WHEREAS, the Authority has reviewed the Brownfield plan in accordance with the Act; and

WHEREAS, the Authority, following review of the plan, unanimously approved the same and recommended approval to the City Council; and

WHEREAS, the requirements of the Act have been met; and

WHEREAS, The City Council, in accordance with the Act, met and conducted a public hearing on April 15, 2013 in order to review the plan; and

WHEREAS, during the public hearing conducted by the City Council on April 15 2013, all persons were allowed an opportunity to comment on the amended plan and present their view and recommendations;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Auburn Hills City Council that:

4. The City Council of the City of Auburn Hills hereby approves the Plan and determines that the Plan, in accordance with the Act constitutes a public purpose.

5. Furthermore, the Plan meets the requirements of Section 13 of the Act.

6. Furthermore, that the costs of eligible activities proposed are reasonable and necessary to carry out the purposes of the Act.

AYES: Doyle, Hammond, Knight, McDaniel, McDonald, Verbeke
NAYS: None
ABSENT: Kittle
ABSTENTIONS: None

RESOLUTION 13.04.068 APPROVED (6-0)

STATE OF MICHIGAN)

COUNTY OF OAKLAND)

I, the undersigned, the duly appointed City Clerk for 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 15th day of April, 2013

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this 16th day of April, 2013.

___________________________________
Terri Kowal, City Clerk
CITY OF AUBURN HILLS  
RESOLUTION  
APPROVING AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE  
FOR FAURECIA USA HOLDINGS, INC.  

At a regular meeting of the City Council of the City of Auburn Hills, Oakland County, Michigan, held in the Council Chamber at 1827 N. Squirrel Road, Auburn Hills MI 48326 on the 15th day of April, 2013.

The following resolution was offered by Councilperson Knight and supported by Councilperson Verbeke;

WHEREAS, pursuant to P.A. 198, 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on the 15th Day of September, 1986, the City of Auburn Hills, established an Industrial Development District, commonly referred to as the Schostak-Comerica Industrial Development District; and

WHEREAS, Faurecia USA Holdings, Inc. has filed an application for an Industrial Facility Exemption Certificate with the Clerk of the City of Auburn Hills with respect to proposed new real property to be constructed within the Schostak-Comerica Industrial Development District; and

WHEREAS, before acting on said application, the City Council of Auburn Hills held a hearing on the 15th day of April, 2013 at a regularly scheduled meeting, at which time the applicant, the assessor, and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, construction and installation of the facility has not begun earlier than six (6) months before January 15, 2013, the date of the acceptance of the application for the Industrial Facility Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in Auburn Hills; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Auburn Hills after granting this certificate will exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of Auburn Hills that:

1. The City Council of Auburn Hills finds and determines that the granting of this Industrial Facilities Exemption Certificate, together with the aggregate amount of the certificates previously granted and currently in force, under PA 198 of 1974, and PA 225 of 1978, shall not have the effect of substantially impeding the operation of the City of Auburn Hills, or of impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Auburn Hills.

2. The application for an Industrial Facilities Exemption Certificate with respect to a New Facility on the following described parcel of real property situated within the Schostak-Comerica Industrial Development District; to wit;

The real property parcel the facility is located on is identified as part of 02-14-23-200-008, having an address along High Meadow Drive, Auburn Hills, MI 48326

Legal Description


is hereby approved.

3. The Industrial Facilities Exemption Certificate shall remain in force and effect for a period of eight (8) years, and the starting date for the certificate is December 31, 2013 and the ending date is December 30, 2021.
4. The total project investment approved is $24,000,000.

5. Faurecia USA Holdings, Inc. agrees to operate the facility for which the Industrial Facilities Exemption Certificate is granted for the term of the certificate, plus an additional two years after the date of the certificate’s expiration.

   AYES: Doyle, Hammond, Knight, McDaniel, McDonald, Verbeke
   NAYS: None
   ABSENT: Kittle
   ABSTENTIONS: None

RESOLUTION 13.04.069 ADOPTED (6-0)

STATE OF MICHIGAN)

COUNTY OF OAKLAND)

I, the undersigned, the duly appointed City Clerk for 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 15th day of April, 2013.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this 16th day of April, 2013.

________________________________
Terri Kowal, City Clerk
5. APPOINTMENTS & PRESENTATIONS

5. APPOINTMENTS & PRESENTATIONS

LOCATION: Administrative Conference Room, 1827 N. Squirrel Road, Auburn Hills MI 48326

1. CALL TO ORDER: Acting Chairperson Iacobelli called the meeting to order at 5:38 p.m.

2. ROLL CALL: Present: Iacobelli, Landsberg, Kittle and Nelson

   Also Present: City Assessor Lohmeier, Deputy Assessor Blinkilde, Economic Development Coordinator Johnson

   Absent: DeClerck

3. APPROVAL OF MINUTES – January 14, 2013

   Motion by Mr. Landsberg that the TIRC minutes of January 14, 2013 be accepted, as written.
   Supported by Mr. Nelson

   VOTE:   Yes: All
   No:   None                   Motion carried (4-0)

4. OLD BUSINESS – None

5. NEW BUSINESS

   a. Request for IFEC (Real Property) – Faurecia USA Holdings, Inc

   Faurecia USA Holdings, Inc. was represented by Robin Dupree, its Manager of Taxation. The company plans on building a new facility on High Meadow Drive, adjacent to Henniges Automotive. The proposed building will be 270,000 square feet, including 170,000 square feet of office space, 90,000 square feet of shop and test labs and 10,000 square feet of warehouse.

   This facility will house 760 full time salary employees, including scientists, engineers and administrative staff. Faurecia is consolidating their Troy and 900 N Squirrel operations at this new facility. The majority of these 760 positions will be transferred from those locations.

   This facility is intended to be Faurecia’s flagship building and will serve as their North American Headquarters for its automotive components supply business. It will be used for research and development. The company supplies components to numerous automotive manufacturers.

   The application is currently in the name of Faurecia Automotive Seating, LLC; however, this will be changed to Faurecia USA Holdings, Inc. Additionally, the “Amount of years requested for exemption” on the application will be changed from 12 to 8 years since the proposed lease is only for 10 years. This will allow for the term of the exemption plus the clawback period. To date, the city has not received a signed lease document. The company has been advised that this submission will be required before they appear before city council.

   The building will be constructed on parcel 02-14-23-200-008 which measures just under 127 acres. Mr. Lohmeier asked Ms. Dupree if application has been made for a land division. She was unsure. Ms. Renaud said that she was not aware of an application at this point either.

   Mr. Kittle and Mr. Landsberg suggested that the company present evidence of good corporate
Ms. Dupree stated that the company expects to break ground in March and be operating by the end of 2013.

It was noted that Faurecia has had a tax abatement for personal property at their 900 N Squirrel location that will expire on 12/30/2013. Included with that abatement agreement is a two year clawback provision where the company agreed to remain at the 900 N Squirrel facility for two years after expiration of that abatement; however, the company will be asking city council to waive the clawback term due to the significant new investment that they are making within the city boundaries.

Motion by Mr. Nelson, to recommend to City Council, approval of the request from Faurecia USA Holdings, Inc. for a tax abatement for real property [for a new building to be constructed on High Meadows Circle. The recommendation is for an 8 year abatement starting on 12/31/2013 and ending 12/30/2021, contingent upon the company submitting a signed lease with a term of 10 years (minimum), and that the lease name matches the application name. In addition, this recommendation includes the requirement to operate the facility at that location for 2 years after the certificate expires. The committee is also aware of the existing abatement at 900 Squirrel that will expire at the end of the year and recommends that council waive the clawback terms of that agreement.

Supported by Mr. Landsberg

Motion carried (4-0)

6. CITY COUNCIL UPDATE –
   • Mr. Lohmeier noted that council approved the tax incentive request from Rigaku at their January 21, 2013 meeting.

7. OTHER
   • Mr. Kittle requested a primer on the personal property law changes recently approved by Governor Snyder at the next TIRC meeting. Mr. Lohmeier hopes that the State Tax Commission will provide more direction regarding these changes that he can relate to the committee at their next meeting.

8. ADJOURNMENT - There being no objections, the meeting was adjourned at 6:15 p.m.

Next meeting: April 8, 2013

Karen Blinkilde, Deputy Assessor
The City of Auburn Hills
Special Pension Board & Retiree Health Care
Minutes

April 16, 2013

Administrative Conference Room, 1827 N. Squirrel Road, Auburn Hills MI 48326

1. CALL TO ORDER: Chairman Brian Martin called the meeting to order at 1:06 p.m.

2. ROLL CALL
   Present: Mayor McDonald, Mayor Pro Tem Hammond, Public Safety Representative B. Martin, City Clerk Kowal, Finance Director Barnes, Clerical Representative Klobnock, Public Service Representative Lane, Public Service Representative Smith
   Absent: City Manager Auger, Public Safety Representative Groehn
   Also Present: George Vitta and Katherine Ghannam, Asset Strategies

3. APPROVAL OF AGENDA
   Moved by Auger; Seconded by Hammond.
   RESOLVED: To approve the agenda as submitted
   VOTE: Yes: All
   No: None
   Motion Carried (7-0)

4. PRESENTATION
   Mr. Vitta explained this information is being presented because new legislation passed in December updating Public Act 314 of 1965; the investment act which the Retiree Health Care and Pension Plans must follow and how the new guidelines may be incorporated into the current investment policy. It has also been a number of years since an in-depth review of the investment policy was done; such as the Asset Allocation Analysis study (model).

   Asset Allocation Analysis study is computer programmed and consists of many mathematical equations. The equations measure return of investments, risk, relationship between two investments over many years and puts together different possible investment combinations based on the plan’s investment return, which is 7.5%, based on a prudent level of risk.

   Under the Michigan law guidelines, 70% of the plan’s assets can be in U.S. equities, with 20% in foreign equities, up to 15% in high yield bonds, 100% into fixed income, and 10% into commercial real estate.

   The study allows input of all the variables and moves them in different ways to determine what is best for the City. Consistency of results lends itself to a blend of investments that over time has produced a more consistent goal of earning 7.5% while trying to minimize the risk.

   Generally a higher rate of return will also have a higher risk rate. The study attempts to narrow the range between the best and worst cases, enabling a search for another proxy that will result in the 7.5% earning needed to maintain the Plans, with less risk.

   The PIMCO Bond Fund has a return of 7.74% and the risk is 4.61%, a very low range. Generally when the stock market goes up, bonds go down and vise versa, except in 2008 they both dropped. That event is call a Black Swan event, which happens once every 100 years or so; however, some would argue there have been two or three of those events in the past 30 years.

   There are two new asset classes, including the Bond Fund, which allows up to 15% of total assets in high-yield bonds. In the past high-yield bonds were part of the basket clause; high-yield bonds still remain very risky.
Using the study allows the capability of using different asset classes that will determine a long-term picture of the investment policy. After reviewing a number of different proxies for US Equity and Fixed Income, the two that most consistently fit are S&P 500 Low Volatility Index and Johnson Institutional Core Bond portfolio. With Johnson Institutional Core, there is a very good percentage of return and much less risk than with other bond portfolios.

Responding to Mr. Barnes, Mr. Vitta noted this portfolio has 100 U.S. stocks. The bond fund that showed up most consistently in the analysis is still PIMCO. Using the Investment Alternatives graph, Mr. Vitta stated this analysis is done as a theoretical picture as if there were no constraints or guidelines, just specified asset classes. The mean variance optimization suggests it ignores the 7.5%, time frame and the guidelines; in order to maximize the rate of return, the level of risk must also be reviewed.

Continuing, Mr. Vitta noted there are three alternative Mixes. The current return is 8.34% per year, the risk is 4.84%, the Sharpe Ratio is the return per unit of risk, which should be maximized and is 1.21%. The average shortfall measures the potential that indicates if it is falling below the target zone of 7.5% over a three-year period.

In the end, this analysis shows a mix of investments using the new guidelines and factoring today's market conditions. Mixes 1, 2 and 3, are all quite similar in numbers as to what is currently being done; however, Mix 3 has an increase in return of over one-percent, a reduction in risk percentage from 4.8% to 4.4%, the Sharpe Ratio increases by 33% and the average shortfall drops from 1.5% to 0.9% which is a 40% improvement in the shortfall risk.

Mr. Vitta confirmed for Ms. Kowal, Mix 3 has no commercial real estate investment. Currently the City has a 5% allocation in the commercial real estate market; American Core Realty Fund. The outlook for commercial realty funds is good for this and next year; however, there are two other commercial real estate funds that have a better outlook. The study indicates there are so many other choices to choose from, that it doesn't include any real estate; however, the City plan will continue to include the 5% allocation. Commercial real estate doesn't move in tandem with the stock market or the bond market and is a good diversification component.

The graphs of Distribution of Annual Returns for both three years and 10 years, is indicative of what the City is currently doing; similar to the three Mixes for both periods. The study shows a better annual return with about 40% less risk by swapping index strategies.

The Target Returns graph shows the probability of falling below the target return, indicating the longer the time horizon, the better the chance of success, because you can ride out the peaks and the valleys that always occur in the market.

The Asset Values graph shows which plan over a long period of time shows potential growth.

Mr. Vitta noted this is the fourth year of an economic recovery, which is average,

Mr. Vitta made the following recommendations based on Mix 3.

Replace BlackRock Russell1000 Index fund, allocating a portion to S & P Low Volatility and a portion to Rothschild. There is no change with International Equities, Vontobel. The PIMCO Total Return (Core Plus), will decrease by a small percentage. BlueCrest All Blue will increase to 8% and PIMCO All Asset All Authority, which is new, will receive a 5% allocation, decreasing PIMCO Total Return to 30%, and 5% to American Core Realty, which should be maintained for an additional two years as it is a good place to shelter the assets.

PIMCO All Asset All Authority is a light hedge fund; this can go long or short stocks, long or short bonds, it’s a global investment fund. The main objective of the fund is to outperform inflation by six percentage points per year. The fund is designed to be a diversifier, and more stable return strategy.

Ms. Klobnock questioned the proposed allocations, if this scenario diminishes what is Mix 3 trying to achieve by removing the real estate.

Mr. Vitta agreed, explaining the analysis isn’t capable of including the current events of how the stock market does. Real estate is a good place to manage overall plan risk; however, the analysis also doesn’t know that real estate is in a recovering cycle as opposed to a long term average cycle.

Ms. Hammond stated she would have liked to see more than the 3 Mixes; she would have preferred to see all the mixes formulated.

Mr. Vitta explained there aren’t many differences between the three mixes. Comparing Mix 2 and Mix 3, the rate of return is close, but the return risk in Mix 2 is higher; all of the numbers are based on long term time.

The one constant throughout the whole study is the past is expected to repeat itself, it just isn’t known when.

Responding to Mr. Barnes, Mr. Vitta stated this strategy is based on about 12 years of actual market returns.

Mr. Vitta explained no decisions must be made at this time; the current policy is very sound. With the new investment statutes and changes in manager roles, there is an opportunity to improve on it. The current cost of the S&P Low
Volatility is at 12 basis points; BlackRock is at 5; allocating more to Rothschild is a higher cost because they are about 1% per year; Vontobel has no change; PIMCO Total Return Fund is a lower cost investment; PIMCO All Asset All Authority is an institutional mutual fund so there is no fee to be paid out of pension plans and they have a high expense ratio – 90 basis points; American Core Realty is about 1% per year; BlueCrest All Blue fund does not charge a fund, the underlying managers earn a fee with no fee taken from the investors.

Mr. Martin is comfortable with pulling a percentage from PIMCO and investing with PIMCO All Asset All Authority, noting the plans have done very well with PIMCO for a number of years.

Mr. Barnes agreed he is comfortable with the proposal. He had some initial concern with 15% to BlueCrest, but seeing it split with PIMCO All Asset All Authority; overall the proposal looks good to him.

Mr. Martin asked about the Comerica cash account and if the $35 thousand must remain in the account to meet obligations.

Mr. Barnes stated yes, and more than that to meet pension payouts.

Ms. Ghannam noted the elimination of the $35 million is only for this modeling purpose.

Mr. Vitta explained the modeling strategy is merely stating all the investment options, which doesn't include cash.

Ms. Klobnock asked about the Standards and Poor Low Volatility Index and if a manager must be selected.

Mr. Vitta explained with the amount of money, $13 million, there are three firms that have $25 million requirements and three that have a lower threshold that would be considered. Because only the three firms could work, the process is quick. This is an index fund where everyone follows the exact same rules; it is a question of who can offer the best fee.

Ms. Klobnock questioned the Board’s due diligence if selecting PIMCO All Asset All Authority, without looking at others.

Mr. Vitta stated PIMCO All Asset All Authority is unique and therefore the preferred fund; there is no other similar strategy.

Mr. Vitta explained Standards & Poor Corporation licenses the stock picks to the managers, who pay the fees to license them. The Low Volatility is a model that Standard & Poor created; the risk is measured on all 500 stocks every quarter. The stocks are then ranked from 1 to 500 and 100 lowest volatile stocks are chose and used for the next 90 days. At the end of those 90 days, the process is repeated to find the lowest 100; which hasn’t resulted in many changes quarter to quarter or year to year.

Mr. Martin asked if Mix 3 allows for a correction if the market is corrected because of the current market high.

Mr. Vitta stated it does; stock volatility is measured by the change of price in every stock versus the index as a whole. When stock prices start moving up and down frequently, as they did in 2011, the index did very well. The nature of the risk profile of this index as opposed to the risk profile of Russell 1000, is nearly two-thirds of the risk.

Mr. Barnes asked if anyone attending the meeting had any reservations or questions; he didn’t feel it was necessary to put off accepting the recommendation to another meeting.

Responding to Ms. Klobnock, Mr. Vitta stated the Retiree Health Care has been with BlackRock approximately three months; it replaced Vanguard Russell 1000.

Ms. Klobnock’s concern is being penalized by BlackRock for withdrawal.

Ms. Ghannam stated there won’t be any problem leaving BlackRock, the fee was worked out for the entire firm and their clients. BlackRock has been part of the Pension Plan for at least three years.

Moved by Kowal; Seconded by Lane.
RESOLVED: Move to accept the recommendation of Asset Strategies, based on the investment policy study presented to the Board and further based on discussion of the investment manager alternatives to change asset allocation of the Auburn Hills Pension Plan to Mix 3 and changing funds as indicated on the attached (Attachment A).

VOTE: Yes: All
No: None

Motion carried (7-0)

Mr. Vitta stated he would provide a clean copy of the Investment and Manager Allocation Review including the recommended changes.

Mr. Vitta asked the Board if the changes should be implemented as soon as administratively feasible.

Responding to Mr. Martin, Mr. Vitta suggested implementing the changes immediately all at once; not spreading the changes over a few months.
Ms. Klobnock noted changes to the S & P Low Volatility wouldn’t be possible until a manager has been named, and that probably wouldn’t happen until the May meeting.

Mr. Vitta suggested the implementation be done after legal counsel has reviewed the new manager contract.

Moved by Klobnock; Seconded by Lane.

RESOLVED: Move to accept PIMCO All Asset All Authority pending the attorney’s review.

VOTE: Yes: All
No: None

Motion carried (7-0)

A short recess was called at 2:44 p.m.

Mr. Smith left at 2:45 p.m.

The Retiree Health Care Board meeting was called to order at 2:48 p.m.

Mr. Vitta reviewed the Asset Allocation Analysis noting the study started with the existing manager lineup and by process of elimination, many investments were eliminated that doesn’t fit well. There is one difference in managers for this Plan from the Pension Plan, Hatteras Core Alternative; an equivalent of a hedge fund.

Mr. Vitta noted much of the Retiree Health Care Analysis is very similar to the Pension Analysis, and proceeded to review the Investment Alternatives chart. Mr. Vitta explained Mix 1 has a better expected return, but has a large drop in risk; it has only 35% in stocks. The major differences between the Mixes, is Mix 3 includes Vontobel, an International stock. Though the Mixes shown do not include real estate, there would still be the 5% investment in real estate for the next few years. Continuing, Mr. Vitta stated he wasn’t fond of Mix 1 or Mix 2, because neither has any international. The majority of growth in the global economy comes from outside the U.S. Second - Mix 3 has 55% in equities; 45% U.S. and 10% international. Mix 3 also has the lowest allocation to fixed income; he would prefer a more diversified equity portfolio. Mix 3 out-performs the current investments. American Core Realty will remain at 5% by reducing US Equity by 5%. Recommended in the Alternatives is 6% in the PIMCO All Asset All Authority fund with 6% removed from the Total Return Bond Fund.

Continuing, Mr. Vitta noted historically the Board has taken a lower risk profile with the Retiree Health Care Plan, but the Plan has improved quite a bit over the last few years. Given that position, he feels more risk can be taken than when first established. If less risk is preferred, Mix 2 would work well.

Mr. Barnes believed international stocks should be included in the portfolio.

Mr. Martin agreed, and felt Mix 3, being more diversified, was the right direction.

Moved by Kowal; Seconded by Barnes.

RESOLVED: Move to accept the recommendation of Asset Strategies, based on the investment policy study presented to the Board and further based on discussion of the investment manager alternatives to change asset allocation of the Auburn Hills Retiree Health Care Investment Plan to Mix 3 and to include 5% for American Core Realty, changing funds as indicated on the attached (Attachment B).

VOTE: Yes: All
No: None

Motion carried (6-0)

Moved by Barnes: Seconded by McDonald.

RESOLVED: To have the changes made to the Auburn Hills Retiree Health Care Plan as soon as administratively possible.

VOTE: Yes: All
No: None

Motion carried (6-0)

5. ADJOURNMENT
The meeting adjourned at 3:02 p.m.

Respectively Submitted,
Kathleen Novak
Records Retention Clerk
Investment and Manager Allocation Review - PROFORMA - REV 041713

Market Values per Comerica (& BlackRock) as of 4/08/2013

<table>
<thead>
<tr>
<th>Manager/Asset Class</th>
<th>Current Allocation at Market Value</th>
<th>Policy Targets at Market Value</th>
<th>041713 Adjusted Mix 3 : Targets at Market Value</th>
<th>Add/(Reduce) to Mix 3</th>
<th>Comments</th>
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<tbody>
<tr>
<td></td>
<td>$000</td>
<td>%</td>
<td>$000</td>
<td>%</td>
<td>$000</td>
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<tr>
<td>US Equities</td>
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<tr>
<td>new - S&amp;P Low Volatility</td>
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<td>$ -</td>
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<td>BlackRock R1000 Index fund</td>
<td>28.5%</td>
<td>$ 12,992</td>
<td>35.0%</td>
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<td>Rothschild SMID Cap</td>
<td>8.1%</td>
<td>$ 3,713</td>
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<td>$ 3,417</td>
<td>7.5%</td>
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<td>Sub-total</td>
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<td>42.5%</td>
<td>$ 19,364</td>
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<tr>
<td>Vontobel</td>
<td>15.2%</td>
<td>$ 6,925</td>
<td>15.0%</td>
<td>$ 6,834</td>
<td>15.0%</td>
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<td>US Fixed Income</td>
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<tr>
<td>PIMCO Total Return (Core Plus)</td>
<td>37.8%</td>
<td>$ 17,244</td>
<td>32.5%</td>
<td>$ 14,808</td>
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<td>Alternative Investment Strategy</td>
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<tr>
<td>BlueCrest All Blue</td>
<td>4.9%</td>
<td>$ 2,221</td>
<td>5.0%</td>
<td>$ 2,278</td>
<td>5.0%</td>
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<td>new - PIMCO All Asset All Authority</td>
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<td>$ -</td>
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<td>Lyster Watson</td>
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<td>Sub-Total</td>
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<td>Real Estate</td>
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<tr>
<td>American Core Realty</td>
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<td>$ 2,263</td>
<td>5.0%</td>
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<td>Comerica STIF Acct</td>
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Total Funds $ 45,563 100.0% $ 45,563 100.0% $ 45,563 100.0% $0

* as of 12/31/12   ^ as of 2/28   # as of 3/31
### Investment and Manager Allocation Review - PROFORMA REV 041713

Market Values per Comerica (& BlackRock) as of 4/08/2013

<table>
<thead>
<tr>
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<td>$000</td>
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<td><strong>US Equities</strong></td>
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<tr>
<td>new - S&amp;P Low Volatility</td>
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<td>Rothschild SMID</td>
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<td>Vontobel</td>
<td># $ 1,771</td>
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<td>$ 1,222</td>
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<td>PIMCO Total Return Fund</td>
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<td>41.4%</td>
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<td>American Core Realty</td>
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<td>Hatteras Core Altn. TEI Inst</td>
<td>^ $ 1,048</td>
<td>8.6%</td>
<td>$ 1,222</td>
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<td>100.0%</td>
<td>$ 12,225</td>
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* as of 12/31/12  ^ as of 2/28  # as of 3/31
DATE: MAY 6, 2013 MEETING

To:       Mayor and City Council
From:     Peter E. Auger, City Manager and Dan Brisson, Manager of Facilities and Roads.
Submitted: April 29, 2013
Subject:  DPS Garage Interior Painting  ITB-CAH-03-01-13-00

INTRODUCTION AND HISTORY
Budgeted for 2013 is $50,000.00 to paint the interior of the DPS garage. The building is twenty three years old and the ceiling, roof steel structure and outer perimeter walls have never been painted since original construction. Minor surface rust is beginning to appear on the steel roofing deck where painting will extend structure life and enhance the overall appearance of the 50,000 square foot garage work area. The DPS worked with our current painting contractor, a Sherwin Williams coatings specialist and one of our DPS staff with past professional painting experience to specify coatings for the project.

Bid specifications were posted on MITN and 178 vendors were notified of the project. Eight vendors attended the mandatory pre-bid meeting and site visit. Eight bids were received by the City Clerk’s office on March 28, 2013. Bid pricing ranges from $ 35,764.00 to $ 101,814.00 for the project. The four lowest bids are listed:

- Precision Painting, Inc.                         Sylvan Lake, Michigan                     $  35,764.00
- Green Earth Coatings                           Wixom, Michigan                             $  44,020.00
- Hermes Painting Company                   Troy, Michigan                                 $  53,700.00
- Pranam GlobalTech, Inc.                      Livonia, Michigan                             $  67,800.00

The range in bid pricing reflects the bidder’s opinion of surface preparation procedures and material application techniques. The two low bidders were interviewed to discuss their proposed method of preparation, coating application and scheduling for the project. Both low bidders proposed identical preparation and painting procedures. The DPS then applied sample coatings using the proposed procedures and inspected the test areas with a Sherwin Williams coatings specialist. The DPS concludes the low bidder’s optional proposal to degrease and wash the outer block walls is necessary for proper coating adhesion at an additional cost of $3,600.00 (20 cents per square foot X 18,000 square feet) for a project total of $ 39,364.00.

STAFF RECOMMENDATION
Low bidder, Precision Painting has previously performed paint work for the City. They have done similar industrial coating projects for the Road Commission of Oakland County, MSU, Best Buy stores and many other commercial properties. The principle owner has been a career painter since 1976 and has been operating under the current business name since 1985. As added value, Precision Painting is offering a three year written workmanship warranty which exceeds the bid specified two year workmanship warranty. Based on information gathered, the DPS recommends Precision Painting, Inc. for the project.

MOTION
Move to award the bid to paint the interior of the DPS garage to Precision Painting, Inc. 2681 Orchard Lake Road, Sylvan Lake 48320 in the amount of $ 39,364.00. Funding is provided from account 101-265-975.000.

I CONCUR: ____________________________________________

on behalf of

PETER E. AUGER, CITY MANAGER
INTRODUCTION AND HISTORY

Oakland County has approved the extension of the West Nile Virus Fund for Fiscal Year 2013 and will maintain the distribution formula and process for reimbursement of the past eight years. In order to obtain reimbursement from the West Nile Virus Fund, for eligible expenses, the City will need to submit the following information to the Oakland County Fiscal Services Division:

1. Project expenses reimbursement request which state the project purpose and scope, estimated or actual costs, including any support detail, to insure compliance with County approved policies for the West Nile Virus Fund and is otherwise authorized by law;
2. A resolution authorizing the reimbursement request adopted by the City Council; and
3. Documentation of actual cost borne by the City in conjunction with the project plan once work is complete.

The enclosed West Nile Virus Report includes the City’s plan to combat the West Nile Virus as well as an estimated cost for the program. The City began its West Nile Virus Control Program, which was presented to and endorsed by MDEQ and Oakland County Health Department officials, in year 2003 and continued each year through year 2012. The City will again implement a plan to combat the West Nile Virus in year 2013.

The City has submitted item 1, listed above, to the County and received their approval. The City can submit to the County items 2 and 3 once work is complete.

STAFF RECOMMENDATION

It would be appropriate for the City Council to move forward with the West Nile Virus Fund Expense Reimbursement Request process by adopting the following motion:

MOTION

Move to adopt the resolution to authorize and direct the City Manager, as agent for the City of Auburn Hills, to request reimbursement of eligible mosquito control activity under Oakland County’s West Nile Virus Fund Program.

I CONCUR: [Signature]

on behalf of

PETER E. AUGER, CITY MANAGER
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 MI 48326 at 7:00 p.m., on the 6th day of May, 2013

The following resolution was offered by Council Member and supported by Council Member:

WHEREAS, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and

WHEREAS, Oakland County’s West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and

WHEREAS, the City of Auburn Hills, Oakland County, Michigan will incur expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County’s West Nile Virus Fund Program.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Auburn Hills City Council authorizes and directs the City Manager, as agent for the City of Auburn Hills, to request reimbursement of eligible mosquito control activity under Oakland County’s West Nile Virus Fund Program

AYES:  
NAYS:  
ABSENT:  
ABSTENTIONS:

RESOLUTION

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

I, the undersigned, the duly appointed City Clerk for 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 6th day of May 2013.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this day of May, 2013.

______________________________
Terri Kowal, City Clerk
West Nile Virus
Prepared by the City of Auburn Hills
Community Development and Department of Public Services

May 1, 2013

Background

West Nile is a mosquito-borne virus that can cause mild flu-like symptoms, and in a few cases, results in encephalitis (inflammation of the brain) or meningitis (inflammation of the lining of the brain and spinal cord). It first appeared in the U.S. in 1999 in New York City, and is spread to humans by the bite of an infected mosquito. A mosquito becomes infected by biting a bird that carries the virus. The *Culex pipiens* species of mosquito, which prefers to feed on birds, is believed to carry the virus in Oakland County.

In the year 2002 there were 644 confirmed human cases of WNV with 51 deaths reported throughout the state. That same year in Oakland County, there were 214 confirmed cases of people being infected and 20 deaths attributed to the disease.

In the year 2002 officials from the Centers for Disease Control and Prevention (CDC) had stated that WNV reached epidemic status in the state of Michigan. They also wanted to reassure the public that while this is cause for concern, it is not a cause for panic. They stress that individuals can protect themselves from this disease. They have provided the following statistics regarding the likelihood of being bitten by an infected mosquito, and then whether or not someone will contract one of the two forms of the disease.

- Of all mosquito bites, only one in one hundred will be from an infected mosquito.
- Of all mosquito bites, only one in 500 will be a bite from an infected mosquito and will then result in a mild illness with “flu-like” symptoms.
- Of all mosquito bites, only one in 15,000 will be a bite from an infected mosquito and will then result in someone contracting the serious form of the disease.

The CDC is recommending that the public follow the three “Rs” for tackling the WNV problem:

**Repel**—wear long-sleeved shirts and long pants, use insect repellent with deet, and avoid the outdoors during peak mosquito activity hours (i.e. dusk and dawn). See attached information on proper use of deet repellants.

**Reduce**—the mosquito population by eliminating stagnant standing water such as in old tarps, old buckets, neglected bird baths, etc. Attached is a poster regarding eliminating breeding areas in and around your home.

**Report**—dead birds to the Michigan Department of Community Health Emerging Diseases. Reporting forms can be found at the following MDCH website www.michigan.gov/emergingdiseases.

Even though there is no evidence to support that the disease can be spread from dead birds, they should never be handled with bare hands. Use disposable gloves to put the dead bird in a double plastic bag. If gloves are not available, turn a plastic shopping bag inside-out and scoop up the bird with the bag. If the dead bird has been reported and will not be tested, then place the bagged carcass in an outdoor garbage can for disposal. If the dead bird will be tested, you will be instructed to transport the bird to an appropriate local agency, where it can be packaged appropriately and submitted for testing.
There has been concern over the effect of WNV on pets. In general, the disease does not affect most household pets, including cats and dogs; however pet birds are just as apt to contract the illness as their wild counterparts. Studies in New York have shown that up to 11% of dogs tested showed exposure to the virus, but none showed signs of illness, and WNV is not passed to other animals from cats or dogs. Horses are perhaps a bit more susceptible than humans, but a vaccine has been approved for use on horses, and it appears to be effective, although no formal studies on this have been published yet.

The National Institutes for Health (NIH) are in charge of disease prevention, treatment, diagnostics, and basic research. They are working on a vaccine for humans, and they do have some promising research. Officials have stated that if all goes well, a vaccine is expected to be available in the next few years. The NIH is optimistic that one will be developed, but they are not able to confirm for certain that this will be the case.

City staff has researched the role that mosquito control has in the prevention of WNV. In general, spraying for adult mosquitoes is the least preferred method. The success of spraying programs is questionable at best, and does not address the mobility factor of the adults. If all areas are not sprayed, and all communities are not spraying, then there is even less of a chance of significantly reducing the adult mosquito population.

### 2003 through 2012 WNV Information

The great efforts made in 2003, by the State, County, local municipalities, businesses, and residents, to reduce the number human cases of WNV were continued in each year through 2012. This all out effort resulted in a substantial reduction the number of humans contracting the WNV, throughout the State of Michigan.

<table>
<thead>
<tr>
<th>West Nile Virus Case Total Comparison</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oakland Co.</td>
</tr>
<tr>
<td>State of MI</td>
</tr>
<tr>
<td>United States</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>West Nile Virus Death Total Comparison</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oakland Co.</td>
</tr>
<tr>
<td>State of MI</td>
</tr>
<tr>
<td>United States</td>
</tr>
</tbody>
</table>

### 2013 WNV Control Program

As part of a mosquito control plan for this season, the following information has been compiled:

By far the most effective management program involves a combination of education regarding how to avoid being bitten, eliminating breeding sites, and controlling the larval mosquitoes. The breed *Culex pipiens*, mentioned earlier, prefers stagnant water such as that found in catch basins and other nutrient-rich, even polluted, standing pools of water. Please note that streams and healthy ponds and wetlands do not fall into this category. The mosquito control industry has developed products that are safe for handling, are non-toxic to humans and most other animals, and specifically target
mosquito larvae. Many are even available in pre-packaged amounts that are designed specifically for catch basins. A “certified applicator” is not needed to use these pre-mixed products.

First, the City would educate citizens and staff on bite avoidance, and how to eliminate breeding areas on their property through cable PSAs, newsletters, and web site information.

Second, the City would set up an inspection program to determine the most effective time to start treating catch basins. The inspection program will be conducted in-house.

Third, the City would treat all catch basins with larvicides. The estimated material cost for the initial catch basin larvacide treatment is $10,923.15.

A breakdown of this cost estimate is attached. The County has indicated that the City will be eligible to receive a reimbursement in the amount of $3,588.61 to help implement step three of our plan.

Products that would be used for catch basin treatment are described below:

- **Altosid**—a growth hormone inhibitor that targets mosquitoes and black flies. It is available in briquettes that can easily be dropped into a catch basin through the grating and lasts for 150 days. Its shelf life is approximately 18 months to 2 years.

- **Vectolex**—bacteria that dissolves the gut of the larvae, it is a granular product that is also very specific to mosquitoes and black flies. This product kills larvae within 1-2 hours and needs to be reapplied every 21 days during the breeding season. It is available in packets to treat catch basins, and as a loose product that can be broadcast over areas of open water. This would be the product used for areas of nutrient-rich stagnant water. The shelf life for this product is also 18 months to 2 years.

It may be prudent to “spot spray” City parks prior to events that will be occurring during peak hours of mosquito activity, especially when participants are expected to fall into the categories of most susceptible to WNV. City staff would develop a standard operating procedure to address these instances.

Some of the issues involved in creating and maintaining an effective program concern outside agencies, such as the Oakland County Road Commission, subdivisions, school districts, and commercial sites that own catch basins in the City. City staff will be working with these groups in order to ensure an effective program. During the winter following the initial WNV control program, staff will analyze the program to determine its effectiveness and to map out future actions.

**Recommendation**

The City should implement the program outlined above to address the WNV problem. In addition to the treatment of City catch basins with Altosid, and other areas as necessary, the activities listed should be put into action starting with the mosquito season of 2013.

Web Resources:

Michigan Department of Agriculture - www.michigan.gov/mda
Centers for Disease Control and Prevention - www.cdc.gov
National Institutes of Health - www.nih.gov
Oakland County Health Division - www.oakgov.com/health
Based on currently available information, the target locations for the City’s mosquito control treatment would include catch basins. The attached cost estimate is based on a recommendation that the City use longer-lasting Altosid briquettes in the catch basins. These larvicide briquettes, with a 150-day duration, have a lower labor and equipment cost when compared to repeated treatments of 21-day duration Vectolex packets. However, the estimate includes the possibility of at least one follow-up treatment using the Vectolex packets that may be necessary, to cover the full spring, summer, and fall for most areas targeted for treatment, catch basins in particular.

Staff estimates that there are roughly 2,330 catch basins located in City right-of-ways and on City property, 25 located in the MDOT right-of-ways, 550 located in the Oakland County right-of-ways, and 700 along private roads within the Auburn Hills City limits. These figures are estimates, not based on inventory.

**COST ESTIMATE**

**Catch Basin Inspection and City Wide Monitoring**

<table>
<thead>
<tr>
<th>Item</th>
<th>Unit</th>
<th>Quantity</th>
<th>Unit Cost</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monitor for onset of breeding activity</td>
<td>2013 Season</td>
<td>--</td>
<td>--</td>
<td>$0.00</td>
</tr>
<tr>
<td>(In-House)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$0.00</strong></td>
</tr>
</tbody>
</table>

**Initial Catch Basin Treatment**

<table>
<thead>
<tr>
<th>Item</th>
<th>Unit</th>
<th>Quantity</th>
<th>Unit Cost</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auburn Hills catch basin treatment with</td>
<td>Each</td>
<td>2,330</td>
<td>$3.03</td>
<td>$7,059.90</td>
</tr>
<tr>
<td>Altosid XR 150 day Briquettes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MDOT catch basin treatment with Altosid</td>
<td>Each</td>
<td>25</td>
<td>$3.03</td>
<td>$75.75</td>
</tr>
<tr>
<td>XR 150 day Briquettes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RCOC catch basin treatment with Altosid</td>
<td>Each</td>
<td>550</td>
<td>$3.03</td>
<td>$1,666.50</td>
</tr>
<tr>
<td>XR 150 day Briquettes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private Road catch basin treatment with</td>
<td>Each</td>
<td>700</td>
<td>$3.03</td>
<td>$2,121.00</td>
</tr>
<tr>
<td>Altosid XR 150 day Briquettes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>3,605</strong></td>
<td></td>
<td><strong>$10,923.15</strong></td>
</tr>
</tbody>
</table>

**General Applications to City Parks & Golf Course When Warranted**

<table>
<thead>
<tr>
<th>Item</th>
<th>Unit</th>
<th>Quantity</th>
<th>Unit Cost</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>ULV adulticide applications of registered</td>
<td>Parks &amp; Golf</td>
<td>2 app.</td>
<td>$675.00</td>
<td>$1,350.00</td>
</tr>
<tr>
<td>Biocide 3+15 or Anvil 2+2 via truck-</td>
<td>Course</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>mounted and or ATV mounted spray unit to</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>all city parks and golf course.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ground backpack larvicide treatment of</td>
<td>Per acre</td>
<td>10 acres</td>
<td>$33.00</td>
<td>$330.00</td>
</tr>
<tr>
<td>breeding sites when warranted.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$1,680.00</strong></td>
</tr>
</tbody>
</table>
**Secondary Catch Basin Treatment if Warranted**

<table>
<thead>
<tr>
<th>Item</th>
<th>Unit</th>
<th>Quantity</th>
<th>Unit Cost</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auburn Hills catch basin treatment with Vectolex 21 day packets</td>
<td>Each</td>
<td>2,330</td>
<td>$1.21</td>
<td>$2819.30</td>
</tr>
<tr>
<td>MDOT catch basin treatment with Vectolex 21 day packets</td>
<td>Each</td>
<td>25</td>
<td>$1.21</td>
<td>$30.25</td>
</tr>
<tr>
<td>RCOC catch basin treatment with Vectolex 21 day packets</td>
<td>Each</td>
<td>550</td>
<td>$1.21</td>
<td>$665.50</td>
</tr>
<tr>
<td>Private catch basin treatment with Vectolex 21 day packets</td>
<td>Each</td>
<td>700</td>
<td>$1.21</td>
<td>$847.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>3,605</strong></td>
<td></td>
<td><strong>$4,362.05</strong></td>
</tr>
</tbody>
</table>

**2013 COST ESTIMATE**

<table>
<thead>
<tr>
<th>Item</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Primary Costs</strong></td>
<td></td>
</tr>
<tr>
<td>Inspections (In House)</td>
<td>$0.00</td>
</tr>
<tr>
<td>Initial Catch Basin Treatment (In-House)</td>
<td>$10,923.15</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$10,923.15</strong></td>
</tr>
<tr>
<td>County Assistance</td>
<td>-$3,588.61</td>
</tr>
<tr>
<td><strong>CITY TOTAL</strong></td>
<td><strong>$7,334.54</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Conditional Costs</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Applications to City Parks &amp; Golf Course When Warranted (Professional Service)</td>
<td>$1,680.00</td>
</tr>
<tr>
<td>Secondary Catch Basin Treatment if Warranted (In-House)</td>
<td>$4,362.05</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$6,042.05</strong></td>
</tr>
</tbody>
</table>

*The City’s plan calls for the use of all existing Altosid XR 150 day Briquettes from year 2012 before utilizing the Altosid XR 150 day Briquettes purchased in year 2013.*

Oakland County has committed funding to assist communities in the implementation of their own mosquito control program, to thwart the West Nile Virus. Funding will be distributed using the Environmental Infrastructure Fund formula…75% based on population of the community and 25% based on size (geographic) of the community. The County has indicated that the City will be entitled to receive a reimbursement in the amount of $3,588.61 to help implement our plan. The funds provided by the County will be used to purchase the Altosid XR 150 day Briquettes for the initial catch basin treatment.
INTRODUCTION
This is a request for approval to construct a 15,970 sq. ft. building addition and 14 space parking lot expansion to accommodate a new engineering garage and additional vehicle laboratory testing space on a 26.6 acre site zoned T&R, Technology and Research district. The existing building is 174,706 sq. ft. in size. The proposed expansion will increase the building to 190,676 sq. ft. in size. The property is located at 3800 Automation Avenue.

It is noted that as part of this project, the Special Land Use Permit for outside storage of test vehicles (previously approved in August 2000) is proposed to be modified to reduce the number of storage spaces from 54 to 13.

COMPANY BACKGROUND
BorgWarner is a global technology leader in powertrain solutions. The company’s focus is on developing technologies that improve fuel economy, emissions, and performance. Last year, Crain’s Detroit Business listed BorgWarner as the sixth largest OEM parts supplier in North America. They are currently ranked No. 355 in the Fortune 500.

BorgWarner has a significant footprint in the City of Auburn Hills. Their World Headquarters is located at 3850 W. Hamlin Road and their Powertrain Technical Center is located at 3800 Automation Avenue.

The World Headquarters houses executive staff along with a number of support functions. The Powertrain Technical Center is the hub of the company’s TorqTransfer and Transmission Systems business units, which is dedicated to the advanced research and development of powertrain components. There are currently 450 people employed at the Powertrain Technical Center. The number will likely not increase due to the proposed engineering garage addition. Approximately, 600 employees are located in the two Auburn Hills facilities.
BorgWarner operates manufacturing and technical facilities in 57 locations in 19 countries. Their customers include VW/Audi, Ford, Toyota, Renault/Nissan, General Motors, Hyundai/Kia, Daimler, Chrysler, Fiat, BMW, Honda, John Deere, PSA, and MAN. The company employs over 19,000 people globally.

**KEY ISSUES**

1. **Reason for the Expansion**: The purpose of the addition is to provide additional capacity within the facility to accommodate BorgWarner’s fast growing business and allow for additional testing equipment to be installed.
   A. The current garage operations are proposed to be relocated into the new expansion area and the old garage area will be repurposed to accommodate up to six new test cells. BorgWarner has plans to install one additional test cell in Y2013 and forecasts two more for Y2014.
   B. The new cells will house equipment such as dynamometers and vibration testing chambers that are used to test products developed at this facility.
   C. The new garage addition will allow for improved workflows that will enable the company to more efficiently install their prototype components in test vehicles for the purposes of on-road testing.
   D. The total new investment at the site is estimated at $1.4 million.

2. **Green Initiatives**: The Powertrain Technical Center is not a LEED Certified Building; however, BorgWarner has pursued many green initiatives at the facility and will continue to add more features with the proposed addition. Such as:
   A. The building currently has a white roof, which will be carried over to the addition.
   B. Daylight gathering skylights will be utilized to partially light the new addition.
   C. Efficient fluorescent lighting fixtures will be used to supplement the skylights.
   D. The building currently utilizes LED technology to light its parking lot and many of the existing interior spaces.
   E. The company is in the process of implementing a new building control system that will improve their ability to operate the HVAC systems more efficiently. This system will also be installed in the addition. They are also pursuing an energy recovery system.

   In addition, there are many building materials that are a part of the existing building and the proposed addition that follow “green” principles. Examples are the exterior metal siding is a recyclable product, the use of low VOC paints, the level of recyclable content in the carpeting, and the use of low consumption plumbing fixtures.

**STAFF RECOMMENDATION**

Please be advised that this project has been reviewed by the City’s **Administrative Site Plan Review Team** (consisting of the City Manager, Police Department, Fire Department, Community Development Department, Department of Public Services, and Engineering Consultant) and has received a recommendation for approval.
We recommend **Approval** of the **Special Land Use Permit** requests to allow **outside storage of vehicles** and offer the following discretionary findings of fact:

1. The location of the use will not negatively impact adjacent areas, which are zoned non-residential.
2. The land will be used in accordance with its immediate character, which is planned and zoned for non-residential development.
3. The requirements Section 1818 in the City’s Zoning Ordinance will be met.
4. The use will promote the purpose and intent of the City’s Zoning Ordinance.
5. The use will be consistent with the health, safety, and general welfare of the City of Auburn Hills, and purpose and intent of the City’s Zoning Ordinance
6. The application serves as a revision to the Y2000 Special Land Use Permit, which reduces the previously approved number of test vehicles spaces from 54 to 13.

We recommend **Conditional Approval** of the **Site Plan** and **Tree Removal Permit** and offer the following discretionary findings of fact:

1) The Site Plan contains sufficient basic information required by the Zoning Ordinance for a recommendation.
2) The requirements of Section 1815, Items 7A-7E of the Zoning Ordinance can be met as follows:
   a) All requirements and standards of the Zoning Ordinance, and other city Ordinances, can be met.
   b) Safe, convenient vehicular and pedestrian ingress/egress has been depicted; primary access will be to Automation Avenue.
   c) Traffic circulation features within the site and the location of parking areas avoid common traffic problems and can promote safety.
   d) A satisfactory and harmonious relationship will exist between the proposed development and surrounding area.
   e) The proposed use will not have an unreasonable, detrimental or injurious effect upon the natural characteristics of the subject parcel, or the adjacent area.
3) Based upon the project’s total square footage, 412 parking spaces are required and 506 parking spaces are depicted. This count does not include the additional 13 spaces dedicated to the storage of test vehicles.
4) The parking layout meets minimum requirements and parking spaces are provided for the handicapped (10 are required and 16 are provided). Two van accessible spaces are currently provided.
5) Building and parking setback requirements will be met.
6) Greenbelts will be provided.
7) Landscape requirements will be met and calculations have been submitted.
8) A note indicates that exterior lighting shall meet the requirements of the Zoning Ordinance. Pole and wall-mounted lighting shall be shielded and directed downward. Lamp bulbs and lens shall not extend below the light fixture shields.
9) No additional signage is proposed.
10) A note indicates that parking spaces shall be double striped.
11) Ground-mounted mechanical equipment will be screened.
12) A note indicates that there will be no pallet storage, overnight vehicles, or trailer storage - beyond the proposed revised permit for 13 test vehicle storage spaces.
13) A Tree Removal Permit is required. 40 replacement trees are required and 40 trees will be provided.
14) The building façade for the addition will match the existing in terms of color and material. A photo of the existing rear façade is provided on the cover sheet of the site plan package for reference.

**Condition:**

1) BorgWarner has agreed to prep the parking lot for two electric vehicle charging stations. They will install electrical stubs at planned station locations and will run conduit from the power source to the stubs at time of construction to support the future installation of the charging stations, when needed.

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**PLANNING COMMISSION RECOMMENDATION**

Recommended **Approval** on April 30, 2013 (7-0 vote).

**MOTION**

“Move to accept the Planning Commission’s recommendation and approve the Site Plan, Special Land Use Permit, and Tree Removal Permit for the **BorgWarner Powertrain Technical Center Expansion** subject to staff and consultant’s conditions.”
I CONCUR:

THOMAS A. TANGHE, ASSISTANT CITY MANAGER
CITY OF AUBURN HILLS
PLANNING COMMISSION

April 30, 2013

CALL TO ORDER: Chairperson Ouellette called the meeting to order at 7:00 p.m.

ROLL CALL: Present: Beidoun, Mitchell, Ouellette, Pierce, Shearer, Spurlin, Verbeke
Absent: Hitchcock, Mendieta
Also Present: Community Development Director Cohen, Water Resource Coordinator Keenan, Senior Director Adcock
Guests: 3

LOCATION: City Council Chamber, 1827 N. Squirrel Road, Auburn Hills, MI 48326

5. PETITIONERS

5a. BorgWarner Powertrain Technical Center Expansion

Mr. Ouellette noted this item will be placed on the May 6, 2013 City Council agenda for approval.

Mr. Cohen introduced the proposed project noting this is a public hearing. This expansion request would have been administratively reviewed had there not been the necessity of removing 40 trees. An administrative review is allowed if 20 or less trees are being removed from the site. After the 40 trees are removed for construction, 40 trees will be replaced on the site.

The request is to construct a 15,970 sq. ft. building addition and an additional 14 parking space expansion, which will accommodate the new engineering garage and vehicle laboratory testing space. The existing building is 174,706 sq. feet and sits on 26.6 acre site, zoned T&R, Technology and Research.

Continuing, Mr. Cohen explained one test cell will be constructed this year and because of the cost, the others will follow to have a total of six. The outdoor storage will be reduced from 54 to 13 spaces; there is no longer the need to have that amount of outdoor storage. The addition is a $1.4 million investment of the company.

Mr. Cohen introduced architects Pat Westerlund and Brian Gill and BorgWarner representative Eric Isotalo.

Mr. Westerlund stated there was nothing more he could add to Mr. Cohen’s presentation and would be pleased to answer any questions.

Mr. Beidoun asked what types of trees were being removed and what type would replace them.

Mr. Westerlund explained various types of trees would be removed and replaced.

Mr. Ouellette opened the public hearing at 7:06 p.m. and hearing no comment closed the public hearing at 7:06 p.m.

Ms. Mitchell appreciated BorgWarner prepping the site for electrical vehicle charging stations.

Moved by Ms. Mitchell to recommend to City Council approval of the Site Plan, Special Land Use Permit and Tree Removal Permit for the BorgWarner Powertrain Technical Center Expansion subject to staff and consultant conditions.

Supported by Mr. Beidoun.

VOTE: Yes: Beidoun, Mitchell, Ouellette, Pierce, Shearer, Spurlin, Verbeke,
No: None

Motion Carried (7-0)
Development Application

Project Name: Borg Warner

General Project Location: 3800 Automation Dr.

Parcel Size: 26.6 Ac Zoning: T&R

Sidwell Number(s): 14-03-401-013

Project Description: Engineering

Garage Addition

Building Size (sq. ft.): 15,970 SF

City Use Only

Address: 3800 Automation Dr.

Date Received: 4-11-13

Fees Paid: $5205.00

Sign(s) Escrow: $260.00

SP #: 130002 - $3915.00

SLU #(#): 130002 - $1030.00

LD/LE/SUB #: 

RZ #: 

PUD #: 

ZBA #: 

Check requested review(s)

☐ Site Plan

☐ Tree Removal Permit

☒ Special Land Use Permit(s) Revision to Outside Storage

☐ Land Division

☐ Land Exchange

☐ Subdivision

☐ Planned Unit Development - Step 1/Step 2/Combined

☐ Rezoning _________ to ___________

☐ ZBA Variance or Interpretation

(see supplemental application)

☐ Other

Name: Patrick Westerlund Signature: [Signature]

Business Name and Address: TDA Architects 79 Oakland

City: Pontiac State: MI Zip Code: 48342 Phone Number: 248-874-1420

Fax Number: 248-758-9926 Alt. Phone Number(s): 

Name: Borg Warner Signature: [Signature]

Business Name and Address: Borg Warner Inc. 3800 Automation

City: Auburn Hills State: MI Zip Code: 48326 Phone Number: 248-754-0114

(Provide additional sheet if necessary for multiple property owners)

Please contact the City of Auburn Hills Community Development Department,
1827 N. Squirrel Road, Auburn Hills, MI 48326 / Phone: 248-364-6900 Fax: 248-364-6939
Home Page Address: http://www.auburnhills.org

2-01-10 Version
April 18, 2013

Steve Cohen
Community Development Director
CITY OF AUBURN HILLS
1827 Squirrel Road
Auburn Hills, Michigan 48326

RE: BorgWarner Engineering Garage Addition

Dear Mr. Cohen:

We have completed the site plan review for the above referenced project with respect to grading, paving, storm drainage/detention, and availability of municipal utilities to serve the site. The site plan, received by this office on April 12, 2013 was prepared by Nowak and Fraus. The review comments are noted below.

GENERAL/PERMITS:
The site is located at the end of Automation Avenue south of Harmon Road. The applicant is proposing to construct a 15,970 sq. ft. single story engineering garage addition to the existing BorgWarner facility. The addition will include testing facilities along with additional parking spaces. The proposed engineering garage will be attached to the existing building on the northeast section where an existing test vehicle parking area is located. The proposed parcel along with the adjacent properties is zoned T&R, Technology and Research. A complete legal description of the parcel is shown on the plan. The City of Auburn Hills Standard Notes and Fire Department Notes are included on the plans. A landscape plan was included in the plan set and appears to be acceptable. The Auburn Hills Standard Details for Storm Sewer were not included in the plan set and will need to be in the engineering review submittal. Furthermore, a soil erosion and sedimentation control is needed for the engineering review. Only one benchmark is shown on the plan and at least two will be needed for the engineering review. A soil erosion permit from O.C.W.R.C. will be required for this site.

MUNICIPAL UTILITIES:
A 12” existing water main is located along the north and east sides of the proposed building addition. The applicant is proposing that the water service to the engineering garage addition be provided internally. The existing fire hydrant spacing provides coverage for all of the proposed additions to the site. Given that the service will be internal to the existing building water basis of design calculations will not be needed for the engineering review.

The applicant is proposing that the sanitary service to the engineering garage addition be provided internally as well. Sanitary sewer basis of design will not be needed for the engineering review.

STORM SEWER AND DETENTION:
The applicant is proposing to remove an existing catch basin and storm sewer and install one catch basin located in the proposed parking area north of the engineering garage addition. The new catch basin connects to the existing storm sewer system for the site. Storm water detention is currently provided for the site via an existing
basin located in the southern portion of the site near I-75. The proposed site improvements result in a minimal increase in impervious area that can be accommodated in the existing basin. Therefore, addition detention is not required.

PAVING:
The proposed pavement slopes on the site appear to be consistent with the City of Auburn Hills standard of between 1% and 6% for drive areas, and between 1% and 4% for parking areas. A pavement cross-section of 4" of HMA on 6" of aggregate base is provided on the plans for both the drive aisles and parking. The pavement cross-section proposed appears to meet the City standards.

GRADING:
Existing and proposed grades are shown via contours and spot elevations. It appears that the site generally drains from north to south to the existing detention basin. The proposed building addition and parking lot modification do not alter the existing drainage pattern.

TRAFFIC:
Access to the addition is proposed via a drive entrance at the northeast end to the proposed garage addition. The applicant is proposing 13 test vehicle parking spaces that are located on the north side of the proposed building. It should be noted that two test vehicle spaces are located in front of a service door, however the applicant has noted the infrequent use of the door and ability to move test vehicles as needed. An additional 14 parking spaces are proposed to the east of the addition. The parking spaces are dimensioned on the plans and appear to be meet City Standards.

RECOMMENDATIONS:
The site plan is in substantial compliance with City of Auburn Hills requirements, and has been stamped “Approved” by our office. We ask that the site plan approval acknowledge the following:

1. The site improvement plan, designed in accordance with Ordinance No. 806, shall be submitted to the City for review and approval prior to construction. A detailed cost estimate for the improvements shall be submitted with the plans signed and sealed by the design engineer.

If you have any questions or are in need of any further information, please feel free to contact our office.

Sincerely,
OHM Advisors

Derek L. Hefflinger for Timothy J. Juidici P.E.

Transmitted via e-mail to Steve Cohen: April 18, 2013
cc: File

P:\0101_0125\SITE_AUBURNHILLS\CITY\2013\0120131030_BORGWARNER_ADDITION\SP_1.DOCX
CALL TO ORDER: Pro-Tem Chairman Peters called the meeting to order at 6:34 p.m.

ROLL CALL:
Present: Harvey-Edwards, Ostrowski, Peters, Rowe
Absent: Kresnak, Zellen
Also Present: Brian Colter, ACRT
Steve Cohen, City Planner
3 guests

LOCATION: Civic Center, 1827 N. Squirrel Road, Auburn Hills 48326

SP 00-33, BorgWarner Automotive: Woodlands
The woodlands public hearing was opened at 6:36 p.m. with Mr. Peters presenting the request for a tree removal permit to facilitate the construction of a 174,706 sq. ft. technology and research building, located south of Harmon Road, between Giddings Road and Lapeer Road. Mr. Cohen referenced as follows his memo of August 11, 2000:

Attached is a report from Woodlands Consultant Brian Colter, ACRT Inc. dated August 11, 2000 related to the above mentioned project. Mr. Colter has conducted an on-site inspection to confirm plan correctness and recommends approval of the submittal.

The petitioner proposes to remove 978 protected trees and plant 587 replacement trees on site. All replacement trees will meet the size and diversity requirements of the City of Auburn Hills Woodlands Preservation Ordinance.

Due to lack of space, 391 trees cannot be planted back on site. Therefore, the applicant has elected to pay $97,750.00 (391 trees @ $250.00 each) into the City Tree fund.

After the public hearing, if you find your questions satisfactorily answered it would be appropriate to move to recommend to City Council approval of a tree removal permit for SP 00-33, BorgWarner Automotive subject to the collection of $97,750.00 to be deposited in the City Tree Fund.

Mr. Peters called for comments from the petitioner. Mr. Jim Butler, of Professional Engineering located in Troy, MI, presented the landscape plan of what is known as Parcel #3 of the Pinnacle Development just south of the new Dow Automotive. He explained that even though it appears as though more than 587 replacement trees could be relocated on site, the reason they are not is because the project calls for future additional building expansion and additional parking spaces. He stated that the architecture of the building is such that it will be built into the terrain with different grade levels within the floor structure of the building itself. There will be only one retaining wall which will be eliminated when the expansion is constructed.

In answer to Ms. Harvey-Edwards question as to whether this was a mass grading, Mr. Butler stated that the topography of the site and the design of the building into the terrain has helped to avoid a mass grade.

Mr. Rowe commented on the wetland area which indicated a road crossing through of which Mr. Butler said would be Automation Avenue and the proper permits for this crossing had been granted. He also
pointed out the remaining surrounding wetland area and outlying dense tree screening that would remain untouched.

There being no other comments from the audience, the public hearing was closed at 6:45p.m.
Mr. Ostrowski moved to recommend to City Council approval of a tree removal permit for SP 00-33, BorgWarner Automotive subject to the collection of $97,750.00 to be deposited into the City Tree fund. Supported by Ms. Harvey-Edwards

VOTE:  
Yes: Harvey-Edwards, Ostrowski, Peters, Rowe.
No: None
Motion carried (4-0)
CITY OF AUBURN HILLS
PLANNING COMMISSION MEETING

August 17, 2000

CALL TO ORDER: Chairperson Beckett called the meeting to order at 7:30 p.m.

ROLL CALL: Present. Beckett, Cooper, Hurt-Mendyka, McKissack, Ouellette, Schoonfield, Shaw, Spurlin
Absent. DeClerck
Also Present. City Planner Cohen
TIFA Chairman Bennett
6 Guests

LOCATION: Civic Center, 1827 N. Squirrel Road, Auburn Hills MI 48326

SLU 00-23, BorgWarner Automotive - Public Hearing
SP 00-33, BorgWarner Automotive
(Sidwell No. 14-03-401-013)

Mr. Beckett presented the requests for approval to allow the outside storage of test vehicles overnight at the proposed building, and a request for Site Plan approval to construct a 174,706 sq. ft. office/light industrial building on a site zoned T&R, Technology and Research district. The property is generally located south of Harmon Road, between Giddings Road and Lapeer Road.

Mr. Beckett opened the public hearing at 7:40 p.m.

Mr. Cohen reviewed his SLU 00-23 letter dated August 11, 2000 with the following recommendations:

The Community Development Department is recommending Approval of the Special Land Use request and offer the following discretionary findings of fact:

1. The location of the use will not negatively impact adjacent areas, which are non-residential.

2. The land will be used in accordance with its immediate character, which is planned and zoned for non-residential development.

3. The requirements of Section 1818, Special Land Use Permitted, in Zoning Ordinance No. 372 will be met.

4. The use will promote the purpose and intent of Zoning Ordinance No. 372.

5. The use will be consistent with the health, safety, and general welfare of the City of Auburn Hills, and purpose and intent of Zoning Ordinance No. 372.

6. The requirements of Section 1201, Item 10, Technology and Research Districts - Outside Storage of Test Vehicles, in Zoning Ordinance No. 372 will be met.

Mr. Cohen reviewed his SP 00-33 letter dated August 11, 2000 with the following recommendations:

We are recommending Conditional Approval of the Site Plan and offer the following discretionary findings of fact:

1. The Site Plan contains sufficient basic information required by Zoning Ordinance No. 372 for a recommendation.
2. The requirements of Section 1815, Items 7A-7E of Zoning Ordinance No. 372 can be met as follows:
   A) All requirements and standards of the Zoning Ordinance, and other City Ordinances, can be met.
   B) Safe, convenient vehicular and pedestrian ingress/egress has been depicted; primary access will be to the proposed “Automation Avenue” which was approved to be constructed under SP 00-02.
   C) Traffic circulation features within the site, and the location of parking areas, avoid common traffic problems and can promote safety.
   D) A satisfactory and harmonious relationship will exist between the proposed development and surrounding area.
   E) The proposed use will not have an unreasonable, detrimental or injurious effect upon the natural characteristics of the subject parcel, or the adjacent area.

3. Based upon the number of employees and floor area 391 total parking spaces are required and 391 parking spaces are depicted. Note: 54 additional spaces are provided for outside storage of test vehicles which requires SLU approval. A total of 445 parking spaces will be provided on site.

4. The parking layout meets minimum requirements and parking spaces are provided for the handicapped (14 are required and 16 are provided). 2 handicapped spaces are van accessible.

5. Building, parking, and dumpster setback requirements will be met.

6. Greenbelts will be provided. The required 25 ft. greenbelt with staggered 8 ft. evergreen trees surrounding the proposed outside storage of test vehicles have been provided.

7. Landscape requirements will be met and calculations have been submitted.

8. Loading/unloading area will be met.

9. A note indicates lighting will be provided at 1/4 lumen per sq. ft. of parking.

10. A note indicates that signs shall meet the requirements of Zoning Ordinance No. 372.

11. A note indicates that parking spaces shall be double striped.

12. All roof-mounted and ground-mounted mechanical equipment will be screened.

13. A note indicates that there will be no pallet storage, overnight vehicles, or trailer storage (except for the proposed outside storage of test vehicles).

ADDITIONAL COMMENTS:

1. Site Plan approval shall be subject to Special Land Use approval by City Council of the petitioner’s request for outside storage of test vehicles.

Mr. Jim Butler, Professional Engineering explained what they are proposing is 174,000 square foot research and development facility for BorgWarner Automotive. He continued from an architectural and engineering stand point this was a very challenging site, the site falls 70 feet to I-75. Both the parking lot and the 3 story building has been stepped down, with this method there is no need for retaining walls and preserving much of the topography. The outside storage of test vehicles can contain a maximum of 54 vehicles and it will be screened and fenced. There is a proposal for an expansion of this building in the
near future and that is why the landscaping has been placed so far from the current building. The parking will accommodate 391 spaces plus the 54 for a total of 445.

Mr. Dan Lamble, Studio "B" Architects, explained the attempt of the building design was to keep the curves of the wetlands and the road as it comes into the site. Mr. Lamble continued stating they wanted to keep the natural features of the property such as the wetlands, trees, and by planting of wildflowers and natural vegetation. All of the rooftop mechanicals will be screened Mr. Lamble explained, and the main building will be masonry. The laboratory will have a metal siding facade, and the entire building will have glass for natural light. In answer to Mr. Beckett, Mr. Lamble explained the roof line is to combine engineers office area with the laboratory technicians. The roof line is lifted off the main roof with a clear glass story on either side and runs the length of the building.

Ms. Cooper asked if there would be signage on the building and Mr. Lamble replied there would be two signs, one at the cul-de-sac entrance and the other along I-75, but none on the building itself.

In answer to Mr. Beckett, Mr. Lamble said this building will be doing all research on proto-type parts, for the BorgWarner Power Train Technical Center. Mr. Lamble continued the first phase will be the transmission work and the second phase will be the engine work, with no manufacturing at all. Mr. Beckett asked if the test cars would be there on a regular basis. Mr. Lamble explained there would always be cars there, but the number will fluctuate. In reply to Mr. McKissack, Mr. Lamble said some of the cars will be driven home by the engineers and the cars will always be new cars, never just parts of cars or old vehicles.

Mr. Schoonfield questioned the number of parking spaces as opposed to the number of employees, 391 parking spaces with 420 employees. Mr. Lamble explained the employees are out in the field frequently, people car pool, and there is flex time, so the parking lot is never full. Mr. Lamble continued, stating even with the expansion, there is plenty of parking including the land banked area.

Mr. Schoonfield asked about the chassis dynamometer, if it was a separate building or location. Mr. Lamble explained it is outside covered by a canopy and built into the side of a hill. This way it is naturally insulated from the earth and the sound is kept to a minimum, explained Mr. Lamble. Answering Mr. Schoonfield, Mr. Lamble said there are bay windows on the third floor overlooking the lab, this will be used as a sales and marketing tool.

Mr. Ouellette stated he was disappointed this building was not closer to I-75. Mr. Lamble said many studies were done and it was determined this proposed location was the optimum solution for Borg Warner, however it will be visible from I-75.

Ms. Hurt-Mendyka questioned what type of hazardous substances will be housed at this facility. Mr. Lamble explained it wasn’t really a hazardous substance, it was transmission oil. Mr. Cohen stated most of the proposed buildings go before the ERB for review under that provision because of the type of materials they use on site. Mr. Lamble said there will be dykes around the transmission fluid.

Responding to Ms. Hurt-Mendyka, Mr. Lamble said the main operation is 8:00 a.m. until 5:00 p.m., but there are two shifts, both having flex time.

In answer to both Mr. Ouellette and Ms. Hurt-Mendyka, Mr. Lamble stated the parking would be well lit with light pointing towards the ground and it would not have any affect on I-75 traffic.

Mr. Lamble said the wetlands would stay in their natural state, however, they would be speaking with the DEQ to clean up some of the dead vegetation and garbage.

Being there were no further questions, Mr. Beckett closed the public hearing at 8:10 p.m.

Ms. Cooper moved to recommend to the City Council approval of SLU 00-23, BorgWarner Automotive
Planning Commission - August 17, 2000
Page 4 of 4

(Sidwell No. 14-03-401-013), to allow the Special Land Use for outside storage of test vehicles overnight and on weekends at the proposed building, on a site zoned T & R, Technology and Research district. The property is generally located south of Harmon Road, between Giddings Road and Lapeer Road. This is to include the discretionary findings of fact found in Mr. Cohen's letter dated August 11, 2000 and all applicable City consultants and agencies.
Supported by Mr. Spurlin,

VOTE

Yes: Beckett, Cooper, Hurt-Mendyka, McKissack, Ouellette,
No: None

Motion Carried (8-0)

Ms. Hurt-Mendyka moved to recommend to the City Council approval of SP 00-33, BorgWarner Automotive (Sidwell No. 14-03-401-013), Site Plan to construct a 174,706 sq. ft. office/light industrial building on a site zoned T & R, Technology and Research district. The property is generally located south of Harmon Road, between Giddings Road and Lapeer Road. This is to include the discretionary findings of fact found in Mr. Cohen's letter dated August 11, 2000 and all applicable City consultants and agencies.
Supported by Mr. Ouellette

VOTE

Yes: Beckett, Cooper, Hurt-Mendyka, McKissack, Ouellette,
No: None

Motion Carried (8-0)
CALL TO ORDER: Mayor McMillin called the City Council Meeting to order at 7:30 p.m. with the Pledge of Allegiance

ROLL CALL: Present: Mayor McMillin, Mayor Pro Tem Cooper, Council Members Davis, Harvey-Edwards, McDonald, Pillsbury, and Sendegas
Absent: None
Also Present: City Manager Ross, Assistant City Manager Greve, Community Development Director McBroom, Manager of Public Utilities Melcher, Clerk Venos, Police Chief Olko, City Assessor Bennett, Economic Development Coordinator Miller, City Engineer Hiltz, Planning Commissioners Schoonfield and Hurt-Mendyka, Brownfield Redevelopment Authority Chair Capen, Tax Abatement Review Member Marien, TIFA Board Member Bennett and Attorney Beckerleg
35 Guests

LOCATION: Civic Center, 1827 N. Squirrel Road, Auburn Hills MI 48326

8. NEW BUSINESS
8a. SLU00-23, BorgWarner Automotive - request for Special Land Use approval to allow the outside storage of test vehicles overnight at the proposed building on property zoned T&R Technology and Research, located south of Harmon Road, between Giddings Road and Lapeer Road (Sidwell No. 14-03-401-013); and
8b. SP00-30, BorgWarner Automotive - request for Site Plan and Tree Removal Permit approval to construct a 174,706 sq. ft. office/light industrial building on a site zoned T&R, Technology and Research, located south of Harmon Road, between Giddings Road and Lapeer Road.

Mr. McBroom advised that both the SLU and Site Plan for BorgWarner were considered and recommended for approval by the Planning Commission at the meeting of August 17, 2000. The request for Special Land Use approval is to store test vehicles outside behind the facility. This area will be fenced and screened. The Site Plan is to construct a 174,706 sq. ft. building with portions being three stories and portions being two stories on the southeast corner of Automation Avenue.

In response to Ms. Harvey-Edwards, Mr. Dan Lamble, Studio “B” Architects, stated the company would be storing approximately 500 gallons of transmission oil. This would be stored within the building in an enclosed area with ability for cleanup on site, if needed.

Ms. Cooper stated for clarification of the motion for Special Land Use, the storage is for overnight and on weekends for no more than 54 vehicles.

In answer to Mayor McMillin, Mr. McBroom said the nearest residential site is at least one mile.

Ms. Cooper moved to accept the Planning Commission recommendation and approve the Special Land Use to allow the outside storage of test vehicles overnight and on weekends at the proposed building on property zoned T&R, Technology and Research, located south of Harmon Road, between Giddings Road and Lapeer Road (Sidwell No. 14-03-401-013) including the discretionary findings of fact from Mr. Steve Cohen, subject to any conditions as recommended by all appropriate agencies.
Supported by Mrs. Sendegas

VOTE: Yes: Cooper, Davis, Harvey-Edwards, McMillin, McDonald, Pillsbury, Sendegas
No: None
Ms. Harvey-Edwards moved to approve SP00-33 and the tree removal permit for Borg Warner Automotive to construct a 174,706 sq ft office/light industrial building on a site zoned T&R, Technology and Research, located south of Harmon Road, between Giddings Road and Lapeer Road, including the discretionary findings of fact from Mr. Steve Cohen, subject to any conditions as recommended by all appropriate agencies.

Supported by Mr. Pillsbury

VOTE:        Yes:  Cooper, Davis, Harvey-Edwards, McMillin, McDonald, Pillsbury, Sendegas
             No:  None

Motion carried (7-0)
UPDATE 1-BorgWarner posts strong profit, reaffirms 2013 outlook
Thu, Apr 25 2013

DETROIT, April 25 (Reuters) - BorgWarner Inc, which makes automotive turbochargers and emissions systems, posted higher-than-expected operating profit on Thursday as both of its businesses topped forecasts, and the company reaffirmed its full-year financial outlook.

"The focus on fuel economy and improved emissions continued to drive growth for BorgWarner in most parts of the world, but sharp declines in light vehicle production in Europe, a market that comprises nearly half of our sales, more than offset this growth," Chief Executive James Verrier said in a statement.

Morgan Stanley analyst Ravi Shanker said investors would likely be relieved by the full-year outlook, given the weakness in Europe, where industry vehicle production in the first quarter fell 9 percent.

Shanker also cited the auto supplier's strong operating margin of 11.7 percent. Those positives "should leave Borg with a lot of room to beat modest consensus expectations as the production rate steps up and (comparisons) get easier in the back half of the year," he said in a research note.

Net earnings in the first quarter attributable to the company declined to $142 million, or $1.22 a share, from $163 million, or $1.28 a share, a year earlier.

Excluding one-time items, BorgWarner earned $1.30 a share, 6 cents better than the average forecast of analysts polled by Thomson Reuters I/B/E/S. Foreign exchange reduced earnings by 3 cents a share, and Shanker said a lower-than-expected share count aided the outperformance by 2 cents.

Sales fell 3 percent to $1.85 billion due to sharp production declines in Europe. Analysts had expected $1.83 billion. Excluding the impact of foreign currencies and dispositions, sales fell 1 percent.

Sales in the company's engine group business were down 3.8 percent to $1.26 billion, while operating income declined by about the same rate to $202 million. However, both of those results were above what Shanker had forecast.

The drivetrain group's sales of $601 million came up short of Shanker's estimate, but the $56 million operating income topped expectations.

BorgWarner said its outlook for the year is unchanged. It still expects sales to grow 2 percent to 6 percent, while net earnings per share, excluding one-time items, should be $5.15 to $5.45. Analysts have been expecting full-year sales of $7.46 billion and earnings of $5.29 a share.

The Auburn Hills, Michigan-based company is one of the biggest suppliers of turbocharging technology, which has been increasingly used by automakers, including Ford Motor Co and Hyundai Motor Co, to boost fuel economy and meet upcoming federal standards for fuel mileage.

BorgWarner shares were up 2 percent at $76.68 in morning trading on the New York Stock Exchange.
BorgWarner Turbocharged Growth Leads Auto Supplier Surge

By Mark Creliher - Apr 12, 2013

With U.S. auto sales percolating at the best pace since 2007, parts suppliers are riding high, too -- and none more so than BorgWarner Inc. (BWA)

BorgWarner outperformed every auto supplier in North America over the past three years. Shares of the turbocharger maker more than doubled from 2010 through 2012, which means that solid, stolid old BorgWarner, founded in the Roaring '20s, beat some far more stylish companies. From the beginning of 2010, its stock returned four times more than Google Inc. (GOOG)

The question now is whether Auburn Hills, Michigan-based BorgWarner's hot hand gives new Chief Executive Officer James Verrier a big head start in doing well or an impossibly hard act to follow. The exact split of opinion is telling: Among analysts surveyed by Bloomberg, 12 rate it a buy and 12 a hold. There are no sells.

“He has a significantly tougher job because he's inheriting a business that's operating well and has high expectations,” Matt Stover, an analyst with Guggenheim Securities in Boston, said in an interview.

The surge in BorgWarner’s market value to $8.75 billion as of yesterday has been part of a rally throughout the U.S. supplier industry. The Bloomberg Industries North American Auto Parts index more than doubled since the start of 2010 to a 52-week closing high of 408.21 yesterday. U.S. employment in the sector, which peaked at 845,900 in June 2000, rebounded to 487,300 in January after bottoming in July 2009 at 386,300, according to the Original Equipment Supplier Association, a trade group.

Company History

BorgWarner was founded in 1928 by a group of entrepreneurs that included the inventor of the first manual transmission, according to the company’s website. While it still makes transmission parts, its primary product is turbochargers and it competes in a crowded space that also includes
giants Continental AG (CON), Robert Bosch GmbH and Cummins Inc. (CMI) As recently as April 2010, it was trading at a 64 percent discount to the auto parts index.

That’s when the revival of the U.S. car industry began to take hold. Just as important for BorgWarner, governments around the world increasingly began mandating more efficient engines for better gas mileage.

Demand for BorgWarner’s turbochargers soared. The company has 29 percent of the U.S. market, ahead of Cummins and Honeywell International Inc. (HON), with 27 percent and 23 percent, according to IBISWorld, a Santa Monica, California-based researcher.

Turbochargers compress air to maximize the power an engine produces. Automakers, forced by governments in the U.S., Europe and Asia to improve fuel efficiency and lower emissions, are turning to smaller, lighter engines. They’re using turbos to give buyers the power and acceleration they still want.

**CAFE Rating**

“Smaller displacement and forced induction,” Kevin Tynan, auto analyst for Bloomberg Industries in Skillman, New Jersey, said in an interview. “This is the way the industry is going.”

The U.S. requires automakers to double their corporate average fuel economy rating, known as CAFE, to 54.5 miles (88 kilometers) per gallon by 2025.

Ford Motor Co. (F) said April 2 that about 40 percent of the F-150 pickups it has sold to individual buyers this year in the U.S. had six-cylinder engines powered by turbos BorgWarner helps supply. As recently as 2010, Ford didn’t sell any six-cylinder F-150s.

Light-vehicle makers bought about 25 million turbos globally last year, BorgWarner estimates. By 2017, that number will increase to 41 million, the company projects. Just-Auto.com, a Bromsgrove, England-based market research firm, forecasts as many as 44.9 million by 2017.

**Turbocharger Stats**

Sales of turbochargers for light vehicles alone make up 26 percent of BorgWarner’s $7.18 billion in annual revenue. Its customers include Ford, Volkswagen AG (VOW), Daimler AG (DAI), Hyundai Motor Co. and General Motors Co. (GM)

Turbo sales will make up about half of BorgWarner’s net new business for 2013 through 2015, according to the company. Of that, 80 percent is outside the U.S., for customers such as Ford, VW,

Bayerische Motoren Werke AG (BMW) and Fiat SpA. (F) China represents about a third of BorgWarner's net new business.

"BorgWarner's portfolio is uniquely situated around fuel efficiency and will play a major role in automakers' ability to meet more stringent requirements," Joseph Spak, an analyst with RBC Capital Markets, who rates BorgWarner the equivalent of a buy, wrote in a research note.

The company's discount to the Auto Parts Index began narrowing after April 2010, according to weekly data compiled by Bloomberg. Investors paid as much as a 55 percent premium for BorgWarner's forecast earnings when compared with the index in July 2012, the data show.

Manganello’s Record

Analysts give credit to Tim Manganello, who was named CEO of BorgWarner on Feb. 5, 2003. He was known for spending to support the business and keeping tight controls on the rest. Visitors to the corporate offices, for example, looked up the CEO's extension from a vinyl binder on a counter next to the phone. No secretary, no comfy waiting area. The nearby research and development center was a bit more plush.

"It's gorgeous," Stover said. "It showed they were putting their money where it mattered. As an investor, you like that."

Manganello, 63, retired at the end of last year. The stock quadrupled under his tenure, while sales more than doubled.

Verrier, 50, then took the helm at BorgWarner. Verrier has been with the company for 24 years. His prior positions have included vice president of BorgWarner's turbo systems and passenger-car products based in Germany. He was named chief operating officer in March 2012.

The CEO declined an interview request, said Erika Nielsen, a company spokeswoman.

Verrier’s Task

Verrier inherits a company that's not flying as high as it was just recently. The stock has slipped 7.4 percent in the 12 months ended yesterday. BorgWarner this month has traded at a discount to the North American Parts Index for the first time since July 2011, according to weekly data compiled by Bloomberg.

Europe is the culprit. Vehicle sales in the region are headed to the lowest level in 19 years because of the region's sovereign-debt crisis. BorgWarner's European sales began to slump six years ago.
and the drop accelerated over the past two. In 2011, 56 percent of its sales were in Europe; now it’s 51 percent.

While BorgWarner’s competitors also have been hurt by the European slump, a larger percentage of BorgWarner’s sales are there. Cummins’ auto-parts unit, for example, gets about 17 percent of its revenue from Europe and the Middle East.

Because of BorgWarner’s success over the past three years, Stover, for one, is taking a wait-and-see attitude.

‘Real Question’

“I’m not saying they can’t continue it, but the conditions are always more challenging when the expectations are higher,” Stover said. “The real question is what are the longer term sources of growth for BorgWarner and how is the company going to protect its margins.”

Stover says “the market is quietly betting against them.”

David Leiker, an analyst with Robert W. Baird & Co., has a hold on the stock.

“The reality is the last 18 months have been a bit of a struggle,” he said in an interview. “BorgWarner is a fantastic company with great technology. The struggle has been that the valuation has gotten ahead of the earnings growth,” though he added, “I think that’s coming to an end.”

Manganello will remain as executive chairman until he steps down at BorgWarner’s April 24 annual meeting.

“The last five to seven years have been really special for the company,” Stover said. “It’s sort of unfair in a way for Verrier. The hardest thing to do is upstage an act like the one we’ve seen.”

To contact the reporter on this story: Mark Clothier in Southfield, Michigan at mclothier@bloomberg.net

To contact the editor responsible for this story: Jamie Butters at jbutters@bloomberg.net

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CHECK LIST

PROJECT NAME

BorgWarner Expansion

(check all that apply)

✓ SITE PLAN

✓ SPECIAL LAND USE

REZONING

PUD

The following items have not been included in your packet of information since they are either common non-controversial items or the recommendations have been noted in the project’s cover letter. However, if you wish to see a copy they are on file in the Community Development Department.

(check all that apply)

✓ Public Notice

N/A Resident Letters of Concern (which are not included in PC minutes)

N/A Copy of Citizen Participation Letter and Response

✓ Police Department Recommendation Letter

✓ Fire Department Recommendation Letter

✓ Woodlands Consultant Letter
To: Mayor and City Council
From: Peter E. Auger, City Manager and Antonio Macias, Assistant Fire Chief
Submitted: May 2, 2013
Subject: Motion – Adopt Oakland County Hazard Mitigation Plan (HMP)

INTRODUCTION AND HISTORY

In 2012, the Oakland County Homeland Security Division, with the help of the Oakland County Advisory Committee, Oakland County Local Emergency Planning Committee (LEPC), local communities, schools, colleges, universities and ASTI Environmental updated the county’s Hazard Mitigation Plan.

In late 2012, the Federal Emergency Management Agency (FEMA) approved the updated Hazard Mitigation Plan. FEMA approval, however, is contingent upon adoption by each municipality. The plan was adopted by the Oakland County Board of Commissioners on January 23, 2013, and now must be adopted by each individual community. Communities must adopt either the entire Plan or their individual sections to maintain eligibility for FEMA hazard mitigation grant funding.

STAFF RECOMMENDATION

Staff recommends that the City of Auburn Hills adopt the entire Oakland County Hazard Mitigation Plan in order to remain eligible for FEMA funding in case such a need arises.

MOTION

Move to adopt the Oakland County Hazard Mitigation Plan (HMP)

I CONCUR: ____________________________ on behalf of

PETER E. AUGER, CITY MANAGER
ADOPTION OF THE OAKLAND COUNTY HAZARD MITIGATION PLAN

WHEREAS, the mission of the City of Auburn Hills includes the charge to protect the health, safety, and general welfare of the people of Auburn Hills; and

WHEREAS, Auburn Hills, Michigan is subject to flooding, tornadoes, winter storms, and other natural, technological, and human hazards; and

WHEREAS, and the Oakland County Homeland Security Division and the Oakland County Local Emergency Planning Committee, comprised of representatives from the County, municipalities, and stakeholder organizations, have prepared a recommended Hazard Mitigation Plan that reviews the options to protect people and reduce damage from these hazards; and

WHEREAS, the City of Auburn Hills has participated in the planning process for development of this Plan, providing information specific to local hazard priorities, encouraging public participation, identifying desired hazard mitigation strategies, and reviewing the draft Plan; and

WHEREAS, the Oakland County Homeland Security Division (HSD), with the Oakland County Local Emergency Planning Committee (LEPC), has developed the OAKLAND COUNTY HAZARD MITIGATION PLAN (the “Plan”) as an official document of the County and establishing a County Hazard Mitigation Coordinating Committee, pursuant to the Disaster Mitigation Act of 2000 (PL-106-390) and associated regulations (44 CFR 210.6); and

WHEREAS, the Plan has been widely circulated for review by the County’s residents, municipal officials, and state, federal, and local review agencies and has been revised to reflect their concerns; and

NOW THEREFORE BE IT RESOLVED by the City Council of Auburn Hills that:

1. The Oakland County Hazard Mitigation Plan is hereby adopted as an official plan of the City of Auburn Hills.
2. The Director of Emergency Services is charged with supervising the implementation of the Plan’s recommendations, as they pertain to the City of Auburn Hills and within the funding limitations as provided by the City of Auburn Hills or other sources.

Passed by the Auburn Hills City Council on May 6, 2013.

__________________________
City Clerk Signature

Vote:

Yes_____ No_____
Mitigation Strategies 2005

1) Provide funding for additional training and equipment to be used for hazmat and mass casualty accidents.
   - Progress: ONGOING - Emergency response personnel coordination through the MABAS 3201 Group has reduced some of the risks identified previously.

2) Stockpile bottled water to be distributed during power outages. Provide emergency generators as needed to senior citizen facilities during power outages.
   - Progress: (1) COMPLETED, (2) ONGOING - Agreements have been reached with local retailers to supply bottled water to the City's first responders when needed. There continues to be a lack of generators at area senior housing facilities.

3) Re-engineer community roads that are susceptible to flooding around the Clinton River.
   - Hazard(s) Addressed: Flooding - Riverine
   - Progress: COMPLETE - Infrastructure improvements raised the height of the bridge, reducing flooding.

Mitigation Strategies 2012

1) Continue to coordinate training for hazmat and mass casualty incidents.
   - Hazard(s) Addressed: Fire - Structural, Hazmat Incidents - Transportation, High Winds and Tornadoes

2) Continue to seek funding for backup generator power for senior citizen housing facilities during power outages.
   - Hazard(s) Addressed: High Winds and Tornadoes, Infrastructure Failure - Electrical Systems, Winter Hazards
5.2.2 City of Auburn Hills

Due to the large number or people attending events at The Palace of Auburn Hills, tornadoes are a particular hazard of concern. Hazmat incidents, both fixed locations and transportation related, were also of concern in the City of Auburn Hills.

A large volume of trucks traveling on M-59 and I-75 present a hazmat threat. According to Auburn Hills representatives, emergency response teams need additional training, and sufficient equipment to respond properly to potential emergencies involving hazardous materials.

Auburn Hills is home to 18-20 corporate world headquarters and; therefore, is at an increased risk for a civil disturbance or terrorist hazard.

With the downturn in the regional economy and the changes in State welfare policies, there is renewed concern that there may be a negative impact in the crime rates in Auburn Hills. The crime rate in Pontiac, an adjoining community, has increased and Auburn Hills is experiencing some overflow from the statewide changes.

There are two large landfill sites in the City. One is older and is under frequent monitoring by MDEQ for higher than acceptable methane levels that may put it at an increased risk for fire and/or explosion.
DATE: MAY 1, 2013

AGENDA ITEM NO. 9C.

To: Mayor and City Council
From: Peter E. Auger, City Manager; Ron Melchert Director of Public Service; and Jeff Herczeg, Manager of Public Utilities
Submitted: May 2, 2013
Subject: Resolution - Clinton-Oakland Sewage Disposal System 2013 Inter-Municipal Contract.

INTRODUCTION AND HISTORY

In 1967 the City of Auburn Hills entered into an Inter-Municipal contract with Oakland County, the history of said contract and the Clinton-Oakland Sanitary Disposal System (COSDS) along with documentation from the City of Auburn Hills’ attorney, Secrest Wardle, are attached in this City Council packet.

In 2009 the agency responsible for the administration and operation of COSDS, known as the Oakland County Water Resource Commission (OCWRC), entered into a District Compliance Agreement (DCA) with the Michigan Department of Environmental Quality (MDEQ), whereby the County Agency agreed to eliminate sanitary sewer overflows (SSOs) and provide future system capacity to Municipal customers. This agreement includes provisions for capital improvements to the Oakland Macomb Interceptor Drain (OMID) consistent with the MDEQ requirements.

Therefore, the City of Auburn Hills and all other identified municipal users of the Clinton-Oakland Sanitary Disposal System mutually resolve to enter into a new (2013) Inter-Municipal Contract.

STAFF RECOMMENDATION

Based on the existing contract, elimination of sanitary sewer over-flows, insurance of future capacity, and the necessary administration and operation of the Clinton-Oakland Sanitary Sewer Disposal System, staff recommends approval of the 2013 Inter-Municipal Contract.

MOTION

Move to approve the Clinton-Oakland Sewage Disposal System 2013 Inter-Municipal Contract.

I CONCUR: on behalf of

PETER E. AUGER, CITY MANAGER
April 30, 2013

Ronald J. Melchert  
Director of Public Service  
City of Auburn Hills  
N. Squirrel Road  
Auburn Hills, MI 48326

Re: Clinton-Oakland Sewage Disposal District  
Resolution Approving Attached Clinton-Oakland Sewage Disposal System 2013 Inter-Municipal Contract.

Dear Mr. Melchert:

Attached please find a proposed Resolution Approving Attached Clinton-Oakland Sewage Disposal System 2013 Inter-Municipal Contract for City Council consideration at the May 6, 2013 regular City Council Meeting. The Inter-Municipal Contract is between the Municipalities participating in the Clinton-Oakland Disposal System and Oakland County.

The Office of the Water Resources Commissioner is the County Agency responsible to administer and operate the Clinton-Oakland Sewage Disposal District on behalf of the participating municipalities. The Water Resources Commissioner has proposed the new Contract to incorporate changes to the Clinton-Oakland Disposal System to address sanitary sewer overflows and capacity.

If you have any questions, please feel free to contact me at 248-539-2803.

Sincerely,

Nancy Cooper Green

NCH:jw
Enclosure
cc:  Peter E. Auger, City Manager  
     Thomas A. Tanghe, Assistant City Manager  
     Teri Kowal, City Clerk  
     Derk W. Beckerleg, Esq.
CITY OF AUBURN HILLS
RESOLUTION APPROVING ATTACHED
CLINTON-OAKLAND SEWAGE DISPOSAL SYSTEM
2013 INTER-MUNICIPAL CONTRACT

At a regular meeting of the City Council for the City of Auburn Hills, Oakland County, Michigan, held on May 6, 2013, at 1827 N. Squirrel, Auburn Hills, Michigan. The following preamble and resolution were offered by Member ____________, and supported by Member ____________:

WHEREAS, the proposed Clinton-Oakland Sewage Disposal System 2013 Inter-Municipal Contract has been presented to the City Council for consideration and approval between the County of Oakland (referred to as the "County") and the following municipalities: the City of Auburn Hills, and the Charter Township of Independence, the Village of Lake Orion, the Charter Township of Oakland, the Charter Township of Orion, the Charter Township of Oxford, the Village of Oxford, the City of Rochester, the City of Rochester Hills, the Charter Township of West Bloomfield, and the Charter Township of Waterford (referred to collectively as the "Municipalities").

WHEREAS, the proposed 2013 Inter-Municipal Contract is to replace and supersede the 1967 Clinton-Oakland Sewage Disposal System (COSDS) Contract and the capacity allocations set forth therein; the COSDS Paint Creek Interceptor Contract, and the capacities set forth therein; the COSDS Gibson-Avon Arm and the capacities set forth therein; the Rochester Connection contract; and the COSDS Management Agreement dated January 1, 1996; establish allocations of contract capacities, provide the method of cost allocation and/or re-allocation of capital and interest charges on existing and future System and Oakland Macomb Interceptor Drain Drainage District (OMIDDD) facilities; and provide for the imposition of charges for sewage treatment services, and costs associated with administration, operation and maintenance.

THEREFORE, BE IT RESOLVED, that the City hereby approves the attached "Clinton-Oakland Sewage Disposal System 2013 Inter-Municipal Contract" between the County and the Municipalities to, among other things, replace and supersede the 1967 COSDS Contract.
and the capacity allocations set forth therein; the COSDS Paint Creek Interceptor Contract, and the capacities set forth therein; the COSDS Gibson-Avon Arm and the capacities set forth therein; the Rochester Connection Contract; and the COSDS Management Agreement dated January 1, 1996; establish allocations of contract capacities, provide for method of cost allocation and/or re-allocation of capital and interest charges on existing and future System and OMIDDD facilities; and provide for the imposition of charges for sewage treatment services, and costs associated with administration, operation and maintenance.

BE IT FURTHER RESOLVED that the Mayor and the City Clerk are authorized and directed to execute and deliver the Contract on behalf of the City; and the number of counterparts that may be executed is not limited.

AYES:

NAYES:

ABSTENTIONS:

RESOLUTION DECLARED ADOPTED THIS 6th DAY OF MAY, 2013.

CERTIFICATION

STATE OF MICHIGAN )
COUNTY OF OAKLAND )

I, Teri Kowal, the duly qualified 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 by the City Counsel of the City of Auburn Hills on the 6th day of May, 2013. The original is on file in the Office of the Clerk.

TERI KOWAL
CITY CLERK
THIS CONTRACT, made and entered into as of the 1st day of April, 2013, by and among the COUNTY OF OAKLAND, a Michigan constitutional corporation (hereinafter sometimes referred to as the "County"), by and through its Water Resources Commissioner, County Agency, and the CITY OF AUBURN HILLS, a Michigan home rule city, the CHARTER TOWNSHIP OF INDEPENDENCE, a Michigan charter township, the VILLAGE OF LAKE ORION, a Michigan home rule village, the CHARTER TOWNSHIP OF OAKLAND, a Michigan charter township, the CHARTER TOWNSHIP OF ORION, a Michigan charter township, the CHARTER TOWNSHIP OF OXFORD, a Michigan charter township, the VILLAGE OF OXFORD, a Michigan home rule village, the CITY OF ROCHESTER, a Michigan home rule city, the CITY OF ROCHESTER HILLS, a Michigan home rule city, the CHARTER TOWNSHIP OF WATERFORD, a Michigan charter township, the CHARTER TOWNSHIP OF WEST BLOOMFIELD, a Michigan charter township, and the CITY OF LAKE ANGELUS, a Michigan home rule city, all located in the County of Oakland, State of Michigan, (collectively, the "Municipalities" or individually, a "Municipality").

WITNESSETH:

WHEREAS, pursuant to the provisions of Act 185, Public Acts of Michigan, 1957, as amended ("Act 185"), the Board of Supervisors of the County of Oakland (now known as the Board of Commissioners of the County of Oakland), by Miscellaneous Resolution No. 4342, adopted June 22, 1964, established the Clinton-Oakland Sewage Disposal System (herein sometimes referred to as "COSDS" or "System"), to serve certain Oakland County communities within the Clinton-Oakland Sewage Disposal System District (herein sometimes referred to as the "COSDS District") and which initially provided for construction of certain trunk sewers and
pumping facilities and the connection thereof to the interceptors and treatment facilities of other systems in the County and/or of the City of Detroit; and,

WHEREAS, pursuant to the provisions of Act 185, the Board of Commissioners of the County of Oakland, by Miscellaneous Resolution No. 4690, adopted March 9, 1967, authorized the County of Oakland to enter into the Amended Clinton-Oakland Sewage Disposal System Contract, dated January 11, 1967, (herein referred to as “1967 COSDS Contract”) for the establishment of the COSDS for the purpose of disposing wastewater from the Charter Township of Waterford, Township of Avon, Township of West Bloomfield, Township of Independence, Township of Orion, and the Township of Pontiac located in Oakland County, Michigan; and,

WHEREAS, pursuant to the provisions of Act 185, the Board of Commissioners of the County of Oakland, by Miscellaneous Resolution No. 5215, adopted November 6, 1969 authorized the County of Oakland to enter into the COSDS Paint Creek Interceptor Contract dated January 15, 1969 for the purpose of disposing wastewater from the Township of Oxford, the Township of Orion, the Township of Avon, the Township of Oakland, the Village of Oxford, and the Village of Lake Orion, located in the Oakland County, Michigan; and,

WHEREAS, pursuant to the provisions of Act 185, the Board of Commissioners of the County of Oakland, by Miscellaneous Resolution No. 6033, adopted June 1, 1972 authorized the County of Oakland to enter into the COSDS Gibson-Avon Arm Contract dated May 1, 1972, for the purpose of disposing wastewater from the Township of Avon; and,

WHEREAS, pursuant to Act 342, Public Acts of Michigan, 1939, as amended, the Board of Commissioners of the County of Oakland, by Miscellaneous Resolution No. 94144, adopted May 12, 1994 authorized the County of Oakland to enter into the City of Rochester Sewage Disposal System Contract, dated March 1, 1994, (hereinafter referred to as the “Rochester
Connection Contract") whereby the City of Rochester agreed to certain conditions set forth in the COSDS 1967 Contract; and,

WHEREAS, since the date of the 1967COSDS Contract, the Township of West Bloomfield, the Township of Independence, the Township of Orion, Township of Oxford, Township of Oakland have become Michigan charter townships; the Township of Avon has become the City of Rochester Hills and City of Rochester; the Township of Pontiac has become the City of Auburn Hills; and the City of Lake Angelus has become subject to the provisions of the 1967COSDS Base Contract pursuant to its purchase of flow capacity in the System; and,

WHEREAS, since the date of the 1967 COSDS Contract through mutual resolutions and various agreements and amendments thereto, which included the acquisition and in some instances construction of sewage disposal facilities and extensions of trunk sewers, interceptors, and pumping facilities, the COSDS has come to include all of the Municipalities identified herein; and,

WHEREAS, pursuant to Act 139, Public Acts of Michigan, 1973 the Board of Commissioners by Miscellaneous Resolution No. 93075, adopted June 10, 1973 and Act No. 342, Public Acts of Michigan, 1939, as amended (hereinafter sometimes referred to as "Act 342") the Board of Commissioners designated the Oakland County Drain Commissioner (now known as: the Oakland County Water Resources Commissioner) as the county agency responsible for administering, operating and maintaining the "Clinton-Oakland Sewage Disposal System" with all powers and duties with respect thereto as are provided by Act 342 (said Water Resources Commissioner being hereinafter sometimes referred to as the "County Agency"); and,

WHEREAS, pursuant to Chapter 21 of Act 40, Public Acts of Michigan, 1956, as amended, the Oakland-Macomb Interceptor Drain Drainage District ("OMIDDD"), a Michigan statutory public corporation, was established July 14, 2009, to acquire from the City of Detroit
the Oakland-Macomb Interceptor, a 21-mile long interceptor sewer serving both the COSDS District and certain communities located in Macomb County and further to undertake extensive sewer rehabilitation repairs to the system to prevent catastrophic system failure and interruption in service; and,

WHEREAS, OMIDDD through its Drainage Board entered into a wastewater services contract with the City of Detroit, dated October 22, 2009 whereby the City of Detroit agreed to provide wastewater transportation, treatment and disposal services to the OMIDDD with a maximum flow limit from the System of 140 cubic feet per second (i.e. “cfs”) and, among other things, with the stipulation that the City of Detroit agrees to accept no less than 70% of all Instantaneous Flow (which is defined by the wastewater services contract with the City of Detroit, as Flow that is calculated and registered by a metering device designed to measure wastewater flow at specified intervals over a specified period in accordance with the Greater Detroit Regional Sewer System flow metering standards.) from the COSDS District area as existed in 2009; and,

WHEREAS, the County Agency, on behalf of the System, entered into a contract with the OMIDDD dated September 1, 2009 whereby the OMIDDD agreed to provide wastewater transportation and disposal services to the County to transport sewage from the System to the City of Detroit for treatment and disposal sufficient to meet the Total Maximum Allowable Flow Limit of the Municipalities served by the System, currently established at 140 cfs; and,

WHEREAS, In September 2009, the County Agency, on behalf of the COSDS entered into a District Compliance Agreement (DCA) with the Michigan Department of Environmental Quality (MDEQ) whereby the County Agency agreed to eliminate sanitary sewer overflows (SSOs) and to provide System capacity by developing a COSDS Master Plan that would identify long-range capacity needs of the COSDS and potential projects; and
WHEREAS, based on the COSDS Master Plan and approval by the MDEQ, Oakland County negotiated with the City of Pontiac to form a new drainage district to acquire the City of Pontiac Wastewater Treatment Plant enabling the diversion of COSDS flow to the Pontiac Wastewater Treatment Plant; and,

WHEREAS, pursuant to Chapter 20 of Act 40, Public Acts of Michigan, 1956, as amended, the City of Pontiac Wastewater Treatment Facility Drainage District ("COPWTFDD"), a Michigan statutory public corporation, was established on May 15, 2012 to acquire from the City of Pontiac the City of Pontiac Wastewater Treatment Plant, a wastewater treatment plant that serves the City of Pontiac through the City of Pontiac-Oakland County Sewage Disposal System, a separate Act 342 sewage disposal system operated and maintained by the County, and which is also intended and available to serve the COSDS; and,

WHEREAS, in June of 2012, pursuant to the DCA and in accordance with the COSDS Master Plan, a project plan was submitted and approved by the MDEQ to design and construct two projects: the Pontiac wastewater treatment plant diversion facilities (a pump station and force main); and, a sewage retention tank (SRT) downstream of the COSDS Elizabeth Lake Pump Station; and,

WHEREAS, the County Agency, on behalf of the COSDS, has or will enter into a contract with the COPWTFDD whereby the County agrees to provide wastewater transportation and disposal services to the County to transport sewage flow from the COSDS to the COPWTFDD wastewater treatment plant for treatment and disposal sufficient to meet but not to exceed 30% of the instantaneous flow (which is defined by the wastewater services contract with the City of Detroit, as Flow that is calculated and registered by a metering device designed to measure wastewater flow at specified intervals over a specified period in accordance with the
Greater Detroit Regional Sewer System flow metering standards) from the COSDS District area as existed in 2009 as established by contract with the City of Detroit; and,

WHEREAS, the County, through its County Agency, and in consultation with the Municipalities has undertaken to prepare descriptions of the additional facilities for relief, rehabilitation, pollution control and abatement of pollution, allocations of capacities and cost estimates for proposed additional facilities and rehabilitation of facilities necessary to adequately serve the Municipalities or portions thereof located within the COSDS District; and,

WHEREAS, this contract is intended to replace and supersede the 1967 COSDS Contract and the capacity allocations set forth therein; the COSDS Paint Creek Interceptor Contract, and the capacities set forth therein; the COSDS Gibson-Avon Arm and the capacities set forth therein; the Rochester Connection contract; and the COSDS Management Agreement dated January 1, 1996; establish allocations of contract capacities, provide for method of cost allocation and/or re-allocation of capital and interest charges on existing and future System and OMIDDD facilities; and provide for the imposition of charges for sewage treatment services, and costs associated with administration, operation and maintenance; and,

WHEREAS, as a means to maximize the ability of the System to efficiently transport sewage flows from the Municipalities for treatment and disposal, the Municipalities and the County desire to enter in this this contract designated as the “Clinton-Oakland Sewage Disposal System 2013 Inter-Municipal Contract” for the assignment of capacity in the System as hereinafter set forth;
WHEREAS, this contract is necessary in order to promote the health and welfare of the residents of the Municipalities, which services and improvements would likewise benefit the County and its residents, and the parties hereto have concluded that the System and improvements can be provided and financed most economically and efficiently by the County through the exercise of the powers conferred by Act 342; and

THEREFORE, IN CONSIDERATION OF THE PREMISES AND THE COVENANTS OF EACH OTHER, THE PARTIES HERETO AGREE as follows:

1. **COSDS.** The County and the Municipalities reaffirm and approve the establishment of the Clinton-Oakland Sewage Disposal System in the County of Oakland, under provisions of Act 342, which will be available to transport sewage originating in the COSDS District as described in Exhibit A attached hereto, to the extent of the contract capacities purchased hereunder and as set forth in Exhibit B by each of the Municipalities to treatment facilities of the City of Detroit (including its successors and assigns), the COPWTFDD (including its successors and assigns) or other systems. The Municipalities by way of compliance with Section 29, Article VII, Michigan Constitution of 1963, consent and agree to the establishment and location of the System within their corporate boundaries and to the use by the County of its streets, highways, alleys, lands, rights-of-way or other public places for the purpose and facilities of the System and any improvements, enlargements or extensions thereof, and the Municipalities further agree that, in order to evidence and effectuate the foregoing agreement and consent, they will execute and deliver to the County such grants of easement, right-of-way, license, permit or consent as may be requested by the County.

2. **Provision of Services.** The County and the Municipalities understand and agree, subject to the terms of this contract, that the County will hold legal title to and be responsible for the administration, operation and maintenance of the COSDS facilities, and further, will accept
for transportation and disposal the sewage from the COSDS District (hereinafter referred to as "wastewater services"). It is understood that the System is designed to accept a maximum rate of flow from each of the Municipalities and therefore each Municipality shall be limited in the use of the System to the specific contract capacity of as specified in Exhibit B. The Municipalities expressly accept and hereby approve the capacities as set forth in Exhibit B. Each Municipality shall have the right to use the capacity in the System allocated to it under this contract within its respective corporate limits. Maximum Rate of Flow is the Municipalities’ contract capacity and shall mean the maximum allowable flow that a Municipality may deliver to the COSDS. This limit shall be expressed in units of cubic feet per second (i.e. cfs). The County and the Municipalities acknowledge that deviations over the Maximum Rate of Flow assigned to the Municipality may occur. If a Municipality exceeds its Maximum Rate of Flow more than three (3) times in a one (1) year period, the County shall give written notice to the Municipality to reduce or eliminate the problem causing the Municipality to exceed is Maximum Rate of Flow. Thereafter, the County and Municipality shall meet and develop a plan for reducing or eliminating the problem causing the Municipality to exceed is Maximum Rate of Flow. The County may require the Municipality to acquire additional capacity or undertake measures within the Municipality, such as, but not limited to, infiltration and inflow storm water removal or constructing appropriate storage. If the problem causing the Municipality to exceed is Maximum Rate of Flow is not corrected, the County Agency, in its sole discretion, shall permit no new lateral sewers in the offending Municipality to be connected to the sanitary sewers of the System, or to any sewer connected directly or indirectly to the sanitary sewers of the System. The County Agency shall have the authority to oversee and regulate the discharge of wastewater from each of the Municipalities and may take appropriate actions to protect the rights of all Municipalities. This authority may entail flow monitoring and flow regulation, if needed, to protect the rights of Municipalities in the COSDS District under this contract. The parties agree that in the event that it becomes necessary to install meters to monitor flow of wastewater in the System, the costs for installation and operation of such meters shall be borne by all Municipalities as a general system.
cost. In addition, should it become necessary to construct or install restrictive devices to limit such wastewater flow, the County shall, to the extent permitted by law, require the cost of such construction or installation be borne by the Municipality or Municipalities whose excess flow requires such construction and installation.

3. **Service Area.** The service area of the COSDS District is shown in Exhibit A. Subject to the terms and conditions set forth in this contract, the service area may be amended by the County Agency. It is understood and agreed between the County and Municipalities, that in accordance with the contract between County and the OMIDDD, the County agency will transport for treatment and disposal, sewage from the COSDS District to the OMIDDD with a maximum flow limit from the System of 140 cfs and, with the requirement that County will transport not less than 70% of all Instantaneous Flow, (which is defined by the wastewater services contract with the City of Detroit, as Flow that is calculated and registered by a metering device designed to measure wastewater flow at specified intervals over a specified period in accordance with the Greater Detroit Regional Sewer System flow metering standards) from the COSDS District area as existed in 2009 to the OMID System. In addition, it is anticipated with the construction of the COSDS Perry Street Diversion Project, an Act 342 project designed to permit the transportation and treatment of flow by the COPWTFDD wastewater treatment plant, that a portion of the sewage flow which shall not exceed 30% of the instantaneous flow from the COSDS District area as existed in 2009, will be treated at the COPWWTFDD wastewater treatment plant.

4. **Cost Re-allocation Based on Flow and Annual Flow-Based “True-up” for COSDS DCA and OMID Rehabilitation Projects.** The Municipalities agree to reallocate capital costs and interest on the outstanding indebtedness (principal and interest) for the COSDS DCA projects (Perry Street diversion project and future sewage retention tank or alternate project) based on a three-year rolling average flow volume from each of the Municipalities. It is understood that a
Municipality may receive a credit or charge based on this methodology on its sewage disposal invoice from the County. It is further understood and agreed by the Municipalities, that this paragraph is applicable to all OMIDDD Bond Series, Series 2010, 2010B and 2011 and future OMIDDD Bond issuances (e.g. financing for OMIDDD Segments 3 and 4). The County shall adjust its calculation and implementation of this re-allocation of costs (associated with financing of the projects identified herein), for the cash contributions made by a Municipality toward those projects (that is, the County will account for and adjust its billing based on volume, taking into consideration any Municipality that paid cash to avoid interest on bonds associated with projects identified herein). This paragraph shall be implemented beginning on July 1, 2013, based on three-year average flow calculated from October 1, 2009 through September 30, 2012, and take into consideration only the bond and interest payments for the July 1, 2013 through June 30, 2014 rate year (thus, not retroactive for bond and interest payments paid prior to that rate year). Thereafter, the County will utilize a three-year rolling average of flow calculated annually by the County, and will re-allocate the principal and interest charges based on the principal and interest paid during the rate year being reallocated for the projects identified herein. The Municipalities understand, for billing purposes, there will be two-year lag for the County to re-allocate bond and interest charges identified herein and “true-up” costs based on this methodology. By way of example, the rate year beginning July 1, 2013 through June 30, 2014, will be reallocated in rate year July 1, 2015 through June 30, 2016. Attached hereto, is Exhibit C which provides an example of the methodology to be employed by the County for reallocation and Annual Flow-based “True-up” of all COSDS common-to-all projects. The County Agency shall be responsible for administering the intent of this paragraph.

5. Utilization of Services. The Municipalities understand and agree that the County will be responsible for operation the COSDS on a non-profit basis for the benefit of the users and further, that the County is without funds to finance, operate and maintain the COSDS except as to those funds that are obtained from grants or from the beneficial users of the COSDS, namely,
the Municipalities. Therefore, in no event shall the County or its general fund be charged with or liable for the cost of administering, operating, and maintaining the COSDS. Subject to the conditions and terms set forth in this contract, each Municipality shall pay to the County such charges for the use of the COSDS and shall be sufficient to provide payment of all costs for wastewater transportation and sewage disposal services (hereinafter referred to as “wastewater services”) as established by the County Agency from time to time, which charges shall be sufficient to provide:

(a) For all costs of operating and maintaining the System, including the cost of sewage disposal services through and by any connection to the OMID System, City of Detroit sewage disposal system, connection to City of Pontiac Wastewater Treatment Facility Drainage District, and/or connection to the City of Pontiac-Oakland County Sewage Disposal System.

(b) For the establishment and maintenance of reserve funds in such amount as shall be determined by the County Agency, for the repair, replacement of equipment, accessories, or appurtenances and/or other improvements of the System as are necessary to maintain the capacity and performance of the System.

(c) For such amounts in the judgment of the County are necessary to pay for any losses or legal expenses arising from the operation and maintenance of the System.

(d) For all costs necessary for compliance with federal and state law and regulations.

(e) For any other proper and expenses relating to the System or the financing thereof.

6. **Ratemaking.** The Municipalities shall pay the County for wastewater services at such rates as the County may establish from time to time, it being mutually agreed and understood that such rates shall be based upon rates charged by OMIDDD to the County (based on its contract with the City of Detroit) for wastewater transportation, treatment and disposal, plus costs and charges incurred by County and OMIDDD for providing transportation services; and, further based upon rates charged by the COPWWTFDD to the County for wastewater treatment plus costs and charges incurred by County. Except as provided in paragraph 4 regarding “Cost Re-allocation Based on Flow and Annual Flow-Based “True-up” for COSDS
DCA and OMID Rehabilitation Projects”, all funds collected by the County from the Municipalities shall be utilized exclusively for the administration, operation, maintenance, reserves and benefit of the System. Service charges by the County for wastewater services shall be made to each Municipality upon a schedule of rates and charges promulgated from time to time by the County Agency. Any rates and charges specified in any such schedule shall be subject to increase by the County Agency at any time if necessary to provide funds to meet existing or future obligations associated with capital and interest on system bonds or other financing, or maintenance improvements of the System. Each of the Municipalities reserves the right to establish rates to be collected from its individual users (i.e. ratepayers) in an amount sufficient to pay its wastewater services charges or other charges as specified in this contract, to the County when due. Such rates may be fixed and established in such amounts as will produce additional funds for such Municipality to be used for any lawful purpose, pertaining to wastewater services charges and water supply in the event of joint municipal system.

7. **Proportional User Charges.** Each of the Municipalities agrees that it shall adopt and enforce ordinances, and any rules and regulations to implement and maintain a revenue system that, at a minimum, provides that the operation, maintenance and replacement charges and costs identified herein are distributed proportionately to each user or user class that is tributary to COSDS, OMID System, City of Detroit system and COPWTFFDD. In particular, such ordinance, rules and regulations shall provide that surcharges established by City of Detroit, OMIDDD, COPWTFFDD or the County for the recovery of incremental operation, maintenance and replacement costs of treating extraordinary concentrations of sewage, shall be billed to and collected from individual firms as identified by the City of Detroit, OMIDDD, COPWTFFDD or the County in its billings to the Municipalities. These rules and regulations shall conform to Section 204(b) (1)(A) of Public Law 92-500, as amended, and regulations of the United States Environmental Protection Agency (hereinafter referred to as the U.S. EPA), being 40 CFR, 35.929 through 35.929-3, and shall achieve a proportionate User Charge System which is
effective throughout COSDS District. The rules and regulations shall provide for monitoring of commercial, governmental and industrial users and shall be consistent with the monitoring rules and regulations of City of Detroit, OMIDDD, COPWTFDD and the County. The County shall have the right under said rules and regulations to audit all monitoring activities including the right to perform monitoring tests itself to verify the accuracy of monitoring results.

8. **Charges to be Based on Flow.** The charges for such wastewater services, except as hereinafter provided, shall be on the basis of the aggregate quantity of wastewater (including sanitary flow, dry weather infiltration and inflow, and a wet weather component) entering the COSDS from the Municipalities or other method as determined by the County Agency. Included in the computation of charges for wastewater services are all applicable costs and expenses associated with financing, administration, operation and maintenance, sewage disposal charges or other applicable expenses as determined by the County Agency. In the event that the County is billed directly by the City of Detroit or COPWTFDD for charges associated with high strength and industrial wastewater flows, such charges may be invoiced directly to the responsible Municipality or Municipalities as determined by the County Agency.

9. **Billing.** The wastewater services charges as herein provided shall be billed on either a monthly or quarterly basis by the County to the Municipalities. Any portion of the charges not related to accuracy or rates that are not paid by a Municipality to the County on the due date shall be subject to a finance charge at a rate of 1.5% per month for each month that they remain unpaid. Any portion of the total bill, plus any finance charges applied to the bill which are not paid by the next billing date, shall be shown on the next bill as arrears. If the accuracy of a bill is in dispute, a Municipality agrees to place the disputed amount of the bill in an interest bearing escrow account maintained by the County Treasurer pending resolution of the dispute and the finance charge shall thereupon cease. Accrued interest on the escrow account shall be allocated between the County and Municipality directly proportional with the resolution of the
dispute. The cost, if any, of maintaining the escrow account shall be allocated between the County and Municipality inversely proportional with the resolution of the dispute. Disputes related to rates for waste water services charged by the County are specifically excluded from the application of this paragraph. Claims for interest in any other billing dispute shall be resolved by a court of competent jurisdiction. It is understood and agreed, that the payment of wastewater services charges for each Municipality shall be the general obligation of such Municipality, and the County Agency shall have the right to utilize any method permitted by law for the collection of such charges due to the County under this contract.

10. Municipal Collection System. It shall be the obligation of each of the Municipalities to provide the necessary sanitary sewers to transport its sewage from the area served by the System or to cause the same to be provided by agreement with the County. All connections to the sanitary sewer interceptors of the System shall be made by the Municipality so connecting, at the Municipality’s expense, after first securing a permit from the County Agency. Any such permit may be made conditional upon inspection and approval of new construction by the County. No Municipality that is a party to this contract shall divert flow that is presently tributary to the COSDS to another sewage treatment plant or facility or construct or permit the construction of any new sewage treatment plant or facility within the COSDS District without the approval of the County Agency. This prohibition shall not apply to the area served by the City of Pontiac-Oakland County Sewage Disposal System, a separate Act 342 system administered by the County Agency.

11. Prohibition of Storm Water Connections. The County Agency shall establish and promulgate general rules and regulations controlling the discharge of sanitary sewage into the COSDS. Each of the Municipalities expressly understands and agrees that, except as provided by the County Agency’s regulations, no storm water sewers shall be connected directly to the sanitary sewers of the System, or to any sanitary sewers connected, directly or indirectly, to the
sanitary sewers of the System and as a condition of this contract, each Municipality shall adopt an ordinance in a form approved by the County Agency, prohibiting the entry of storm water into the System from any area served thereby in the Municipality. The County Agency agrees that it will take appropriate steps and actions to prohibit the entry of storm water into the System coming from sewers or other systems under the control of any public corporation or agency thereof.

12. **Public Purpose.** The County and the Municipalities enter this contract to serve the public health and welfare of the people of the State of Michigan, especially in the COSDS District.

13. **Engineering Standards.** The Municipalities agree to conform to generally acceptable standards and specifications established by the County Agency for the installation of wastewater collection, pumping, and transportation facilities which the Municipality will cause to have constructed within its corporate limits. The Municipalities shall submit plans for new sewers directly to the County Agency for review and approval.

14. **Violations of Flow Standards.** Each Municipality understands and agrees that it shall be responsible for the character of the wastewater originating therein and shall comply with County Agency's standards and regulations controlling the discharge of industrial and/or commercial types of wastes into the System. Accordingly, in cases where the character of wastewater from Municipalities or any portions thereof or from any commercial manufacturing or industrial plant, building or premises within the corporate limits of any Municipality or Municipalities is such that it imposes an additional burden upon the facilities of or services provided by County or the facilities of the OMIDDD, City of Detroit, and/or COPWTFDD above that which would be imposed through adherence to standard limitations, as established from time to time by the County Agency, OMIDDD, City of Detroit, COPWTFDD, or agencies of the state
or federal governments, for wastewater permitted to enter the COSDS and tributary systems, any additional costs necessitated thereby shall be an additional charge over the rates herein provided. The Municipalities shall refuse any person, firm, or corporation the right to discharge its wastewater into its wastewater system if such wastewater violates the standards or limitations established or to be established. The County also reserves the right to deny a Municipality’s discharge into the System, if necessary, to protect the System or the public health or safety.

15. **Compliance with Laws and Regulations.** The Municipalities agree to comply with all laws, ordinances, rules, regulations, and orders of the County, State of Michigan and United States of America applicable to the service area of the COSDS District, OMIDDD, City of Detroit’s wastewater disposal system within County, and the COPWTFDD, with reference to wastewater characteristics, collection and disposal, and water pollution control. The Municipalities further agree to ascertain the party or parties at fault and require same to pay the reasonable cost for repair of any damage resulting to the interceptors serving the COSDS District whether or not owned by the County (including the OMID System, the City of Detroit System, and/or COPWTFDD System) for the violation of any of the aforesaid laws, ordinances, orders, rules and regulations.

16. **Industrial Wastewater Control.** Each of the Municipalities agrees that it shall adopt and enforce rules and regulations pertaining to the use, design and construction of sewers, and the discharge of industrial or commercial wastes into sewers, where such sewers are tributary to OMID System, City of Detroit and/or COPWTFDD. Such rules and regulations shall be consistent with and at least as stringent as all applicable provisions of the pertinent ordinances adopted by the City of Detroit, these being the 1979 amendments to Chapter 56, Article 1, and Chapter 56, Article 6, of the Municipal code of the City of Detroit as they may be adopted and amended from time to time; and the pertinent ordinances adopted by the City of Pontiac, these
being Ordinance No. 2267, Chapter 18, amending the Code of Ordinances to comply with State and Federal regulations concerning sewerage. In the event any Municipality shall fail to adopt an ordinance as required herein, or shall fail to diligently enforce the same, the County, the City of Detroit (its successors and assigns), the COPWTFDD and/or the City of Pontiac (its successors and assigns) shall have authority to take appropriate action which may include suit in an appropriate court of general jurisdiction alleging such Municipality’s failure to adopt or enforce an ordinance, and following a hearing on the merits, should the court find that the allegations are true, it is agreed that such court may, in such instance, grant appropriate injunctive relief against said Municipality or any individual discharger there; terminate the Municipality’s contractual right to discharge waste waters into County system and/or to grant the City of Detroit and/or grant COPWTFDD/City of Pontiac such other relief as may be appropriate under the circumstances. These actions shall enable the County, City of Detroit, COPWTFDD and/or City of Pontiac to:

a. Deny or impose conditions on new or increased contributions of pollutants or changes in the nature of pollutants, to the waste collection system by Industrial and Commercial Users. The terms “Industrial and Commercial” user shall mean those users defined in Section 56-6-3(11) and (P) of Detroit Ordinance No. 353-H of Chapter 56 of Article 6 passed on November 7, 1979 and as may be amended from time to time; and/or defined in Chapter 118 of the City of Pontiac Code of Ordinances, and as amended from time to time.

b. Require compliance with applicable current and future National Pretreatment Standards and other more restrictive requirements as may be imposed by the Count, the City of Detroit, or COPWTFDD promulgated by the U.S. EPA under the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq..

c. Control, through permit, contract order, or similar means, the contribution to the waste collection system by Industrial and Commercial Users to ensure compliance with subparagraph (b) above.

d. Require the development of compliance schedules by Industrial and Commercial Users for the installation and facilities required to meet applicable National Pretreatment Standards and other more restrictive requirements as may be imposed by the County, City of Detroit or COPWTFDD.
Require the submission of notices and self-monitoring reports from Industrial and Commercial Users to assess and assure compliance with National Pretreatment Standards and other more restrictive requirements as may be imposed by County, City of Detroit or COPWTFDD.

Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by Industrial and Commercial Users, compliance or noncompliance with applicable National Pretreatment Standards and other more restrictive requirements as may be imposed by County, City of Detroit or COPWTFDD. It being further understood that the County, City of Detroit or COPWTFDD may contract with qualified parties to carry out the inspection, surveillance and monitoring procedures of this paragraph.

Seek injunctive relief for noncompliance with National Pretreatment Standards and other more restrictive requirements as may be imposed by County, City of Detroit or COPWTFDD.

Require Industrial and Commercial Users to install containment facilities to protect the treatment works from accidental spills of critical or hazardous materials.

17. The County and the Municipalities each recognize that the County and various drainage districts have issued and will issue bonds to finance capital improvements to serve the COSDS District, which bonds are secured by the full faith and credit pledge of the Municipalities to the making of their proportionate payments either by separate contract or under the Michigan Drain Code (Act 40), and it is therefore covenanted and agreed by the County and the Municipalities that, so long as any such bonds remain outstanding and unpaid, the provisions of this contract shall not impair the security for the bonds or the prompt payment of principal of principal or interest thereon. The Municipalities and the County Agency further covenant and agree that they will comply with their respective duties and obligations under the terms of this contract promptly, and will not suffer to be done any act which would in any way impair bonds, the security therefor, or the prompt payment of interest thereon.

18. The County Agency is hereby authorized, but not required, to utilize County personnel for the administration of the COSDS. The Municipalities agree that the costs of
contract administration, auditing and financial services shall be part of the cost of the System costs, whether such services are provided by County personnel or third parties. In the case of County personnel, the costs attributed to the System shall include the allocable share of such personnel's salary and fringe benefits to the System as determined by the County Agency.

19. No change in the jurisdiction over any territory in any of the Municipalities shall impair in any manner the obligations of this contract or affect the obligations of the Municipalities hereunder. In the event that all or any part of the territory of any Municipality is incorporated as a new city or village or is annexed to or becomes a part of the territory of another municipality, the municipality into which such territory is incorporated or to which such territory is annexed shall assume the proper proportionate share of the contractual obligations (including the pledge of full faith and credit) and Maximum Rate of Flow of such Municipality, which proper proportionate share shall be fixed and determined by the County Agency and shall be binding upon all parties concerned unless, within sixty (60) days after such incorporation or annexation becomes effective, the governing body of the municipality into which such territory is incorporated or to which such territory is annexed and the governing body of such Municipality shall by mutual agreement and with the written approval of the County Agency fix and determine such proper proportionate share. The County Agency, prior to making such determination, shall receive a written recommendation as to the proper proportionate share from a committee composed of one representative designated by the governing body of such Municipality, one designated by the governing body of the new municipality or the municipality incorporating or annexing such territory and one independent registered engineer appointed by the County Agency. Each governmental unit shall appoint its representative within fifteen (15) days after being notified to do so by the County Agency and within a like time the County Agency shall appoint the engineer third member. If any such representative (other than the appointee of the County Agency) is not appointed within the time above provided, then the County Agency may proceed without said recommendation. If the committee shall not make the
recommendation within forty-five (45) days after its appointment or within any extension thereof by the County Agency, then the County Agency may proceed without such recommendation.

20. It is understood and agreed by the parties hereto that the System is to serve the Municipalities and not the individual property owners and users thereof, unless by special arrangement between the County Agency and the Municipalities. The responsibility of requiring connection to and use of the System and/or providing such additional facilities as may be needed shall be that of the Municipality wherein such property is located and such Municipality shall cause to be constructed and maintained, directly or through the County, any such necessary additional facilities.

21. The parties hereto agree that the costs and expenses of any lawsuits or Claims (as hereinafter defined) arising directly or indirectly out of this contract to the extent that such costs and expenses are chargeable against the County or the County Agency, shall be deemed to constitute a part of the cost of the COSDS and shall be paid by the Municipalities in the same manner as herein provided with respect to other costs of the System. In this contract, "Claims" means any alleged losses, claims, complaints, demands for relief or damages, liability, penalties, costs, and expenses, including, but not limited to, reimbursement for reasonable attorney fees, witness fees, court costs, investigation expenses, litigation expenses, amounts paid in settlement, and/or other amounts or liabilities of any kind which are imposed on, incurred by, or assessed against the County, County Agency or Municipalities, or for which the County, County Agency or Municipalities may become legally and/or contractually obligated to pay or defend against, whether direct, indirect or consequential, whether based upon any alleged violation of the federal or the State constitution, any federal or State statute, rule, regulation, or any alleged violation of federal or State common law, whether any such claims are brought in law or equity, tort, contract, or otherwise, and/or whether commenced or threatened. This paragraph shall not apply
to a lawsuit instituted by any of the Municipalities to enforce their respective rights under this contract.

22. **County Agency.** All powers, duties and functions vested by this contract in the County shall be exercised and performed by the County Agency, for and on behalf of the County, unless otherwise provided by law or in this contract.

23. **Third Party Beneficiaries.** The City of Detroit and the COPWTFDD are intended third party beneficiaries of Paragraphs 14, 15 and 16 of this contract.

24. **Notices.** Notices of a legal nature shall be sent by certified first-class mail, postage prepaid, return receipt requested, as follows:

   If to the County Agency:

   Oakland County Water Resources Commissioner
   One Public Works Drive, Building 95-West
   Waterford, MI 48328

   If to the Municipality:

   Authorized representative of such Municipality.

   All Notices shall be deemed given on the day of post-marked mailing. Any Notice given by a party hereunder must be signed by an authorized representative of such party.

25. **Amendments.** The Agreement may be amended only in writing executed by persons with legal authority to bind the respective parties to this contract.

26. **Enforceability.** In the event that any one or more of the provisions of this contract for any reason shall be held to be invalid, illegal or unenforceable in any respect, such invalidity,
illegality or unenforceability shall not affect any other provisions hereof, but this contract shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

27. Integration. This contract contains the entire agreement between the County and Municipalities, and all prior negotiations and agreements are merged into this contract. Neither party to this contract has made any representations except those expressly set forth in this contract, and no rights or remedies are, or shall be, acquired by either party by implication or otherwise unless expressly set forth in this contract.

28. Headings. The headings of the paragraphs of this contract are for convenience only and shall not be used to construe or interpret the scope or intent of this contract or in any way affect the same.

29. Jurisdiction. The rights and remedies set forth in this Agreement are not exclusive and are in addition to any of the rights or remedies provided by law or equity. This contract and all actions arising under it shall be governed by, subject to, and construed according to the law of the State of Michigan. Each party to this contract agrees, consents and submits to the personal jurisdiction of any state or federal court of competent jurisdiction in Michigan, for any action arising out of this contract.

30. Term. This contract shall become effective after its execution by each party hereto. This contract shall terminate on a date which is thirty years from October 22, 2009 more specifically October 22, 2039, unless automatically renewed as provided in Paragraph 31 or until such time that all debt obligations pursuant to this contract or future contracts related to the improvements with the COSDS are paid in full, whichever is later. It is understood that October 22, 2009, corresponds to the date of the Wastewater Disposal Services Contract between the
City of Detroit and the OMIDDD which is a thirty-year contract with a ten-year automatic renewal period. This Contract replaces and supersedes the 1967 COSDS Contract; the COSDS Paint Creek Interceptor Contract; the COSDS Gibson-Avon Arm contract, Rochester Connection contract, and the COSDS 1996 Management Agreement. This contract shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. This contract may be executed in any number of counterparts.

31. Contract Term Renewal. This Contract shall automatically renew at the conclusion of the initial term ending on October 22, 2039 for an additional ten-year term, unless a Municipality provides written notification in accordance with Paragraph 24 to the County Agency on or before October 22, 2033 stating its intent not to renew this contract. Thereafter, this contract shall automatically renew every ten years for an additional ten-year term, unless a Municipality provides written notification in accordance with Paragraph 24 to the County on or before the conclusion of the fourth year of the then current ten-year term stating its intent not to renew this contract. The automatic renewals of this contract shall not preclude a review of its terms and the parties are encouraged to reaffirm or amend its terms as necessary. The parties may, in writing, mutually agree upon a longer renewal term.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed and delivered by the undersigned, being duly authorized by their respective governing bodies.

COUNTY OF OAKLAND

Executed on __________, 2013

By:

County Water Resources Commissioner
(County Agency)
EXECUTED ON 2013

CITY OF AUBURN HILLS

By: ________________________________
Mayor

Executed on __________, 2013

And: ________________________________
Clerk

CHARTER TOWNSHIP OF INDEPENDENCE

By: ________________________________
Supervisor

Executed on __________, 2013

And: ________________________________
Clerk

VILLAGE OF LAKE ORION

By: ________________________________
President

Executed on __________, 2013

And: ________________________________
Clerk

-24-
EXECUTED ON 2013

CHARTER TOWNSHIP OF OAKLAND

By: __________________________________________
    Supervisor

And: __________________________________________
    Clerk

CHARTER TOWNSHIP OF ORION

By: __________________________________________
    Supervisor

And: __________________________________________
    Clerk

CHARTER TOWNSHIP OF OXFORD

By: __________________________________________
    Supervisor

And: __________________________________________
    Clerk
VILLAGE OF OXFORD

By: ____________________________

President

Executed on _________, 2013

And: ____________________________

Clerk

CITY OF ROCHESTER

By: ____________________________

Mayor

Executed on _________, 2013

And: ____________________________

Clerk

CITY OF ROCHESTER HILLS

By: ____________________________

Mayor

Executed on _________, 2013

And: ____________________________

Clerk
CHARTER TOWNSHIP OF WATERFORD

By: __________________________
    Supervisor

Executed on __________, 2013

And: __________________________
     Clerk

EXECUTED ON __________, 2013

CHARTER TOWNSHIP OF WEST
BLOOMFIELD

By: __________________________
    Supervisor

Executed on __________, 2013

And: __________________________
     Clerk

EXECUTED ON __________, 2013

CITY OF LAKE ANGELUS

By: __________________________
    Mayor

Executed on __________, 2013

And: __________________________
     Clerk

EXECUTED ON __________, 2013
Clinton-Oakland Sewage Disposal System
Contract Exhibit A

Legend

Sanitary Lift Station

Wastewater Treatment Plant

POC Proposed Diversion Force Main

Sanitary Interceptor Force Main

Sewage Disposal Systems

Clinton-Oakland Sewage Disposal System

Macon Sewage Disposal System

Oakland-Macon Sewage Disposal System

Poniac Sewage Disposal System

Not To Scale
## COSDS Contract Capacities
### Contract Exhibit B

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### Exhibit C
COSDS Inter-municipal Contract
True-up Example

#### YR 1
Rate Year - 07/01/13 to 06/30/14
No True-up Adjustment

#### YR 2
Rate Year - 07/01/14 to 06/30/15
No True-up Adjustment

#### YR 3 - Schedule A
Rate Year - 07/01/15 to 06/30/16
True-up Adjustment

Principal ONLY Series 2011 - 7/1/13 to 6/30/14
Flow percent (3 rolling average) - 10/1/11 to 9/30/14

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<thead>
<tr>
<th>Community</th>
<th>Debt %</th>
<th>Flow %</th>
<th>Change %</th>
<th>Debt Payments</th>
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#### YR 3 - Schedule B
Rate Year - 07/01/15 to 06/30/16
True-up Adjustment

OMI Interest ONLY Series 2011 - 7/1/13 to 6/30/14
Flow percent (3 rolling average) - 10/1/11 to 9/30/14

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<th>Flow %</th>
<th>Change %</th>
<th>Debt Payments</th>
<th>Adjustment</th>
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### YR 3 - Schedule C
**Rate Year - 07/01/15 to 06/30/16**
**True-up Adjustment**

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### YR 3 - Total
**Rate Year - 07/01/15 to 06/30/16**
**True-up Adjustment**

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Page 2 of 2
April 30, 2013

Ronald J. Melchert
Director of Public Service
City of Auburn Hills
N. Squirrel Road
Auburn Hills, MI 48326

Re: Clinton-Oakland Sewage Disposal District

Dear Mr. Melchert:

As you know, the City is a participant in the Clinton-Oakland Sewage Disposal System (COSDS). The COSDS is a system of trunk sewers, pumping facilities, and connections to interceptors and sewage treatment facilities. It is a separated sanitary sewer system for the transport of sanitary flow to the City of Detroit for treatment and disposal. The District covers an inter-municipal and inter-county area. In 1964, the Oakland County established the Clinton-Oakland Sewage Disposal System pursuant to the County Department and Board of Public Works Act, P.A. 185 of 1957, MCL 123.731 et seq. The County has designated the Office of the Water Resources Commissioner as the County Agency responsible for administering, operating, and maintaining the System with all powers and duties provided by P.A. 342 of 1939.

Management Agreement
The Municipalities that participate in the System have entered into a contract with the County. This intergovernmental contract is titled the Clinton-Oakland Sewage Disposal System Management Agreement. The existing Agreement is dated January 1, 1996.

The January 1, 1996 Management Agreement expires January 17, 2017. On Page 8, the Agreement provides:

If the County shall determine, by resolution of its Board of Commissioners, that the System as a whole is in need of additional pipe capacity prior to January 17, 2017, then this Agreement shall terminate on the next January 1 following the giving of not less than 6 month’s prior notice to the Municipalities of the adoption of such resolution by the Board of Commissioners and of the County’s intention to terminate this Agreement pursuant to this section.
The 1996 Agreement limited each Municipality to the use of the System pursuant to the base contract which specified a specific maximum rate of flow as measured in cubic feet per second (CFS) of purchased capacity. It was anticipated that some Municipalities would be in need of additional capacity, but the system could accommodate those needs as long as there were continued efforts to control extraneous flow. The Contract was declared a means of maximizing the ability of the System to efficiently transport flows from Municipalities without incurring the cost of additional sewer facilities and without affecting the purchased capacity of any Municipality. The County would monitor the Municipality’s flow and notify it when the monthly peak flow equaled or exceeded 90%.

**District Compliance Agreement**

In September 2009, the County Agency (WRC) on behalf of the System entered into a District Compliance Agreement with the MDEQ whereby the County Agency agreed to eliminate sanitary sewer overflows and provide system capacity by developing a COSDS Master Plan that identified long range capacity needs of the COSDS and potential projects.

**System Modifications to Address Sanitary System Overflows**

The following modifications to the COSDS have been implemented or are proposed by the County to address sanitary system overflows and capacity issues.

1. **Oakland Macomb Interceptor Drain Drainage District-OMIDDD**

In 2009, the Oakland-Macomb Interceptor Drainage District (OMIDDD) was created. It is a public body established to acquire the Oakland-Macomb Interceptor from the City of Detroit. It is an Inter-County Drain District under the Drain Code of 1940, Chapter 21. It is governed by a three member Drain Board. In September 2009, the County Agency on behalf of the System, entered into a contract with the OMIDDD whereby the OMIDDD agreed to provide wastewater transportation and disposal services to the County to transport sewage from the COSDS to the City of Detroit for treatment and disposal.

2. **OMIDDD-Detroit Contract**

October 22, 2009, the OMIDDD entered into a wastewater services Contract with the City of Detroit whereby the City of Detroit agreed to provide wastewater transportation, treatment and disposal services to OMIDDD with a maximum flow limit from the OMIDDD System of 140 CFS and an agreement to accept no less than 70% of all instantaneous flow from the COSDS as existed in 2009.

3. **City of Pontiac Wastewater Treatment Facility Drainage District - COPWFTDD**

Based on the COSDS Master Plan as approved by MDEQ, Oakland County negotiated with the City of Pontiac to form a new drainage district, the City of Pontiac Wastewater Treatment Facility Drainage District (COPWFTDD), which is an Intra-County Drain District under the Drain Code of 1940, Chapter 20. It is governed by a three member Drain Board. The County Agency on behalf of the COSDS intends to enter into a separate contract with the COPWFTDD for treatment and disposal of sanitary flow from the COSDS not to exceed 30% of the instantaneous flow. In order to do this, a diversion
project is required to divert this level of flow from the COSDS to the COPWFTDD. This proposed project is called the Perry Street Diversion Project.

4. Perry Street Diversion Project
The Perry Street Diversion Project is a proposed pump station and force main diversion facility to be constructed near Perry Street to divert flow from the COSDS to the COPWFTDD for treatment and disposal. This project has been approved by the MDEQ. It is proposed as a Public Act 342 of 1939 project whereby the County Agency (WRC) implements and administers the project and issues bonds for financing pledging the full faith and credit of each of the Municipalities that participate in the COSDS to secure the Bonds. Each Municipality is obligated to pay the annual Bond payments, as they become due, according to the assigned percentage allocation of costs. For the City of Auburn Hills, the allocated percentage is 12.58%. The cost of the project is projected at $24,399,002.

5. Elizabeth Lake Pump Station Project
The Elizabeth Lake Pump Station is a proposed project approved by the MDEQ to provide a sewage retention tank downstream from the Elizabeth Lake Pump Station. This project is intended to provide system capacity to prevent sanitary system overflows. Although approved by the MDEQ, the project is in early stages and has not yet been presented to the municipalities to approve.

New 2013 Inter-Municipal Contract Proposed
Despite the fact that the current management agreement does not expire until 2017, the County has proposed a new contract titled Clinton-Oakland Sewage Disposal System 2013 Inter-Municipal Contract. It is a substantially modified agreement. The purpose is to include approval of the system modifications including the OMIDDD and the COPWFTDD and for the Contract term to coincide with the Contract term between the OMIDDD and the City of Detroit.

The proposed Contract is expanded and declares that there is a determination that the improvements can be provided and financed most economically and efficiently by the County through the powers conferred by Public Act 342 of 1939. In Section 1, it states the County and the Municipalities reaffirm and approve the establishment of the COSDS under provisions of Public Act 342 of 1939, the County Public Improvement Act. This means that the County Agency (WRC) implements and administers the system and all projects, and issues bonds for financing pledging the full faith and credit of each of the Municipalities that participate in the COSDS to secure the Bonds. The Municipalities are then required to pay all costs.

The Contract also declares that the Municipality accepts and approves the maximum rate of flow capacity for the Municipality. For Auburn Hills, the contract capacity is 26.83 CFS. By the terms of the Contract, the Municipality also consents to: the COSDS location within the Municipality; to all easements, right-of-ways, licenses and permits as requested by the County; to the County holding legal title to and being responsibility for
The renewal of the COSDS; to provisions addressing municipal exceedence of the maximum rate of flow; and to authorizing the County to require the Municipality to install retention/restriction devices. In addition, the Contract approves the transportation of flow from the COSDS to the OMIDDD with a maximum CFS of 140 and a limitation not to exceed 70% of all instantaneous flow.

The Contract also approves, upon construction of the Perry Street Diversion Project, the COSDS to divert 30% of the flow to COPWTFDD for treatment and disposal; and the Municipalities agree to the allocation of capital costs and interest for both the Perry Street and Elizabeth Lake Pump Station Project based on the allocated percentage and applying an annual flow based tune-up cost adjustment.

The Contract provides that Municipalities agree to apply the cost allocation method to the OMIDDD Bond Series 2010, 2010 B, 2011 and all future bonds financing segment 3 and 4 for the OMIDDD. Further, it provides that Municipalities agree to the County administering, being responsible for and operating the System; and further declares that the County will incur no costs toward it.

**Rates**

Rates cover all charges by the OMIDDD based on its contract with Detroit; plus costs and charges incurred by the County, and costs and charges incurred by the OMIDDD; plus the rates charged by the COPWTFDD for treatment, including costs and charges incurred by the County to operate the facility; and that all costs shall be utilized exclusively for administration, operation, maintenance, reserves and benefit of the COSDS. The rates and charges are subject to increase by the County Agency, at any time, if necessary to provide funds to meet existing or future obligations associated with capital and interest on System Bonds or other financing or maintenance of the System.

The Contract provides for an annual tune-up on the rates. The rate is a fixed allocation for each community based on the FY 2010-FY 2012 three (3) year average flows. An annual tune-up will be performed for each community whereby communities that contribute less than their fixed allocation will receive a tune-up credit, while communities that have an increased flow will receive an adjusted bill.

The Municipalities agree to implement and maintain a revenue system to cover costs; and the Contract provides that charges are based on the aggregate quantity of wastewater entering COSDS from the Municipality or other method determined by the County Agency. There is an agreement that the Municipality will not divert flow to any other system, will make sure there are no cross connections, and will implement an Industrial Pretreatment Program and ordinance.

**Term**

It is a thirty (30) year contract (runs until October 22, 2039) with automatic ten (10) year renewals. The Contract will automatically renew unless written notice is provided on or before October 22, 2033, that the Contract will not be renewed. Thereafter, the Contract
will be automatically renewed unless written notice is provided before the end of the fourth year of the renewal term.

I am also forwarding the following documents for Council consideration at the May 6, 2013 regular City Council Meeting under a separate cover:


Lastly, Mr. Colaianna, Attorney for the Water Resources Commissioner, has indicated that in order to meet the deadlines prescribed by the MDEQ’s State Revolving Fund financing for this project, the time-line for approving the project is aggressive. The Office of the Water Resources Commissioner is requesting that the Resolutions be approved by May 20, 2013 at the latest, and that the City Clerk publish the 45-day referendum notice immediately after the Resolution is approved.

If you have any questions, please feel free to contact me at 248-539-2803.

Sincerely,

SECREST WARDLE

Nancy Cooper Green

NCH:jw

cc: Peter E. Auger, City Manager
    Thomas A. Tanghe, Assistant City Manager
    Teri Kowal, City Clerk
    Derk W. Beckerleg, Esq.

Enclosure
To: Mayor and City Council  
From: Peter E. Auger, City Manager; Ron Melchert Director of Public Service; and Jeff Herczeg, Manager of Public Utilities  
Submitted: May 2, 2013  
Subject: Resolution - Approving Attached Inter-Municipal Contract for Acquisition, Construction, and Financing of the Perry Street Diversion Project.

INTRODUCTION AND HISTORY
The City of Auburn Hills is a participating municipality in the Clinton-Oakland Sanitary Disposal System (COSDS), and the Office of the Oakland County Water Resources Commissioner (OCWRC) is the County Agency responsible to administer and operate the COSDS. The recent modifications and history of the COSDS along with documentation from the City of Auburn Hills’ attorney, Secrest Wardle, are attached in this packet to City Council.

The Water Resource Commissioner has proposed the Perry Street Diversion Project to divert flow to the City of Pontiac Wastewater Treatment Facility as part of the system modifications to address sanitary sewer overflows (SSOs) and COSDS pipeline capacity. Costs for the diversion project will be shared among the municipalities and will be reflected in rates. The City of Auburn Hills’ share for this project is 12.58 percent (12.58%) of the estimated $24.4 million project, which will be bonded out over a twenty (20) year period. More in-depth discussion will take place on the financial aspect at the City Council meeting.

STAFF RECOMMENDATION
Based on the existing contract, elimination of sanitary sewer over-flows, insurance of future capacity, and the necessary administration and operation of the Clinton-Oakland Sanitary Sewer Disposal System, City of Auburn Hills staff recommends the approval of for Acquisition, Construction, and Financing of the Perry Street Diversion.

MOTION
Move to approve the Inter-Municipal Contract for Acquisition, Construction, and Financing of the Perry Street Diversion.

I CONCUR:  

PETER E. AUGER, CITY MANAGER
April 30, 2013

Ronald J. Melchert
Director of Public Service
City of Auburn Hills
N. Squirrel Road
Auburn Hills, MI 48326

Re: Clinton-Oakland Sewage Disposal District
Resolution Approving Attached Inter-Municipal Contract for
Acquisition, Construction, and Financing of the Perry Street Diversion Project.

Dear Mr. Melchert:

Attached please find a proposed Resolution Approving Attached Inter-Municipal Contract for Acquisition, Construction, and Financing of the Perry Street Diversion Project for City Council consideration at the May 6, 2013 regular City Council Meeting.

Also included for use by the City Clerk is the proposed Notice of Adoption of Resolution By City Council Authorizing Execution of a Contract Pledging the Full Faith and Credit of the Township and Notice of Right of Referendum that must be published in a newspaper of general circulation within the City immediately after the approval of the Resolution; and the proposed Certificate of Clerk if no referendum is petitioned.

The Office of the Water Resources Commissioner is the County Agency responsible to administer and operate the Clinton-Oakland Sewage Disposal District on behalf of the participating municipalities. The Water Resources Commissioner has proposed the Perry Street Diversion Project to divert flow to the City of Pontiac Wastewater Treatment Facility as part of system modifications to address sanitary sewer overflows and capacity.

If you have any questions, please feel free to contact me at 248-539-2803.

Sincerely,

SECREST WARDLE

Nancy Cooper Green

NCH:jw
Enclosure
cc: Peter E. Auger, City Manager
    Thomas A. Tanghe, Assistant City Manager
    Teri Kowal, City Clerk
    Derk W. Beckerleg, Esq.
RESOLUTION APPROVING ATTACHED INTER-MUNICIPAL CONTRACT
ACQUISITION, CONSTRUCTION, AND FINANCING
CLINTON-OAKLAND SEWAGE DISPOSAL SYSTEM
PERRY STREET DIVERSION PROJECT

At a regular meeting of the City Council for the City of Auburn Hills, Oakland County, Michigan, held on May 6, 2013 at 1827 N. Squirrel Road, Auburn Hills, Michigan 48326. The following preamble and resolution were offered by Member ____________, and supported by Member ______________:

WHEREAS, the County Agency for the Clinton-Oakland Sewage Disposal System has proposed the Perry Street Diversion project to improve the System, and in connection therewith has submitted plans and estimates of the cost, and the period of usefulness thereof; and

WHEREAS, the proposed Clinton-Oakland Sewage Disposal System Perry Street Diversion Contract has been submitted by the County Agency for consideration by the City Council relative to the acquisition, construction, and financing of the Clinton-Oakland Sewage Disposal System Perry Street Diversion Project; and

WHEREAS, the proposed contract is between the County of Oakland (referred to as the "County") and the City of Auburn Hills (the "City"), and the following municipalities: the Charter Township of Independence, the Village of Lake Orion, the Charter Township of Oakland, the Charter Township of Orion, the Charter Township of Oxford, the Village of Oxford, the City of Rochester, the City of Rochester Hills, the Charter Township of West Bloomfield and the Charter Township of Waterford (referred to collectively as the "Municipalities").

THEREFORE, BE IT RESOLVED by the City Council of the City of Auburn Hills, Oakland County, Michigan, that:
1. The City Council hereby approves the contract between the County and the Municipalities entitled: Clinton-Oakland Sewage Disposal System Perry Street Diversion Contract related to the acquisition, construction, and financing of the Perry Street Diversion project (the "Contract"); providing for the payment of a portion of the cost thereof by the City to the County in annual installments with interest and expenses; providing for the financing of all or part of the cost by the issuance of County bonds in one or more series secured by the obligations of the Municipalities and payable primarily from the annual installments to be paid by the Municipalities to the County; providing for the pledging of the full faith and credit and the limited taxing power of the City for the making of its share of such payments; and providing for other matters relating to the Project and the acquisition, construction, financing, and operation thereof, all under and pursuant to Act No. 342, Public Acts of Michigan, 1939, as amended.

2. The City Council hereby approves the preliminary plans for the Project, and the estimates of the cost and period of usefulness thereof, as contained in Exhibits A and B to the Contract.

3. The Mayor and the City Clerk are authorized and directed to execute and deliver the Contract on behalf of the City and the number of counterparts that may be executed is not limited.

4. The City Clerk is directed to publish the NOTICE OF ADOPTION OF RESOLUTION BY CITY COUNCIL AUTHORIZING EXECUTION OF A CONTRACT PLEDGING THE FULL FAITH AND CREDIT OF THE CITY AND NOTICE OF RIGHT OF REFERENDUM in the __________________ and to be prominently displayed therein. Said newspaper is a newspaper of general publication in the City; and said notice contains information which is sufficient to adequately inform all interested persons as to the nature and extent of the full faith and credit obligations of the City under the Contract.

5. A copy of the Contract as presented to the City Council and herein approved and authorized to be executed and delivered shall be attached to the minutes of this meeting and made a part thereof; and shall be placed on file with the City Clerk and made available for examination by any interested person during normal business hours.

6. The City agrees to reimburse the County for its administrative and legal expenses incurred in connection with the County's assistance pursuant to Public Act 342 of 1939 whether or not bonds are ultimately issued for the Project.

7. The Mayor and the City Clerk are authorized to file an application with the Michigan Department of Treasury for its approval of the sale and issuance of any series of County bonds, if necessary, and to take all other actions necessary in connection with such application.

8. The Mayor and the City Clerk are authorized to approve the circulation of a preliminary and final official statement for any series of County bonds, to cause the preparation of those portions of such preliminary and final official statement that pertain to the City, and to do all other things necessary for compliance with Rule 15c2-12 issued under the
Securities Exchange Act of 1934, as amended (the "Rule"). The Mayor and the City Clerk are authorized to execute and deliver such certificates and to do all other things necessary to effectuate the sale and delivery of any County bonds.

9. The Mayor and the City Clerk are authorized to execute a certificate of the City, constituting an undertaking to provide ongoing disclosure about the City for the benefit of the holders of any County bonds as required under paragraph (b)(5) of the Rule, and amendments to such certificate from time to time in accordance with the terms of the certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of any Continuing Disclosure Certificate.

AYES:
NAYES:
ABSTENTIONS:

RESOLUTION DECLARED ADOPTED THIS 6TH DAY OF MAY, 2013.

CERTIFICATION

STATE OF MICHIGAN  )
 )ss
COUNTY OF OAKLAND  )

I, Teri Kowal, the duly qualified 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 by the City Council for the City of Auburn Hills the 6th day of May, 2013; the original is on file in the Office of the Clerk.

______________________________
TERI KOWAL
CITY CLERK
CLINTON-OAKLAND SEWAGE DISPOSAL SYSTEM
PERRY STREET DIVERSION PROJECT CONTRACT

THIS CONTRACT, made and entered into as of the 1st day of April, 2013, by and among the COUNTY OF OAKLAND, a county corporation in the State of Michigan (hereinafter sometimes referred to as the "County"), by and through its Water Resources Commissioner, County Agency, and the CITY OF AUBURN HILLS, a Michigan home rule city, the CHARTER TOWNSHIP OF INDEPENDENCE, a Michigan charter township, the VILLAGE OF LAKE ORION, a Michigan home rule village, the CHARTER TOWNSHIP OF OAKLAND, a Michigan charter township, the CHARTER TOWNSHIP OF ORION, a Michigan charter township, the CHARTER TOWNSHIP OF OXFORD, a Michigan charter township, the VILLAGE OF OXFORD, a Michigan home rule village, the CITY OF ROCHESTER, a Michigan home rule city, the CITY OF ROCHESTER HILLS, a Michigan home rule city, the CHARTER TOWNSHIP OF WATERFORD, a Michigan charter township, and the CHARTER TOWNSHIP OF WEST BLOOMFIELD, a Michigan charter township, all located in the County of Oakland, State of Michigan, (collectively, the "Municipalities" or individually, a "Municipality").

WITNESSETH:

WHEREAS, pursuant to Act No. 342, Public Acts of Michigan, 1939, as amended (hereinafter sometimes referred to as "Act 342"), the Board of Commissioners of the County has established a county system of sewage disposal improvements and services to serve the Municipalities and other municipalities in the County, said system to be known as the "Clinton-Oakland Sewage Disposal System" (hereinafter sometimes referred to as the "System"), and designated the Oakland County Drain Commissioner (now the Oakland County Water Resources Commissioner) as the county agency for the System with all powers and duties with respect
thereto as are provided by Act 342 (said Water Resources Commissioner being hereinafter sometimes referred to as the "County Agency"); and

WHEREAS, under and subject to the terms of Act 342, the County is authorized, through the County Agency, to acquire and construct the sewage disposal facilities hereinafter described as constituting the project as part of the System (the "Project"), the County and the Municipalities are authorized to enter into a contract, as hereinafter provided, for the acquisition and construction of the Project by the County and for financing all or part of the cost thereof by the issuance of bonds by the County secured by the pledge of the full faith and credit of the Municipalities to pay such cost with interest to the County in installments extending over a period not exceeding forty (40) years, and the County is authorized to issue such bonds and, if authorized by majority vote of the members-elect of its Board of Commissioners, to pledge its full faith and credit for the payment of such bonds and the interest thereon; and

WHEREAS, there is an urgent need of such sewage disposal facilities to the Municipalities in order to promote the health and welfare of the residents thereof, which improvements would likewise benefit the County and its residents, and the parties hereto have concluded that such improvements can be provided and financed most economically and efficiently by the County through the exercise of the powers conferred by Act 342, and especially sections 5a, 5b and 5c thereof; and

WHEREAS, preliminary plans for the Project and estimates of the cost and period of usefulness thereof have been prepared, all of which have been submitted to and approved by the Board of Commissioners of the County and the governing bodies of the Municipalities and placed on file with said Board of Commissioners in the office of the County Agency, said estimates being set forth in Exhibit B hereunto attached; and
WHEREAS, it is proposed that the cost of the Project be financed in whole or in part by the issuance of one or more series of County bonds; and

WHEREAS, in order to provide for the acquisition and construction of the Project by the County and the financing of all or part of the cost thereof by the issuance of County bonds, and for other related matters, it is necessary for the parties hereto to enter into this contract.

THEREFORE, IN CONSIDERATION OF THE PREMISES AND THE COVENANTS OF EACH OTHER, THE PARTIES HERETO AGREE as follows:

1. The parties hereto approve and agree to the acquisition, construction and financing of the Project as herein provided, under and pursuant to Act 342. The Municipalities by way of compliance with Section 29, Article VII, Michigan Constitution of 1963, consent and agree to the establishment and location of the Project within their corporate boundaries and to the use by the County of their streets, highways, alleys, lands, rights-of-way or other public places for the purpose and facilities of the Project and any improvements, enlargements or extensions thereof, and the Municipalities further agree that, in order to evidence and effectuate the foregoing agreement and consent, they will execute and deliver to the County such grants of easement, right-of-way, license, permit or consent as may be requested by the County.

2. The Project shall consist of the sewage disposal system facilities as described and specified in the preliminary plans set forth in Exhibit A, which is hereunto attached and is made a part hereof, and which preliminary plans are on file with the County Agency and are approved and adopted. The Project shall be acquired and constructed substantially in accordance with said preliminary plans and in accordance with final plans and specifications to be prepared and submitted by the consulting engineers, but variations therefrom that do not materially change the location, capacities or overall design of the Project, and that do not require an increase in the
total estimated cost of the Project, may be permitted on the authority of the County Agency. Other variations or changes may be made if approved by the County Agency and by resolution of the governing body of each Municipality and if provisions required by paragraph 5 hereof are made for payment or financing of any resulting increase in the total estimated cost. The estimate of the cost of the Project and the estimate of the period of usefulness thereof as set forth in Exhibit B are approved and adopted.

3. The County Agency shall take or cause to be taken all actions required or necessary, in accordance with Act 342, to procure the issuance and sale of bonds by the County, in one or more series, in whatever aggregate principal amount is necessary to finance the cost of the Project not paid from other sources. Such bonds shall be issued in anticipation of, and be payable primarily from, the payments to be made by the Municipalities to the County as provided in this contract, and shall be secured secondarily, if so voted by the Board of Commissioners of the County, by a pledge of the full faith and credit of the County, and the said bonds shall be payable in annual maturities the last of which shall be not more than forty years from the date thereof.

4. The County Agency shall proceed to take construction bids for the Project and, subject to the sale and delivery of bonds, enter into construction contracts with the lowest responsible bidder or bidders, procure from the contractors all necessary and proper bonds, cause the Project to be constructed within a reasonable time, and do all other things required by this contract and the laws of the State of Michigan. The County Agency may, in its sole discretion, retain the services of a third-party engineering firm to perform contract administration of the Project, and payment for such services shall be the responsibility of the Municipalities as part of the cost of the Project as described in paragraph 6 hereof. All certificates for required payments to contractors shall be approved by the consulting engineers before presentation to the County Agency and the latter shall be entitled to rely on such approval in making payments.
5. In the event that it shall become necessary to increase the estimated cost of the Project for any reason, or if the actual cost of the Project shall exceed the estimated cost, whether as the result of variations or changes made in the approved plans or otherwise, then the County Agency shall not be obligated to pay such increased or excess cost unless the governing body of each Municipality shall have adopted a resolution approving such increase or excess and agreeing that the same (or such part thereof as is not available from other sources) shall be defrayed by the issuance of increased or additional bonds in anticipation of increased or additional payments agreed to be made by the Municipalities to the County in the manner hereinafter provided; provided, however, that the adoption of such resolutions by the governing bodies of the Municipalities shall not be required prior to or as a condition precedent to the issuance of additional bonds by the County if the County previously has issued or contracted to sell bonds to pay all or part of the cost of the Project and the issuance of the additional bonds is necessary (as determined by the County) to pay such increased, additional or excess costs as are essential to completion of the Project according to the plans as last approved prior to the time when the previous bonds were issued or contracted to be sold.

6. The Municipalities shall pay to the County their respective shares of the entire cost of the Project not defrayed by grants and funds available from other sources. The Municipalities hereby acknowledge that, except as may be pledged by the County for payment of bonds as described in paragraph 3 hereof or as may be advanced by the County pursuant to paragraph 13 hereof, no County general funds shall be appropriated or pledged pursuant to this contract or for the Project. The County’s role in the Project is strictly limited to that set forth in Act 342, and the Municipalities shall be solely responsible for all administration, finance and construction costs (including attorney fees and all dispute resolution costs), and all costs of operation and maintenance of the Project. Without limiting the general nature of the preceding sentence, the cost to be paid by the Municipalities shall include, in addition to the items of the nature set forth in Exhibit B (represented by the principal amount of the bonds to be issued by
the County), all interest payable by the County on said bonds, all paying agent fees and other expenses and charges (including the County Agency's administrative expenses) that are payable on account of said bonds (such fees, expenses and charges being herein called "bond service charges"), all costs and expenses relating to lawsuits as described in paragraph 19 hereof and all items of cost described in paragraph 7 hereof. The cost of the Project is hereby allocated to the Municipalities in accordance with the percentages and amounts set forth in Exhibit B. Such payments of each Municipality shall be made to the County in annual installments, which shall be due and payable at least thirty days prior to each interest payment date specified in the County bonds. Such annual installments shall commence on the date that interest (other than capitalized interest) or principal first becomes payable on the bonds, and the aggregate amount of the installments shall be at least sufficient to pay, when added to the amount of the installments of the other Municipalities due and payable, all principal and interest on the bonds, all bond service charges payable on account of the bonds and all other costs described in this paragraph. The County Agency, within thirty days after delivery of the County bonds to the purchaser, shall furnish the treasurer of each Municipality with a complete schedule of the principal of and interest on the bonds, and the County Agency also, at least thirty days before each payment is due, shall advise the treasurer of each Municipality of the amount payable to the County on such date. If a Municipality fails to make any payment to the County when due, the same shall be subject to a penalty of 1% thereof for each month or fraction thereof that such amount remains unpaid after due. Failure of the County Agency to furnish the schedule or give the notice as above required shall not excuse a Municipality from the obligation to make payments when due. The foregoing obligations shall apply to all bonds issued by the County to defray the cost of the Project. Payments shall be made by each Municipality when due whether or not the Project has then been completed or placed in operation.

7. The County Agency is hereby authorized, but not required, to utilize County personnel for the administration of the Project. The Municipalities agree that the costs of
contract administration, auditing and financial services shall be part of the cost of the Project for purposes of paragraph 6 hereof, whether such services are provided by County personnel or third parties. In the case of County personnel, the costs attributed to the Project shall include the allocable share of such personnel's salary and fringe benefits to the Project as determined by the County Agency.

8. If one or more of the Municipalities shall pay its share of the cost of the Project, or any portion thereof, prior to the issuance of the bonds, the obligations of such Municipality shall be adjusted accordingly so that when applied to the principal, interest and bond service charges, such percentages after taking into consideration such advance payments will result in each Municipality being required to pay its appropriate share of the cost of the Project as set forth in paragraph 6 hereof. A Municipality may pay in advance of maturity all or any part of its installment due the County on the bonds by surrendering to the County bonds issued hereunder of a like principal amount maturing in the same calendar year or by paying to the County in cash the principal amount of any County bonds that are subject to redemption prior to maturity, plus all interest thereon to the first date upon which such bonds may be called for redemption, and plus all applicable call premiums and bond service charges, and in such event the County Agency shall call said bonds for redemption at the earliest possible date. The installments or parts thereof so prepaid shall be deemed to be the installments or parts thereof falling due in the same calendar year as the maturity dates of the bonds surrendered or called for redemption.

9. The proceeds of sale of the bonds shall be used solely and only to pay the cost of the Project, and after completion thereof and payment of all costs in connection therewith, any surplus remaining from the sale of the bonds shall be (i) used to purchase the bonds on the open market or (ii) retained by the County Agency as a reserve for payment of the bond principal and interest maturities next falling due, and in such event the contract obligations of the Municipalities in respect to such bonds or such maturities shall be reduced by the principal
amount of bonds so purchased or of said reserve, said reduction in case of the purchase of bonds to be applied as to year in accordance with the year of the maturity of the bonds so purchased. Any bonds so purchased shall be cancelled. In the alternative, such surplus may be used, on request of a Municipality and approval by the Board of Commissioners of the County, to extend, enlarge or improve the System or to acquire and construct additional sewage disposal system improvements and facilities to serve the Municipality.

10. Each Municipality, pursuant to the authorization of Section 5a of Act 342, hereby pledges its full faith and credit for the prompt and timely payment of its obligations expressed in this contract and, subject to applicable constitutional, statutory and charter tax limitations, each year shall levy a tax on the taxable property located in the Municipality in an amount that, taking into consideration estimated delinquencies in tax collections, will be sufficient to pay its obligations under this contract becoming due before the time of the following year's tax collections; provided, however, that if at the time of making its annual tax levy, a Municipality shall have on hand in cash other funds, including special assessment funds and sewage disposal system revenues, that have been set aside and pledged or are otherwise available for the payment of such contractual obligations falling due prior to the time of the next tax collection, then the annual tax levy may be reduced by such amount. The governing body of each Municipality each year, at least 90 days prior to the final date provided by law or charter for the making of the annual tax levy, shall submit to the County Agency a written statement setting forth the amount of its obligations to the County that become due and payable under this contract prior to the time of the next following year's tax collections, the amount of the funds that the Municipality has or will have on hand or to its credit in the hands of the County that have been set aside and pledged for payment of said obligations to the County and the amount of the taxes next proposed to be levied for the purpose of raising money to meet such obligations. The County Agency promptly shall review such statement and, if it finds that the proposed tax levy is insufficient, it shall so notify the governing body of the Municipality. The County Agency agrees to use any
Municipality's funds on hand with the County Agency, to the extent available, to make such Municipality's payments due on this contract as directed by the Municipality. Each of the Municipalities hereby covenants and agrees that it will thereupon increase its levy to such extent as may be required by the County Agency.

11. In the event that a Municipality shall fail for any reason to pay to the County Agency at the times herein specified the amounts herein required to be paid, the state treasurer or other official charged with the disbursement of unrestricted state funds returnable to the Municipality pursuant to the Michigan constitution is authorized hereby to withhold sufficient funds to make up any default or deficiency in funds. In the event the County is required to advance any money by reason of its pledge of full faith and credit on the bonds to be issued to finance the acquisition and construction of the Project on account of the delinquency of a Municipality, the County Treasurer shall notify the state treasurer to deduct the amount of money so advanced by the County from any unrestricted moneys in the state treasurer's possession belonging to the Municipality and to pay such amount to the County. In addition to the foregoing, the County shall have all other rights and remedies provided by law to enforce the obligations of the Municipalities to make payments in the manner and at the times required by this contract. It is specifically recognized by each of the Municipalities that the payments required to be made by it pursuant to the terms of this contract are to be pledged for the payment of the principal of and interest on bonds to be issued by the County, and each of the Municipalities covenants and agrees that it will make its required payments to the County promptly and at the times herein specified, without regard as to whether the Project herein contemplated is actually completed or placed in operation; provided, however, that nothing herein contained shall limit the obligation of the County to perform in accordance with the covenants contained herein.
12. No change in the jurisdiction over any territory in any of the Municipalities shall impair in any manner the obligations of this contract or affect the obligations of the Municipalities hereunder. In the event that all or any part of the territory of any Municipality is incorporated as a new city or village or is annexed to or becomes a part of the territory of another municipality, the municipality into which such territory is incorporated or to which such territory is annexed shall assume the proper proportionate share of the contractual obligations (including the pledge of full faith and credit) of such Municipality, which proper proportionate share shall be fixed and determined by the County Agency and shall be binding upon all parties concerned unless, within sixty (60) days after such incorporation or annexation becomes effective, the governing body of the municipality into which such territory is incorporated or to which such territory is annexed and the governing body of such Municipality shall by mutual agreement and with the written approval of the County Agency fix and determine such proper proportionate share. The County Agency, prior to making such determination, shall receive a written recommendation as to the proper proportionate share from a committee composed of one representative designated by the governing body of such Municipality, one designated by the governing body of the new municipality or the municipality incorporating or annexing such territory and one independent registered engineer appointed by the County Agency. Each governmental unit shall appoint its representative within fifteen (15) days after being notified to do so by the County Agency and within a like time the County Agency shall appoint the engineer third member. If any such representative (other than the appointee of the County Agency) is not appointed within the time above provided, then the County Agency may proceed without said recommendation. If the committee shall not make the recommendation within forty-five (45) days after its appointment or within any extension thereof by the County Agency, then the County Agency may proceed without such recommendation.

13. The County may advance funds, if approved by resolution adopted by a 2/3 vote of the members-elect of its Board of Commissioners (as required by Section 8 of Act 342) for
administrative expenses, including engineering, legal and consulting expenses, incurred by the County Agency in the performance of its duties and powers authorized by Act 342 and for purposes of obtaining maps, plans, designs, specifications, cost estimates, rights-of-way and permits for the Project. In such event, and to avoid paying interest on the advance, the Municipalities shall, not later than two years after the date of adoption of the resolution of the County Board of Commissioners approving such advance, reimburse the County for their respective shares of the amount of any such advance; provided, however, that (i) the County Board of Commissioners may extend the due date of such reimbursement by resolution adopted by a 2/3 vote of its members-elect and (ii) the respective obligation of each Municipality shall be reduced to the extent that County bonds are issued and the proceeds thereof are used to reimburse the County for such advances. The obligations of the Municipalities to pay the amounts set forth in this paragraph are full faith and credit obligations as described in paragraph 10 hereof. The County shall have all rights and remedies provided by this contract and Act 342 and otherwise pursuant to law to enforce the obligations of the Municipalities described in this paragraph. In the event that any Municipality fails to reimburse the County for an advance made pursuant to this paragraph when due, such Municipality shall pay to the County interest on such unreimbursed amount from the date of such advance to the date of repayment at the interest rate prevailing on six-month United States Treasury Bills on the date of adoption of the resolution of the County Board of Commissioners approving the advance, to be compounded quarterly.

14. If County bonds are not sold to finance the acquisition and construction of any portion of the Project within three years from the date of this contract through no fault of the County or if the Project is abandoned for any reason, the Municipalities shall pay, or reimburse the County for the payment of, all engineering, legal and other costs and expenses incurred by the County Agency in connection with the Project in the percentages set forth in Exhibit B and the Municipalities shall be entitled to all plans, specifications and other engineering data and materials. The provisions of this paragraph may be waived or extended, either before or after the
expiration of the three year period, by resolution of each of the governing bodies of the Municipalities and the Board of Commissioners of the County.

15. After completion of the Project the operation and maintenance of the Project shall be in accordance with applicable agreements between the County and the Municipalities.

16. It is understood and agreed by the parties hereto that the System is to serve the Municipalities and not the individual property owners and users thereof, unless by special arrangement between the County Agency and the Municipalities. The responsibility of requiring connection to and use of the System and/or providing such additional facilities as may be needed shall be that of the Municipality wherein such property is located and such Municipality shall cause to be constructed and maintained, directly or through the County, any such necessary additional facilities. The County shall not be obligated to acquire or construct any facilities other than those designated in paragraph 2 hereof.

17. The County shall have no obligation or responsibility for providing facilities except as herein expressly provided with respect to the acquisition and construction of the Project or as otherwise provided by contract. The Municipalities shall have the authority and the responsibility to provide such other facilities and shall have the right to expand the facilities of the System by constructing or extending sewers or related facilities, connecting the same to the System, and otherwise improving the System. It is expressly agreed, nevertheless, that no such connection shall be made to the System and no improvements, enlargements or extensions thereof shall be made without first securing a permit therefor from the County. Any such permit may be made conditional upon inspection and approval of new construction by the County.

18. To the fullest extent permitted by law, and except as covered by the contractor's liability insurance, the Municipalities shall indemnify and hold harmless the County and the
County Agency, and agents and employees of each of them, from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from design or construction work relating to the Project, including, without limitation, claims for damage to public or private property and for injuries to or death of any person or persons, excluding, however, any claims or causes of action resulting from the County's or the County Agency's sole negligence.

19. The parties hereto agree that the costs and expenses of any lawsuits or Claims (as hereinafter defined) arising directly or indirectly out of this contract or the construction or financing of the Project, to the extent that such costs and expenses are chargeable against the County or the County Agency, shall be deemed to constitute a part of the cost of the Project and shall be paid by the Municipalities in the same manner as herein provided with respect to other costs of the Project. In the event of such litigation or claims, the County Agency shall consult with the Municipalities and shall retain legal counsel agreeable to the County and the Municipalities to represent the County; provided that if the County and the Municipalities cannot agree as to such representation within a reasonable time, the County Agency shall exercise its discretion as to the retention of such counsel. In this contract, "Claims" means any alleged losses, claims, complaints, demands for relief or damages, liability, penalties, costs, and expenses, including, but not limited to, reimbursement for reasonable attorney fees, witness fees, court costs, investigation expenses, litigation expenses, amounts paid in settlement, and/or other amounts or liabilities of any kind which are imposed on, incurred by, or assessed against the County, County Agency or Municipalities, or for which the County, County Agency or Municipalities may become legally and/or contractually obligated to pay or defend against, whether direct, indirect or consequential, whether based upon any alleged violation of the federal or the State constitution, any federal or State statute, rule, regulation, or any alleged violation of federal or State common law, whether any such claims are brought in law or equity, tort, contract, or otherwise, and/or whether commenced or threatened. This paragraph shall not apply
to a lawsuit instituted by any of the Municipalities to enforce their respective rights under this contract.

20. All powers, duties and functions vested by this contract in the County shall be exercised and performed by the County Agency, for and on behalf of the County, unless otherwise provided by law or in this contract.

21. The parties hereto recognize that the holders from time to time of the bonds to be issued by the County under the provisions of Act 342, and secured by the full faith and credit pledge of each of the Municipalities to the payment of the principal of and interest on the bonds as set forth in this contract, will have contractual rights in this contract, and it is therefore covenanted and agreed that so long as any of said bonds shall remain outstanding and unpaid, the provisions of this contract shall not be subject to any alteration or revision that would affect adversely either the security of the bonds or the prompt payment of principal or interest thereon. The right to make changes in this contract, by amendment, supplemental contract or otherwise is nevertheless reserved insofar as the same do not have such adverse effect. The parties hereto further covenant and agree that they each will comply with their respective duties and obligations under the terms of this contract promptly, at the times and in the manner herein set forth, and will not suffer to be done any act that would impair in any way the contract of said bonds, the security therefor or the prompt payment of principal and interest thereon. It is declared hereby that the terms of this contract and of any amendatory or supplemental contract and any contract entered into pursuant hereto, insofar as they pertain to said bonds or to the payment of the security thereof, shall be deemed to be for the benefit of the holders of said bonds.

22. In the event that any one or more of the provisions of this contract for any reason shall be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or
unenforceability shall not affect any other provisions hereof, but this contract shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

23. This contract shall become effective after its execution by each party hereto and the expiration of 45 days after the date of publication of the notice required by Section 5b of Act 342; provided, however, that if, within the 45-day period, a proper petition is filed with the Clerk of any Municipality in accordance with the provisions of Section 5b of Act 342, this contract shall not become effective until approved by the vote of a majority of the electors residing in such Municipality qualified to vote and voting thereon at a general or special election. This contract shall terminate forty (40) years from its date or on such earlier date when the Municipalities are not in default hereunder and the principal, interest and bond service charges on the bonds issued as hereinafore described and all other amounts owed by the Municipalities to the County hereunder are fully paid and discharged. This contract shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Nothing herein contained, however, shall require the County to finance the Project if it is unable to sell the bonds to finance the same. This contract may be executed in any number of counterparts.
IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed and delivered by the undersigned, being duly authorized by their respective governing bodies.

COUNTY OF OAKLAND

Executed on __________, 2013

By: __________________________
    County Water Resources Commissioner
    (County Agency)

CITY OF AUBURN HILLS

By: __________________________
    Mayor

Executed on __________, 2013

And: __________________________
    Clerk

CHARTER TOWNSHIP OF INDEPENDENCE

By: __________________________
    Supervisor

Executed on __________, 2013

And: __________________________
    Clerk
VILLAGE OF LAKE ORION

By: 
President

Executed on __________, 2013

And: 
Clerk

CHARTER TOWNSHIP OF OAKLAND

By: 
Supervisor

Executed on __________, 2013

And: 
Clerk

CHARTER TOWNSHIP OF ORION

By: 
Supervisor

Executed on __________, 2013

And: 
Clerk
CHARTER TOWNSHIP OF OXFORD

By: __________________________
Supervisor

Executed on __________, 2013

And: __________________________
Clerk

VILLAGE OF OXFORD

By: __________________________
President

Executed on __________, 2013

And: __________________________
Clerk

CITY OF ROCHESTER

By: __________________________
Mayor

Executed on __________, 2013

And: __________________________
Clerk
CITY OF ROCHESTER HILLS

By: 

Mayor

Executed on __________, 2013

And: 

Clerk

CHARTER TOWNSHIP OF WATERFORD

By: 

Supervisor

Executed on __________, 2013

And: 

Clerk

CHARTER TOWNSHIP OF WEST BLOOMFIELD

By: 

Supervisor

Executed on __________, 2013

And: 

Clerk
EXHIBIT "A"
PERRY STREET PUMP STATION AND FORCEMAIN
PROJECT DESCRIPTION

The Clinton Oakland Sewage Disposal System (COSDS) is a regional sewer service district that serves 12 communities in central and northern Oakland County. Wastewater treatment from the district is discharged to the Oakland Macomb Interceptor (OMID) and ultimately discharged through the City of Detroit's combined sewer system to the Detroit Wastewater Treatment plant. The proposed Perry Street Diversion Pumping Station will be constructed to be capable of diverting 30% of the flows from the OMID and to transmit those flows to the recently acquired Pontiac Wastewater Treatment Facilities. A concrete diversion structure constructed around the existing 48" interceptor will allow a portion of interceptor flow to be diverted to the Perry Street Pump Station (PSPS). When flow is diverted, the flow in the downstream reach of the COSDS Interceptor will be reduced. The PSPS construction will include inlet diversion structure, site utilities, including new sewage grinding equipment, hydraulic gates, dry pit submersible pumps with variable speed drives, associated piping, meters and valves, hoisting equipment, standby power generators. HVAC equipment, electrical gear, telemetry, SCADA controls and all necessary site work.

The PSPS will discharge an average flow of 14 cfs and a peak flow of 36 cfs to a 36-inch HDPE forcemain that will bring the sanitary sewage to the Pontiac Auburn WWTP. The route for the forcemain consists of the following five (5) segments:

Segment 1
Galloway Park (COSDS to GTWRR): The project route begins at the proposed junction chamber to be constructed over the existing 48-inch diameter COSDS interceptor sewer located at the City of Pontiac's Galloway Park. This junction chamber and the proposed Perry Pump Station are proposed to be constructed in a grass area between the Ewalt Community Center parking lot, the Galloway Park fenced baseball field, and upland of the Galloway Creek established floodplain. From this location, the proposed forcemain route traverses southwesterly, approximately 1,000 feet, through Galloway Park to the abandoned Grand Trunk Western Railroad right-of-way.

Segment 2
Grand Trunk Western Railroad Right-of-Way (Galloway Park to Silverdome): From Galloway Park, the proposed forcemain route continues southerly, approximately 8.400 feet, within the GTWRR right-of-way (150 feet wide) to the south line of the Pontiac Silverdome property at M-59.

Segment 3
Pontiac Silverdome (GTWRR to M-59): From the Grand Trunk Western Railroad right-of-way, the proposed forcemain route continues easterly, approximately 800 feet, within the Pontiac Silverdome property. The proposed alignment intercepts and parallels the existing Galloway
Creek Sewer that is located 20 feet north of the south property line of the Silverdome. This proposed section of foremain lies within the existing 40 foot wide easement to the City of Pontiac for the Galloway Creek Sewer.

Segment 4
M-59 (Pontiac Silverdome to Auburn WWTP): The foremain will connect to the existing City of Pontiac 36-inch diameter sewer between the Silverdome and the City of Pontiac’s Auburn Wastewater Treatment Plant in the M-59 right-of-way. This existing 36-inch diameter sewer crossing of M-59 will be CIPP lined and utilized as part of this project.

Segment 5
Auburn WWTP (M-59 to Junction Chamber): From the existing manhole on the City of Pontiac Auburn WWTP property, just south of M-59; the proposed route continues southerly along the west side of the gravel parking lot to the proposed junction chamber that is located approximately 150 feet north of the Auburn WWTP Grit Tank.

The proposed location of the Project is shown on Figure 1.
EXHIBIT "A"

FIGURE 1

PERRY STREET PUMP STATION & FORCE MAIN

CITY OF PONTIAC, OAKLAND COUNTY, MICHIGAN

Location Map

LEGEND

PROPOSED FORCE MAIN

PROPOSED PUMP STATION
EXHIBIT "B"

PERRY STREET PUMP STATION & F.M. PROJECT
PRELIMINARY ESTIMATE OF PROJECT COSTS
REVISED 03-14-13

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<th>Force Main &amp; Reg Project Costs</th>
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| 2) Engineering Consultants              |                           |                                |               |
| a Preliminary Phase                     | $ 72,517                  | $ 27,552                       | $ 100,069     |
| b Design Phase                          | $ 193,666                 | $ 39,223                       | $ 232,889     |
| c Construction Phase                    | $ 112,931                 | $ 42,907                       | $ 155,838     |
| d Resident Project Representative       | $ 254,136                 | $                            | $ 254,136     |
| e Geotechnical Services                 | $ 40,511                  | $ 16,689                       | $ 57,190      |
| f Construction Testing                  | $ 125,000                 | $ 30,000                       | $ 155,000     |
| **Sub Total Engineering Consultants**   | $ 799,361                 | $ 158,371                      | $ 957,732     |

| 3) Legal & Financial                    |                           |                                |               |
| a Land Appraisals                       | $                        | $ 12,000                       | $ 12,000      |
| b Land Acquisition                      | $                        | $ 27,000                       | $ 27,000      |
| c Legal Costs                           | $                        | $ 10,000                       | $ 10,000      |
| d Bond Counsel                          | $ 71,040                 | $ 24,960                       | $ 95,920      |
| e Financial Consultant                  | $ 25,800                 | $ 9,100                        | $ 35,000      |
| **Sub Total Legal & Financial**         | $ 96,840                 | $ 83,060                       | $ 180,000     |

| 4) County Services:                    |                           |                                |               |
| a Administration & General             | $ 11,193                  | $ 8,249                        | $ 19,442      |
| b Engineering                          | $ 171,066                 | $ 82,857                       | $ 254,232     |
| c Right-Of-Way                         | $ 821                     | $ 2,422                        | $ 3,243       |
| d Construction Inspection               | $                        | $ 178,288                      | $ 178,288     |
| e Survey Crew                          | $ 4,264                   | $ 36,376                       | $ 40,640      |
| f Indirect Costs                        | $ 37,023                  | $ 37,023                       | $ 74,046      |
| **SubTotal County Services**           | $ 225,267                 | $ 347,214                      | $ 572,481     |

| Project Subtotal                        | $ 15,702,722              | $ 7,315,205                    | $ 23,017,927  |

| 5) 6% Contingency of Project Costs     | $ 842,163                 | $ 438,912                      | $ 1,281,076   |

| 6) Total Project Cost as of 03-14-13    | $ 16,644,885              | $ 7,754,117                    | $ 24,399,002  |

I hereby certify the period of usefulness of these facilities to be forty (40) years and upwards.

By: [Signature]
George P. Nichols, P.E.
Project Engineer
EXHIBIT “B”
PERRY STREET PUMP STATION AND FORCEMAIN

Auburn Hills.................................. 12.58%
Independence Township.................... 7.86%
Oakland Township.......................... 2.29%
Village of Lake Orion...................... 1.16%
Orion Township............................. 9.34%
Village of Oxford........................... 1.39%
Oxford Township........................... 3.85%
City of Rochester.......................... 5.83%
City of Rochester Hills.................... 23.37%
Waterford Township...................... 26.01%
West Bloomfield Township................. 0.35%

TOTAL...................................... 100.00%
CITY OF AUBURN HILLS
OAKLAND COUNTY, MICHIGAN

NOTICE OF ADOPTION OF RESOLUTION BY CITY COUNCIL
AUTHORIZING EXECUTION OF A CONTRACT PLEDGING
THE FULL FAITH AND CREDIT OF THE
CITY AND NOTICE OF RIGHT OF REFERENDUM

TO: ALL ELECTORS AND TAXPAYERS
OF THE CITY OF AUBURN HILLS, MICHIGAN
AND OTHER INTERESTED PERSONS:

NOTICE IS HEREBY GIVEN, that on May ___, 2013, the City Council of the City of Auburn Hills adopted a resolution approving and authorizing the execution and delivery of a contract between the County of Oakland (hereinafter sometimes referred to as the "County") and the City of Auburn Hills, the Charter Township of Independence, the Village of Lake Orion, the Charter Township of Oakland, the Charter Township of Orion, the Charter Township of Oxford, the Village of Oxford, the City of Rochester, the City of Rochester Hills, the Charter Township of Waterford, and the Charter Township of West Bloomfield pursuant to the provisions of Act 342, Public Acts of Michigan, 1939, as amended, MCL 46.175b, relative to the acquisition, construction and financing of improvements and facilities comprising the Clinton-Oakland Sewage Disposal System Perry Street Diversion Project as more specifically set forth in the contract (the "Project").

PURPOSE OF CONTRACT

The contract has for its purpose and provides for (a) the acquisition and construction of the Project at a total estimated cost of $24,399,002; (b) the increase of the estimated cost under certain circumstances; (c) the payment of their respective shares of the cost by the Municipalities to the County in annual installments with interest and expenses; (d) the financing of all or part of the cost by the issuance of County bonds in one or more series in the estimated aggregate amount of $24,399,002 (which amount may be increased under certain circumstances); and (e) the pledge
of the full faith and credit of the Municipalities to the payment of their respective shares of the amounts due the County as specified in the Contract that shall be sufficient to pay the principal of and interest on such bonds.

CITY OF AUBURN HILLS
CONTRACTUAL OBLIGATION AND SOURCE OF PAYMENT

The bonds to be issued by the County to defray the cost of the acquisition and construction of the Project will bear interest at a rate of not to exceed 7% per annum and will mature serially over a period not exceeding 30 years. The full faith and credit of the City of Auburn Hills has been pledged in the contract for the making of payments to the County in amounts sufficient to pay its share of the principal of and interest on the bonds as the same shall become due and for the payment of bond service charges incurred by the County. The City of Auburn Hills' share of the principal of and interest on the bonds is 12.58%. Pursuant to its pledge of full faith and credit, the City of Auburn Hills has obligated itself to levy ad valorem taxes on all taxable property in the City of Auburn Hills to the extent necessary (i.e., to the extent other funds are not available for such purpose) to enable it to make such payments to the County. Taxes imposed by the City of Auburn Hills are subject to constitutional, statutory and charter tax limitations.

RIGHT TO PETITION FOR REFERENDUM ON CONTRACT

This notice is given by order of the City to and for the benefit of the electors and taxpayers residing in the City of Auburn Hills and any other interested persons in order to inform them of their right to petition for a referendum upon the contract. The contract will not become effective until the expiration of 45 days after the publication of this notice. If, within said 45-day period, a petition signed by 10% or 15,000, whichever is the lesser, of the registered electors residing within the City of Auburn Hills is filed with the City Clerk requesting a referendum upon the contract, the contract will not become effective until approved by a majority of the
electors of the City of Auburn Hills qualified to vote and voting thereon at a general or special election.

FURTHER INFORMATION

Further information relative to the subject matter of the contract and this notice, including the description and location of the Project, may be secured at the office of the City Clerk where a copy of the contract is available for examination during normal business hours.

This notice is given pursuant to the provisions of Section 5b of Act 342, Public Acts of Michigan, 1939, as amended, MCL 46.175b.

TERI KOWAL
CITY CLERK

Dated: _____________, 2013
CITY OF AUBURN HILLS
CERTIFICATE OF CITY CLERK

I, the City Clerk of the City of Auburn Hills, Oakland County, Michigan (the "City"), do hereby certify that the NOTICE OF ADOPTION OF RESOLUTION BY CITY COUNCIL AUTHORIZING EXECUTION OF CLINTON-OAKLAND SEWAGE DISPOSAL SYSTEM PERRY STREET DIVERSION PROJECT CONTRACT PLEDGING THE FULL FAITH AND CREDIT OF THE CITY AND NOTICE OF RIGHT OF REFERENDUM, was duly published in __________________________, newspaper, on the ___ day of _________, 2013; and that since the publication of said Notice, no petition requesting a referendum upon the Contract has been filed with me or in my office.

______________________________________________
Teri Kowal, City Clerk
City of Auburn Hills

Dated: _________________, 2013
DATE: MAY 6, 2013 MEETING

AGENDA ITEM NO. 9e.

To: Mayor and City Council
From: Peter E. Auger, City Manager and Dan Brisson, Manager of Facilities and Roads.
Submitted: April 30, 2013
Subject: Joslyn Road Concrete Overlay, Collier to north of Pacific Drive.

INTRODUCTION AND HISTORY
The City has been working with the Road Commission of Oakland County for the past few years to address pavement condition concerns on Joslyn Road within the City (Collier Road to Brown Road). RCOC has planned a concrete overlay on Joslyn from Collier to just north of Pacific Drive with construction expected to begin in late 2013 or early 2014. The City has budgeted $185,000.00 from the 2013 Street Improvement fund in anticipation of participating in the costs for this project.

Project cost is estimated at $1,800,000.00 and will receive $1,050,000.00 in federal program dollars under the National Highway Performance Program (NHPP). The remaining $750,000.00 will be funded utilizing Tri-Party Program funding where the Oakland County Board of Commissioners (County), Board of Road Commissions (RCOC) and the Community (Auburn Hills) will participate in project costs. The City’s share for the project will be $100,000.00. Attached is the RCOC Cost Participation Agreement and Exhibit A cost participation breakdown for Council’s review.

STAFF RECOMMENDATION
The DPS recommends City Council authorize the City Manager, as Street Administrator for the City, to sign the Cost Participation Agreement for the Joslyn Road, Collier to north of Pacific Drive concrete overlay project with payment due to the RCOC.

MOTION
Move to authorize the City Manager, as Street Administrator, to sign the RCOC Cost Participation Agreement for Joslyn Road from Collier to north of Pacific Drive with the City’s participation cost being $100,000.00. Funding is provided from the Street Improvement Fund (101-446-973.202).

I CONCUR: 

on behalf of

PETER E. AUGER, CITY MANAGER
COST PARTICIPATION AGREEMENT
CONSTRUCTION
Joslyn Road
Collier to North of Pacific Drive
City of Auburn Hills
Board Project No. 50971

This Agreement, made and entered into this _____ day of _________________, 2013, by and between the Board of Road Commissioners for the County of Oakland, Michigan, hereinafter referred to as the BOARD, and the City of Auburn Hills, hereinafter referred to as the COMMUNITY, provides as follows:

WHEREAS, the BOARD and the COMMUNITY, in cooperation with the Michigan Department of Transportation, hereinafter referred to as MDOT, have programmed the resurfacing of Joslyn Road from Collier Road to north of Pacific Drive, as described in Exhibit "A", attached hereto, and made a part hereof, which improvements involve roads under the jurisdiction of the BOARD and within the COMMUNITY, which improvements are hereinafter referred to as the PROJECT; and

WHEREAS, the estimated total cost of the PROJECT is $1,800,000; and

WHEREAS, the BOARD will enter into a contract with MDOT for partial funding of the PROJECT with federal program dollars under the National Highway Performance Program in the amount of $1,050,000; and

WHEREAS, the BOARD, as the requesting party therein, will be the party financially responsible to MDOT to bear all costs of the PROJECT in excess of federal funds, hereinafter referred to as the LOCAL MATCH; and

WHEREAS, the COMMUNITY’S share of said LOCAL MATCH involves certain designated and approved Tri-Party Program funding in the amount of $300,000, which shall be paid through equal contributions by the BOARD, the COMMUNITY, and the Oakland County Board of Commissioners, hereinafter referred to as the COUNTY; and
WHEREAS, all the parties hereto have reached a mutual understanding regarding the cost sharing for the LOCAL MATCH and wish to commit that understanding to writing in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and in conformity with applicable law, it is hereby agreed between the COMMUNITY and the BOARD that:

1. The COMMUNITY approves of the PROJECT, declares its public necessity, and authorizes the BOARD and MDOT to perform or cause to be performed, and complete the PROJECT along with all administration in reference thereto.

2. The PROJECT shall include construction engineering and total payments to the contractor.

3. The estimated total LOCAL MATCH is $750,000 and shall be shared in the following order:
   a. Tri-Party Program funding in the amount of $300,000.
   b. The BOARD will contribute $450,000 toward the LOCAL MATCH.
   c. Any PROJECT costs above the Tri-Party Program funding of $300,000 and the BOARD contribution of $450,000 will be funded 100% by the BOARD.

4. Upon execution of this agreement, the BOARD shall submit an invoice to the COMMUNITY in the amount of $100,000 (being 100% of the COMMUNITY’S Tri-Party contribution).

5. After execution of this agreement and approval by the COUNTY, the BOARD shall submit an invoice to the COUNTY in the amount of $100,000 (being 100% of the COUNTY’S Tri-Party contribution).
a. The invoice shall be sent to:

Mr. Tim Soave, Manager of Fiscal Services
Executive Office Building
2100 Pontiac Lake Road, Building 41 West
Waterford, MI  48328

6. The total actual LOCAL MATCH will be determined from the records of the BOARD upon completion of State financial audits of the PROJECT and a final determination of the total federal funds used on the PROJECT. Final adjustments in the financial obligations of the parties hereto will be made upon completion of the required audits.

7. Upon receipt of said invoice(s), the COMMUNITY and the COUNTY shall pay to the BOARD the full amount thereof, within thirty (30) days of such receipt.
IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and date first written above.

BOARD OF ROAD COMMISSIONERS FOR THE COUNTY OF OAKLAND
A Public Body Corporate

By________________________________________

Its________________________________________

CITY OF AUBURN HILLS

By________________________________________

Its________________________________________

By________________________________________

Its________________________________________
EXHIBIT A

TRI-PARTY PROGRAM

Joslyn Road
Collier Road to north of Pacific Drive
City of Auburn Hills
Board Project No. 50971

Resurfacing of Joslyn Road from Collier Road to north of Pacific Drive.

<table>
<thead>
<tr>
<th>ESTIMATED PROJECT COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractor Payments</td>
</tr>
<tr>
<td>Construction Engineering</td>
</tr>
<tr>
<td>Less Federal Funds</td>
</tr>
<tr>
<td>Total Estimated Local Share</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COST PARTICIPATION BREAKDOWN</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>FY2010 Tri-Party Program</td>
</tr>
<tr>
<td>FY2011 Tri-Party Program</td>
</tr>
<tr>
<td>FY2012 Tri-Party Program</td>
</tr>
<tr>
<td>Contribution</td>
</tr>
<tr>
<td>TOTAL SHARES</td>
</tr>
</tbody>
</table>
DATE: MAY 6, 2013 MEETING

AGENDA ITEM NO. 9F.

To: Mayor and City Council

From: Peter E. Auger, City Manager and Dan Brisson, Manager of Facilities and Roads.

Submitted: April 30, 2013

Subject: Joslyn Road Concrete Patching, north of Pacific Drive to I-75, Tri-Party Program.

INTRODUCTION AND HISTORY

As part of the Joslyn Road concrete overlay scheduled for late 2013/early 2014, additional funding is available for concrete patching to continue north of the project in the amount of $87,993.00. This project proposal will also take advantage of Tri-Party funding where the County, RCOC and City of Auburn Hills will participate equally in the costs. The City’s participation cost will be $29,331.00. Concrete repairs are planned from north of the concrete overlay project to the I-75 exchange doing as much work as the tri-party funding proposal permits.

RCOC has asked the City to administer the pavement repairs for this project as part of our annual concrete maintenance program. Patching work would likely be performed at the same time as the concrete overlay work is performed to minimize traffic control costs for both projects. A copy of the Cost Participation Agreement and cost breakdown is attached for Council’s review.

STAFF RECOMMENDATION

The DPS recommends City Council authorize the City Manager, as Street Administrator for the City, to sign the Cost Participation Agreement for the Joslyn Road construction project with payment due to the RCOC.

MOTION

Move to authorize the City Manager, as Street Administrator, to sign the RCOC Cost Participation Agreement for Joslyn Road, North of Pacific Drive to I-75, with the City’s participation cost being $29,331.00. Funding is provided from the Street Improvement Fund (101-446-973.202).

I CONCUR:

on behalf of

PETER E. AUGER, CITY MANAGER
This Agreement, made and entered into this ______ day of ________________, 2013, by and between the Board of Road Commissioners for the County of Oakland, Michigan, hereinafter referred to as the BOARD, and the City of Auburn Hills, hereinafter referred to as the COMMUNITY, provides as follows:

WHEREAS, the BOARD and the COMMUNITY have programmed the concrete repair on Joslyn Road from north of Pacific Drive to I-75, described in Exhibit "A", attached hereto and made a part hereof, which improvements involve roads under the jurisdiction of the BOARD and within the COMMUNITY, which improvements are hereinafter referred to as the PROJECT; and

WHEREAS, the estimated total cost of the PROJECT is $87,993; and

WHEREAS, said PROJECT involves certain designated and approved Tri-Party Program funding in the amount of $87,993, which amount shall be paid through equal contributions by the BOARD, the COMMUNITY, and the Oakland County Board of Commissioners, hereinafter referred to as the COUNTY; and

WHEREAS, the BOARD and the COMMUNITY have reached a mutual understanding regarding the cost sharing of the PROJECT and wish to commit that understanding to writing in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and in conformity with applicable law, it is hereby agreed between the COMMUNITY and the BOARD that:
1. The COMMUNITY shall forthwith undertake and complete the PROJECT, as above described, under Road Commission for Oakland County permit; and shall perform or cause to be performed all CONSTRUCTION engineering services and administration in reference thereto.

2. The actual total cost of the PROJECT may include total payments to the contractor.

3. The COMMUNITY shall comply with the provisions as set forth in Exhibit “B” attached hereto.

4. The COMMUNITY shall comply with the liability and insurance requirements as set forth in Exhibit “C” attached hereto.

5. The estimated total PROJECT cost of $87,993 shall be funded in the following order:
   a. The Tri-Party Program funding is not to exceed $87,993.
   b. The COMMUNITY agrees that any PROJECT costs above the Tri-Party Program funding of $87,993 will be funded 100% by the COMMUNITY.

6. Upon execution of this agreement, the COMMUNITY shall submit two invoices to the BOARD:
   a. The first invoice shall be payable by the BOARD in the amount of $29,331 (being 100% of the BOARD’s Tri-Party contribution).
   b. The second invoice shall be payable by the COUNTY in the amount of $29,331 (being 100% of the COUNTY’S Tri-Party contribution).
   c. The invoices shall be sent to:

      Ms. Julie Enders, Engineering Aide
      Road Commission for Oakland County
      31001 Lahser Road
      Beverly Hills, MI 48025
7. Within 90 days of completion of the PROJECT, the COMMUNITY shall submit to the BOARD the following:

a. A cover letter originated by the COMMUNITY certifying that the PROJECT is now complete.

b. A copy of the FINAL payment estimate paid to the contractor.

c. One copy of the complete set of the as-built construction plans containing the adjusted quantities of the PROJECT.
IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and date first written above.

BOARD OF ROAD COMMISSIONERS FOR THE COUNTY OF OAKLAND
A Public Body Corporate

By________________________________________

Its________________________________________

CITY OF AUBURN HILLS

By________________________________________

Its________________________________________

By________________________________________

Its________________________________________
Concrete repair on Joslyn Road from north of Pacific Drive to I-75.

### ESTIMATED PROJECT COST

<table>
<thead>
<tr>
<th>Contractor Payments</th>
<th>$87,993</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Estimated Project Cost</td>
<td>$87,993</td>
</tr>
</tbody>
</table>

### COST PARTICIPATION BREAKDOWN

<table>
<thead>
<tr>
<th></th>
<th>COMMUNITY</th>
<th>COUNTY</th>
<th>BOARD</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY2012 Tri-Party Program</td>
<td>$4,784</td>
<td>$4,784</td>
<td>$4,785</td>
<td>$14,353</td>
</tr>
<tr>
<td>FY2013 Tri-Party Program</td>
<td>$24,547</td>
<td>$24,547</td>
<td>$24,546</td>
<td>$73,640</td>
</tr>
<tr>
<td>TOTAL SHARES</td>
<td>$29,331</td>
<td>$29,331</td>
<td>$29,331</td>
<td>$87,993</td>
</tr>
</tbody>
</table>
**Bidding:** The COMMUNITY shall select the contractor for its share of the work, on a competitive basis by advertising for sealed bids in accordance with its established practices.

**Bonds – Insurance:** The COMMUNITY shall require the contractor provide payment and performance bonds for the PROJECT; said bonds to be in compliance with the provisions of 1963 PA 213 as amended, compiled at MCL 129.201, et seq.

Further, the COMMUNITY shall require the contractor to provide insurance naming the Road Commission for Oakland County as additional named insured's. Coverage’s shall be substantial as set forth in Exhibit “C”, attached hereto.

**Records:** The parties shall keep records of their expenses regarding the PROJECT in accordance with generally accepted accounting procedures, and shall make said records available to the other during business hours upon request giving reasonable notice. Such records shall be kept for three (3) years from final payment.

Final costs shall be allocated after audit of the records and adjustments in payments shall be invoiced and paid within thirty (30) days thereafter.

**EEO:** The COMMUNITY shall require its contractor to specifically agree that it will comply with any and all applicable State, Federal, and Local statutes ordinances, and regulations, and with RCOC regulations during performance of the SERVICES and will require compliance of all subcontractors and subconsultants.

In accordance with Michigan 1976 PA 453, the COMMUNITY hereto agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, because of race, color, religion, national origin, age, sex, height, weight or marital status. Further, in accordance with Michigan 1976 PA No. 220, as amended, the parties hereby agree not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment, because of a disability that is unrelated to the individual’s ability to perform the duties of a particular job or position.

The COMMUNITY further agrees that it will require all subconsultants and subcontractors for this PROJECT comply with this provision.

**Governmental Function, Scope:** It is declared that the work performed under this AGREEMENT is a governmental function. It is the intention of the parties hereto that this AGREEMENT shall not be construed to waive the defense of governmental immunity held by the RCOC, and the COMMUNITY.

**Third Parties:** This AGREEMENT is not for the benefit of any third party.
EXHIBIT C
LIABILITY AND INSURANCE REQUIREMENTS

Hold Harmless Agreement: The Contractor shall hold harmless, represent, defend and indemnify the Board of County Road Commissioners of Oakland County, the Road Commission for Oakland County, its officers and employees; the County of Oakland; the Water Resources Drain Commissioner and relevant drainage district(s), if applicable; the Michigan State Transportation Commission; the Michigan Department of Transportation; and the local unit(s) of government, within which the Project is located against all claims for damages to public or private property, for injuries to persons, or for other claims arising out of the performance or non-performance of the contracted work, whether during the progress or after the completion thereof.

Insurance Coverage: The Contractor, prior to execution of the contract, shall file with the Road Commission for Oakland County, copies of complete certificates of insurance as evidence that he carries adequate insurance satisfactory to the Board. Insurance coverage shall be provided in accordance with the following:

a. Workmen’s Compensation Insurance: To provide protection for the Contractor’s employees, to the statutory limits of the State of Michigan and $500,000 employer’s liability. The indemnification obligation under this section shall not be limited in any ways by any limitation on the amount or type of damages, compensation or benefits payable by or for the Contractor under worker’s disability compensation coverage established by law.

b. Bodily Injury and Property Damage Other than Automobile: To afford protection against all claims for damages to public or private property, and injuries to persons arising out of and during the progress and to the completion of the work, and with respect to product and completed operations for one year after completion of the work.

1. Bodily Injury Liability
   - Each Person: $1,000,000
   - Each Occurrence: $1,000,000
   - Aggregate: $2,000,000

   Property Damage Liability:
   - Each Occurrence: $250,000
   - Aggregate: $250,000

   Such insurance shall include: 1) explosion, collapse, and underground damage hazards (x,c,u), which shall include, but not be limited to coverage for (a) underground damage to facilities due to drilling and excavating with mechanical equipment; and (b) collapse or structural injury to structures due to blasting or explosion,
excavation, tunneling, pile driving, cofferdam work, or building moving or demolition; (2) products and completed operations; (3) contractual liability; and (4) independent contractors coverage.

2. Bodily Injury Liability and Property Damage Liability - Automobiles (Comprehensive Auto Liability). The minimum limits of bodily injury liability and property damage liability shall be:

<table>
<thead>
<tr>
<th>Bodily Injury Liability</th>
<th>Single Limit: Bodily Injury and Property Damage Liability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each Person</td>
<td>$500,000 Each Occurrence: $2,000,000</td>
</tr>
<tr>
<td>Each Occurrence</td>
<td>$1,000,000</td>
</tr>
</tbody>
</table>

Property Damage Liability:
Each Occurrence: $1,000,000

Such insurance shall include coverage for all owned, hired, and non-owned vehicles.

c. Excess and Umbrellas Insurance – The Contractor may substitute corresponding excess and/or umbrella liability insurance for a portion of the above listed requirements in order to meet the specified minimum limits of liability.

d. The Contractor shall provide for and on behalf of the Road Commission for Oakland County and all agencies specified by the Road Commission, as their interest may appear, Owner’s Protective Public Liability Insurance. Such insurance shall provide coverage and limits the same as the Contractor’s Public Liability Insurance.

e. Notice – The Contractor shall not cancel, renew, or non-renew the coverage of any insurance required by this Section without providing 30 day prior written notice to the Road Commission for Oakland County. All such insurance shall include an endorsement whereby the insurer shall agree to notify the Road Commission for Oakland County immediately of any reduction by the Contractor. The Contractor shall cease operations on the occurrence of any such cancellation or reduction, and shall not resume operations until new insurance is in force. If the Contractor cannot secure the required insurance within 30 days, the Board reserves the right to terminate the Contract.

f. Reports – The Contractor or his insurance carrier shall immediately report all claims received which relate to the Contract, and shall also report claims investigations made, and disposition of claims to the County Highway Engineer.
To: Mayor and City Council
From: Peter E. Auger, City Manager; Steve J. Cohen, Director of Community Development, and Shawn Keenan, Water Resources Coordinator
Submitted: May 1, 2013

INTRODUCTION AND HISTORY
Attached are the Third Quarter Y2012 Monitoring Network Review Summary prepared by PM Environmental and the Fourth Quarter Y2012 and Y2012 Annual Monitoring Network Review Summaries prepared by Environmental Resources Group, LLC (ERG) for the Oakland Heights Development Landfill. The monitoring network at the landfill appears to be adequate to detect potential releases to the environment.

STATUS OF PREVIOUS ACTION ITEMS
1. Evaluate Monitoring Well – 8 and Monitoring Well - 20R to determine cause(s) of the apparent Statistical Prediction Limit Exceedences.
   Status: RESOLVED – Concentrations continue to decrease. Previous remedial actions appear to have resolved the issue. Exceedences associated with monitoring wells MW-8 and MW-20R are not a result of leachate releases.

NEW ACTION ITEMS
Action Items to check from Fourth Quarter Y2012 Monitoring Report
1. Low concentrations of vinyl chloride (VC) were detected in background samples from recently installed MW-47S. Current data appears to indicate the VC is from an off-site source. Continued monitoring of MW-47S is warranted.

STAFF RECOMMENDATION
Staff recommends acceptance. Representative Andy Foerg from Environmental Resources Group and representatives from the Oakland Heights Development landfill and Brown & Caldwell are scheduled to be in attendance at the meeting should the City Council wish to discuss the report.

MOTION
Move to accept the Third Quarter Y2012 Monitoring Network Review Summary prepared by PM Environmental and the Fourth Quarter Y2012 and Y2012 Annual Monitoring Network Review Summaries prepared by Environmental Resources Group, LLC (ERG) for the Oakland Heights Development Landfill.

Note:
The City’s landfill consultant, Mr. Andrew Foerg, was hired by Environmental Resources Group (ERG). Language within the City’s contract with PM Environmental (PME) designated Mr. Foerg as the project manager and allowed the City to terminate the contract if Mr. Foerg were no longer with PME. Since it was the City’s desire to retain Mr. Foerg as the City’s landfill consultant, the contract was transferred with Mr. Foerg to ERG to fulfill the remaining term of the contract. The cost of the landfill oversight services remain the same.

I CONCUR: ____________________________
on behalf of
PETER E. AUGER, CITY MANAGER
February 26, 2013

Mr. Shawn Keenan
City of Auburn Hills
1827 North Squirrel Road
Auburn Hills, Michigan 48326

RE: Fourth Quarter 2012 Monitoring Network Review Summary
Oakland Heights Development Landfill

Dear Mr. Keenan:


Brown and Caldwell of Columbus, Ohio is OHD’s monitoring consultant and Environmental Sampling Services Inc. (ESS) of Holly, Michigan, is the sampling contractor that performed the 2012 Q4 sampling. The following table provides a summary of the services performed and ERG’s conclusions/recommendations.

<table>
<thead>
<tr>
<th>Service</th>
<th>Notes</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Field Observations</td>
<td>ERG reviewed the ESS Field Data Forms associated with the 2012 Q4 event. Sampling appears to have been performed in general accordance with established protocols. It is ERG’s opinion that the condition of the monitoring system appears acceptable.</td>
<td>Acceptable</td>
</tr>
<tr>
<td>Groundwater Monitoring</td>
<td>2012 Q4 groundwater monitoring results noted statistical exceedances in a number of monitoring wells. Brown and Caldwell concluded that the exceedances are not the result of a leachate release at the landfill. ERG concurs. Ongoing exceedances at MW-8 and MW-20R are still occurring; however concentrations are generally decreasing. Based on the continued trend of decreasing concentrations, ERG believes that the previous remedial actions have been sufficient to resolve this issue. Well MW-47S was recently installed as part of the monitoring network for new expansion Cell F. Vinyl chloride (VC), a volatile organic compound, was detected in background samples from MW-47S at low concentrations. OHD performed investigation activities to evaluate this issue including: installing an additional water level monitoring point; monitoring landfill gas; completing a leak detection survey for Cell F; sampling of the Cell F Leak detection system; and, research into local water supply wells. OHD concluded that “…this evidence was sufficient to show that the source of impacts observed in MW-47S is from an off-site source.” In addition, OHD will contact MDEQ to further discuss this issue. ERG agrees that the data appears to indicate an off-site source; however continued monitoring of this issue is warranted.</td>
<td>MW-8 / MW-20R Acceptable MW-47S Warrants Continued Monitoring</td>
</tr>
<tr>
<td>Monitoring</td>
<td>Description</td>
<td>Status</td>
</tr>
<tr>
<td>----------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Secondary Collection System Monitoring</td>
<td>The SCS flow volumes for 2012 Q4 did not exceed the action flow rates (AFRs) for cells A, B, C, D, E and F.</td>
<td>Acceptable</td>
</tr>
<tr>
<td>Surface Water Monitoring</td>
<td>Brown and Caldwell concluded that 2012 Q4 surface water sample analytical results were consistent with historical results. ERG concurs with this opinion.</td>
<td>Acceptable</td>
</tr>
<tr>
<td>Leachate Monitoring</td>
<td>Brown and Caldwell concluded that 2012 Q4 leachate sample analytical results were consistent with historical results. ERG concurs with this opinion.</td>
<td>Acceptable</td>
</tr>
</tbody>
</table>

ERG is pleased to provide these services to the City of Auburn Hills. If you have any questions or desire further clarification, please contact the undersigned at (248) 763-3639.

Sincerely,

Environmental Resources Group, LLC

Andrew J. Foerg, CPG
Senior Project Manager

cc: Bill Dolsen – Oakland Heights Development
    Kerri Lilly – Brown and Caldwell
November 12, 2012

Mr. Shawn Keenan
City of Auburn Hills
1827 North Squirrel Road
Auburn Hills, Michigan 48326

RE: Third Quarter 2012 Monitoring Network Review Summary
Oakland Heights Development Landfill

Dear Mr. Keenan:


Brown and Caldwell of Columbus, Ohio is OHD’s monitoring consultant and Environmental Sampling Services Inc. (ESS) of Holly, Michigan, is the sampling contractor that performed the 2012 Q3 sampling. The following table provides a summary of the services performed and PM’s conclusions/recommendations.

<table>
<thead>
<tr>
<th>Service</th>
<th>Notes</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Field Observations</td>
<td>PM observed the sampling activities associated with the 2012 Q3 event. Sampling appears to have been performed in general accordance with established protocols. It is PM’s opinion that the condition of the monitoring system appears acceptable.</td>
<td>Acceptable</td>
</tr>
<tr>
<td>Groundwater Monitoring</td>
<td>2012 Q3 groundwater monitoring results noted statistical exceedances in a number of monitoring wells. Brown and Caldwell concluded that the exceedances are not the result of a leachate release at the landfill. PM concurs. Ongoing exceedances at MW-8 and MW-20R are still occurring; however concentrations are stabilizing and/or decreasing. PM recommends continued monitoring of this issue through the remainder of 2012 to confirm this trend. Well MW-47S was recently installed as part of the monitoring network for new expansion Cell F. Vinyl chloride (VC), a volatile organic compound, was detected in background samples from MW-47S at low concentrations (2.8 to 6.3 parts per billion). Cell F was only recently developed and waste has not yet been placed in it. Current landfill limits are about 600 feet south of this well. It is suspected that the VC may be due to an off-site source (this appears likely at this point) and investigation is ongoing. OHD submitted the MW-47S Vinyl Chloride Source Investigation Work Plan it eh MDEQ to further investigate the source of the low-level vinyl chloride detection in well MW-47S and is currently under review. PM concurs with continued monitoring/investigation of this issue.</td>
<td>MW-8 / MW-20R Warrant Continued Monitoring MW-47S Warrants Continued Monitoring and Investigation</td>
</tr>
<tr>
<td>Service</td>
<td>Notes</td>
<td>Conclusion</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>Secondary Collection System Monitoring</td>
<td>The SCS flow volumes for 2012 Q3 did not exceed the action flow rates (AFRs) for cells A, B, C, D and E.</td>
<td>Acceptable</td>
</tr>
<tr>
<td>Surface Water Monitoring</td>
<td>Brown and Caldwell concluded that 2012 Q3 surface water sample analytical results were consistent with historical results. PM concurs with this opinion.</td>
<td>Acceptable</td>
</tr>
<tr>
<td>Leachate Monitoring</td>
<td>Brown and Caldwell concluded that 2012 Q3 leachate sample analytical results were consistent with historical results. PM concurs with this opinion.</td>
<td>Acceptable</td>
</tr>
</tbody>
</table>

PM is pleased to provide these services to the City of Auburn Hills. If you have any questions or desire further clarification, please contact the undersigned at (248) 336-9988.

Sincerely,

PM ENVIRONMENTAL, INC.

Jamie Antoniewicz   J. Adam Patton, CHMM
Project Engineer   Manager of Site Investigation Services

cc: Bill Dolsen – Oakland Heights Development
   Kerri Lilly – Brown and Caldwell
March 3, 2013

Mr. Shawn Keenan
City of Auburn Hills
1827 North Squirrel Road
Auburn Hills, Michigan 48326

RE: Annual 2012 Monitoring Network Review Summary
Oakland Heights Development Landfill

Dear Mr. Keenan:

Environmental Resources Group, LLC (ERG) is pleased to present the Annual 2012 Monitoring Network Review Summary for the Oakland Heights Development Landfill (OHD) in Auburn Hills, Michigan. This report summarizes notable issues identified during 2012 and provides ERG’s professional opinion regarding the need for additional action or whether the issue(s) appear to have been resolved. ERG reviewed the City of Auburn Hills previous consultant's First, Second and Third Quarter 2012 Summary reports and Brown and Caldwell’s Hydrogeologic Monitoring Report for the Fourth Quarter 2012.

The following table provides a summary of the systems that were monitored, notable issues identified and ERG’s conclusions.

<table>
<thead>
<tr>
<th>Systems</th>
<th>Notable Issues - 2012</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Field Observations</td>
<td>ERG was not under contract at the time of any of the 2012 field events. Other consultants performed monitoring oversight in 2012. In 2012, no notable issues were identified and sampling appears to have been performed in general accordance with established protocols. It is ERG’s opinion that the condition of the monitoring system appears acceptable.</td>
<td>Acceptable</td>
</tr>
</tbody>
</table>
| Groundwater Monitoring   | 2012 groundwater monitoring results noted statistical exceedances in a number of monitoring wells during each event. Brown and Caldwell concluded that the exceedances are not the result of leachate release(s) at the landfill and ERG concurs. Ongoing exceedances at MW-8 and MW-20R, which were monitored throughout 2012, are still occurring; however the concentrations have continued to decrease. Previous remedial actions appear to have resolved this issue. Well MW-47S was recently installed as part of the monitoring network for new expansion Cell F. Vinyl chloride (VC), a volatile organic compound, was detected in background samples from MW-47S at low concentrations. OHD performed investigation activities to evaluate this issue including: installing an additional water level monitoring point; monitoring landfill gas; completing a leak detection survey for Cell F; sampling of the Cell F Leak detection system; and, research into local water supply wells. The results of this work were presented in a December 17, 2012 Update Report that was submitted to MDEQ. OHD concluded that “...the source of impacts observed in MW-47S is from an off-site source.” OHD is attempting to arrange a meeting MDEQ to further discuss this issue. ERG agrees that the data appear to indicate an off-site source; however continued monitoring of this issue is warranted. | MW-8/MW20R Acceptable  
MW-47S Warrants Continued Monitoring |
The SCS flow volumes for 2012 did not exceed the average action flow rates (AFRs).

2012 surface water sample analytical results were consistent with historical results.

2012 leachate sample analytical results were consistent with historical results.

ERG is pleased to provide these services to the City of Auburn Hills. If you have any questions or desire further clarification, please contact the undersigned at (248) 769-3639.

Sincerely,
Environmental Resources Group, LLC

Andrew J. Foerg, CPG
Senior Project Manager

cc: Bill Dolsen – Oakland Heights Development
    Kerri Lilly – Brown and Caldwell
During the month of March the department responded to 241 calls for service. This represents an increase of 49 incidents, or 21% increase from February 2013. 50% of all calls for service were in Station 2’s district. Responses for station 1 and 3 were 30% and 19% respectively. There were 5 actual fires and 236 non-fire related incidents.

The Fire Departments Staffing did change this month. We welcomed new Assistant Chief Antonio Macias to our team this month. We now employ 15 full-time staff and a total of 34 paid on Call personnel: 8 assigned to Station 1, 14 to Station 2, and 9 to Station 3 with an additional 4 part time medics.

We would like to bring to your attention to a call of interest:

On Thursday March 14th, 2013 fire personnel responded to the Lake in the Hills mobile home park on a reported roof collapse and injured workers. A construction crew was loading new shingles onto the roof of a one car attached garage in preparation of putting a new roof on the mobile home. The crew over loaded the roof with shingles and other roofing materials. The roof failed and collapsed under the combined weight of the roofing materials and three individuals who were on the roof. All three of the workers on the roof suffered moderate to serious injuries and were transported to the hospital. Fire personnel had to cut away debris to gain access to the workers so they could be removed from the garage.
Station 2 continues to be the most requested station for calls for service. This is due to the fact that this area has several high occupancy buildings within its response area, including Oakland University, medical facilities, large office buildings, and several senior housing complexes making up the bulk of the call volume. The department had a total of 161 EMS calls in March. Within that total, 109 of these were actual transports to a local hospital. 66 of the transports wereALS (advance life support) which requires one of the following procedures: drug therapy, advanced airway management or advance cardiac care. 43 were BLS (basic life support), which represents a stable patient who does not require any ALS procedures.
EMS calls remain the highest requested service; moving down to 67% from last month’s reported 69% of our total calls. Fire activity decreased to 4% for the month. False alarms remained the same at 7%. The estimated fire loss for the month was $16,000 with 5 actual fires reported.

**Training Hours**

Suppression training continued to account for the most hours in March’s training report. This includes the monthly scheduled training dates, FTO and technical rescue. Suppression training of our personnel, particularly the Paid on Call staff is critically important due to the high risk/low frequency nature of fire fighting.
Responses by Location Type

In March, 54% of all emergency responses were to residential occupancies, 14% were at businesses and public places such as restaurants, retail stores and other buildings open to the public.

Incidents by day of the week

The data above reflects that Saturday was our busiest day of the month, reporting 40 calls for service.
March was another slow month for car seat installations with only 6 installed. We conducted 3 C.P.R. class and 1 First Aid class. Inspector Boyce visited 3 Elementary School classes this month to talk about Fire Safety. There were no smoke detectors installed this month.

Public education continues to be a very important part of the Fire Department. There were a total of 145 programs delivered last year.
The graphs above reflect the activity of the Fire Prevention Division. The main focus of their efforts has been directed at getting new businesses into their buildings in an efficient and timely manner and ensuring fire safety of existing businesses as well.

They have also been working diligently on processing Hazardous Materials applications and issuing permits. As of March 31st they have collected $17,600 in for Hazardous Materials permit fees.
Fire personnel are encouraged to maintain a healthy lifestyle through proper diet and exercise. During the month of March fire personnel logged 101.7 hours of workout time at station 2. No workout time was recorded at stations 1 and 3.
SUMMARY

Part A incidents, which are the more serious crimes, were up 8.71%, year to date, when compared to the same time frame in 2012. Part of this was due to a 53% increase in larceny offenses and 46% increase in drug/narcotic violations. We have had six robbery offenses this year. 4 of the 6 were shoplifting cases where force was used by the thief while stealing merchandise. We have made 4 arrests out of the 6 robberies. There has been a 15.79% increase in Part B incidents, year to date, when compared to the same time frame in 2012. We have seen a 240% increase in trespassing offenses compared to last year. These are primarily incidents at Great Lakes Crossing mall and enforcing ban notices that have been issued to people who are no longer allowed at the mall. We have seen a 15.43% increase in traffic crashes and as a result we have focused our enforcement attention to high crash locations. This has resulted in a 20.26% increase in traffic citations being issued. We continually strategize our responses and make the best use of the tools and personnel we have to produce the best possible outcomes. Specific crimes are listed in the charts on the back page of this report.

On March 22nd our department participated in a 24 hour Global Police Tweet-a-thon. The event highlighted the work of officers around the world and showed how they are using social media to support policing activities. The results were outstanding, with more than 230 police departments across 10 countries tweeting under the hashtag #poltwt, making it a top 10 trending topic around the globe. Officer Brown did an excellent job organizing our participation along with several other members of the department who sent out tweets during the 24 hour period. As we move into the future, we are strategizing ways to provide real-time information to the public through social media, as well as highlight the services we provide.

TRAINING

During the month of March, the Police Department as a whole had 268 hours of training.

The training is broken down by category:

- Communications: 144
- Supervision: 80
- Investigations: 16
- Computer Skills: 12
- Administrative: 8
- Legal Update: 8
In March we hosted two training courses in the Community Room at the Public Safety Building. The two courses “Building 911 Life Bridges to Suicidal Callers” and “Emergency Mental Health Dispatching” received great reviews and helps educate our communications staff on these highly important topics. Effective communication over the phone with suicidal callers and people suffering from mental illness can impact the outcome of the call for service and it is essential that we do our best to calm the situation before it escalates.

**TECHNICAL SERVICES DIVISION**

**Parking Violations**

During the month of March, officers from Auburn Hills issued 9 parking violations, totaling $260.00 in fines. Oakland Community College issued 12 parking tickets, totaling $240.00 in fines.

There were no sex offender address verifications in the month of March.

**Volunteers**

We currently have 13 active and 3 back-up volunteers working at the Public Safety Building. In March they worked a combined 126 hours. Their primary duty is working at the front desk. We value our volunteers’ service and commitment to the community. We congratulate Mr. Paul Butkis for being recognized as our March “Volunteer of the Month”.
Blue Card Survey

In an effort to measure the services our personnel have provided, the Department sends out 100 survey cards to citizens with whom we have had contact during the previous month. This post card size survey, commonly referred to as a “Blue Card” for its color, asks six questions about the service the citizen received. During the month of March, we received 25 cards back, none of which expressed dissatisfaction with the service provided.

The “blue cards” also provide a space for the respondents to make comments about the service they received. The following are some of the comments from the blue cards:

“Officer Chubb is always helpful, informative and wonderful to work with. Thank you for all the help in our schools.” Officer Chubb

“The officer was very kind and nice.” Officer Iacobelli
“Good Service, very timely. Thank you very much.” Officer Skomski

“Very pleased with the help I received. Never experienced comfortable contact with an officer.” Officer Brehmer

“Officer was one of the friendliest I’ve experienced.” Officer Super

Firearms Registrations

Auburn Hills Records clerks issued 69 License to Purchase gun permits.

Fingerprinting

During the month of March, records personnel fingerprinted 7 people for the following reasons:

- Employment - 4
- State Bar - 2
- Immigration - 1
Communications is the primary contact point for incoming calls to the Department. The following statistics show how many calls were handled by our Police Service Officers during the month of March 2013:

- Total incoming calls: 5,130
- Total outgoing calls: 1,973
- Total calls: 7,103

Of the 5,130 total phone calls received by Communications, 33% or 1,763 calls were received on 911 lines.

Dispatched Calls for Service:
OPERATIONS DIVISION

Retail District

On March 1, 2013, Officers McGraw and Mahon arrested two female suspects from Marshall's who committed a Retail Fraud 1st degree. Officer Mahon was notified by a Marmaxx Group National Task Force Investigator that these two females were responsible for committing numerous return frauds around the metro Detroit area. The National Task Force Investigator was able to interview the females and secure multiple charges in several jurisdictions. This subsequently resulted in the females pleading guilty to the charges and being sent back to prison as they were habitual offenders.

On March 9, 2013, Officer McGraw took a larceny of a wallet report inside Stir Crazy. Upon his investigation he found eye witnesses to the theft of the wallet. Officer McGraw was later notified by the victim that their credit card was used at the Meijer in Auburn Hills to purchase a Visa Gift card approximately 30 minutes after the larceny. One day later Officer Mahon arrested the possible suspect during a retail fraud from Best Buy. The female suspect was lodged at Oakland County Jail for an outstanding warrant. Officers Mahon and McGraw conducted an interview at the Oakland County Jail with the suspect. The suspect was positively identified by witnesses through a line-up. Officer McGraw also obtained video footage of the suspect at Meijer committing the credit card fraud. The cases are currently at the Oakland County Prosecutors Office awaiting review.

On March 25, 2013, Officer Brown took a report for a retail fraud at Sam's Club. A male suspect entered the store and took two security systems valued at $1,400. Officer Brown completed an Intel bulletin and distributed it to police agencies. The suspect was identified as a 54 year old male from Flint. The suspect has been linked to other thefts at Sam's Clubs in Saginaw and Grand Blanc, as well as Walmart stores in Oakland County. The case is being reviewed for warrants.

On March 18, 2013, Officer Mahon was monitoring GLC Security radio and heard that a female had just committed a Retail Fraud inside of Lacoste store and the employee was trying to stop her. The female would not stop and walked toward Entry 1. Officer Mahon was at Entry 1 and made contact with the female and the employee. The employee had witnessed the female in the store for over an hour concealing merchandise. The female was carrying two large purses that were stuffed with clothing. The recovered merchandise totaled $1,700 and was returned the store. The 39 year old female from Rochester was arrested and charged with Retail Fraud 1st.

On March 1, 2013, Officer Mahon responded to Meijer for a Retail Fraud that had just occurred. The female had fled in a vehicle after Loss Prevention attempted to stop her. Loss Prevention advised that the female was accompanied by a young girl around 7-8 years of age. Loss Prevention recognized the female from prior theft cases. The female went into the store and began concealing items in empty shopping bags. The female was stopped by Loss Prevention after passing the registers. The female yelled for her daughter to run and then she fled to a vehicle in the parking lot. The 31 year old female from Orion was identified and charged with Retail Fraud 3rd and Child Neglect.

Directed Patrol

In March Directed Patrol members assisted in the execution of a search warrant in Detroit. The warrant was served on a home that was a “plant” for making fraudulent credit cards. US Secret Service was the lead agency
on the case, but the search warrant was developed based on information obtained from an Auburn Hills case. Officers located the machines and products used to produce fraudulent cards as well as recovered several weapons.

Officer Miller conducted a presentation on fraud and identity theft for seniors at the Meadows of Auburn Hills. This presentation for the residents was requested due to many of their residents being the targets of internet fraud schemes.

Directed Patrol implemented a plan to try and impact the number of larcenies from autos and stolen cars in the area around the Retail District. For two weeks DPU officers as well as the retail district focused high visibility patrols on the surface streets around the mall. Numerous traffic stops were conducted and several arrests were made for traffic offenses and outstanding warrants. Further analysis is ongoing to see what impact these patrols may have had.

Officer Miller attended Accident Investigation 2 training in March. He now meets the minimum requirements to be a full member of the South Oakland County Crash Investigation Team (SOCCIT) team. He now will be taking on greater responsibilities during team responses.

Directed Patrol distributed flyers to all residents of the Zelma, Glenrose, Hatton area giving them advance notice of the temporary traffic control order prohibiting parking on the street during the NCAA tournament at the Palace.
Noteworthy Cases

**Attempted bank Robbery:** The incident occurred on Monday, March 25, 2013 at 1:35 pm at the Chase Bank located in the 3400 block of Auburn Rd. The suspect handed the teller a note demanding money. The suspect did not obtain any money and left the bank on foot. It is unknown if he left the area in a vehicle. The suspect is described as a white male, late 20’s to early 30’s, 5’10” to 6’0”, medium build, with facial hair. He was wearing a black/purple “California Angels” baseball cap, charcoal-grey coat, and black pants. Through investigation the suspect was found to have been at Meijer’s on Adams Road in Rochester Hills prior to the attempted robbery. We received a dozen tips that have been followed up on but have not identified the responsible person. Investigators continue to track down leads and follow-up with any tips they receive.

**False Stolen Car Report:** Officers from the Afternoon shift took a report of a theft of a car from Beacon Hill Apartments. The officers were suspicious of the report and learned that the car had been involved in a crash and found without a driver in Orion Township 10 hours prior to report. Detective Tuski followed up with the Deputy that took the crash report. The Deputy was also suspicious of the incident. The reporting person/victim has refused to cooperate or have contact with the Department since she made the initial complaint. Detective Tuski obtained a search warrant for the reporting person’s cell phone records. Detective Tuski has been able to find false statements in the story that the reporting person made to the officers. Detective Tuski is working with the Insurance Investigator and will be presenting the case to the prosecutor’s office for review.

**Larceny from Vehicles:** On March 11, 2013, day shift took a report of two-way radios being taken out of 17 trucks at Superior Redi-Mix on Auburn Road over the weekend. Detective Tuski was assigned the case and began following up on it. He searched the radios in “Leads on Line” software, for EBay postings of radios for sale and found a posting for the radios. Detective Tuski then drilled down in the EBay records to identify the person posting the radios for sale. Those records identified a Pontiac woman’s EBay account. An interview of the woman brought about a confession of her involvement in the theft and sale. The case is still being investigated to identify the male involved in the theft with the Pontiac woman.

**Identity Fraud:** 200 Million Dollar Credit Card Fraud: Officer Eftink responded to Meijer for a found wallet. The wallet contained credit cards in different names along with a Michigan Drivers License in different names. A man attempted to claim the wallet but was denied by Meijer lost prevention. Officer Eftink found that the credit cards were fraudulent. Detective Martin was assigned the case and began digging. He was able to discover that the Michigan License in the wallet matched the person that had left the wallet and attempted to claim it. The Basha’s stores computer system was hacked and their customers credit cards numbers stolen. Detective Martin was contacted by multiple victim’s and departments from various states that were connected to the case. Detective Martin was able to get a four count warrant for the suspect, a 25 year old Detroit man, in regards to the possession of the Financial Transactions Devices. This suspect turned himself in with his attorney and gave a full confession to his involvement. The suspect also provided detailed information on who he was getting the fraudulent credit cards from along with where. Detectives Martin and Edwards secured a search warrant for a residence in Highland Park where the fraudulent credit cards were being made. The search warrant was executed with the assistance of the Department of Homeland Security, Secret Service, Alcohol Tobacco and Firearms, and directed patrol unit. The suspect making the fraudulent credit cards was a parole absconder, who was in possession of a high-powered assault rifle and stated he was not going back to prison. The search warrant was executed without incident. The agents recovered the computer used, the credit card encoder, credit card embosser and dual magazine automatic assault rifle just as our informant had stated was in the bedroom of the fraudulent credit card maker’s home.
In connecting the Federal Jurisdictions Detective Martin has found that the loss related to these cases is $200 million dollars. The Secret Service and Federal Bureau of Investigations (FBI) are working the case here in Michigan, Arizona and California.

**Retail Fraud/Strong Armed Robbery Suspect Arrested:** On Thursday, February 28, 2013 at approximately 1300 hours, Andre Faulkner sprayed mace on the Loss Prevention Officer from Burlington Coat Factory at Great Lakes Crossing Mall. Faulkner had loaded up 2-3 suit cases with merchandise then started to exit the store with one of the suit cases when he was confronted by the loss prevention officer. Faulkner then fled to the parking lot with the stolen suit case loaded with merchandise. The suspect’s car was located in the parking lot and later impounded. Officers recovered the clothing Faulkner was wearing along with $6800 worth of merchandise in the stolen suit case in the car. Two other suit cases loaded with merchandise were found hidden in the store after this incident. A Felony warrant was obtained for the suspect. The suspect was located and arrested in Detroit. The suspect has been connected to several retail frauds and incidents where he assaulted the lost prevention personnel. He was arraigned at court and is lodged pending trial.

**Crime Analyst-Volunteer/Intern:** This month Anthony Atkinson started with the Department as a volunteer intern doing Crime Analysis. Anthony graduated from the University of Detroit Mercy with a Masters Degree in the Science of Intelligence Analysis and a Bachelor Degree in Criminal Justice Studies. Anthony has been seeking full time employment as a Crime Analyst; however without real world experience, agencies were not willing to hire him. Anthony reached out to the Department offering to do a Volunteer-Internship doing Crime Analysis. We saw this as a mutually beneficial opportunity, Anthony would gain experience and the Department would get a look at having a Crime Analyst. Anthony has been volunteering 25 hours a week.

**Court Officer Monthly Report**

<table>
<thead>
<tr>
<th>Case Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cases Assigned Open:</td>
<td>4</td>
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<tr>
<td>Cases Assigned Closed:</td>
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<tr>
<td>In custody Cases:</td>
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<tr>
<td>Warrant Requests to OCPO:</td>
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<tr>
<td>Warrants Authorized by OCPO:</td>
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<tr>
<td>Warrants Denied by OCPO:</td>
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<td>Warrant Requests to City:</td>
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<td>Warrants Authorized by City:</td>
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<tr>
<td>Warrants Denied by City:</td>
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<td>Subpoenas served:</td>
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<td>DNA collected:</td>
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<td>DNA letters sent:</td>
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<tr>
<td>Prisoners seen at court:</td>
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<tr>
<td>Prisoner transports:</td>
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<td>Arraignments:</td>
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<tr>
<td>Warrants Received from Court:</td>
<td>12</td>
</tr>
<tr>
<td>Petitions sent to Juvenile Intake:</td>
<td>0</td>
</tr>
</tbody>
</table>

**School Resource Officer**

**Activities/Presentations**

Officer Chubb conducted several presentations on “sexting” at the highschool. He also conducted four presentations on Cyber Bullying and “sexting” at Avondale Middle School. The presentations were part of an Anti-Bullying seminar that was being conducted for 6th and 7th grade students.

**Cases**

On March 1, 2013, Officer Chubb was contacted by an employee at Avondale High School. The employee reported that she had a student in her office who suspected that another student was selling cookies laced with marijuana. The student advised that the cookies were in a Zip Lock bag, and the word marijuana was written upon the bag. Officer Chubb spoke with the suspect and asked her if she had a Zip Lock bag with cookies inside of it. Permission was granted to examine the bag of cookies. Officer Chubb determined that the cookies contained marijuana via a field test for marijuana, hashish, and THC. The suspect was issued an appearance citation for possession of marijuana and suspended for 10 days.
Officer Chubb was advised by the administrative assistant for Avondale School District, that a parent refused to sign in and then entered Auburn Elementary via the administration building. This is the second occurrence with this parent, the first incident just occurred in January of 2013. The Avondale School District was advised to send a letter to the parent, advising him on security procedure. Officer Chubb added that the letter should also state that his ability to enter the district’s school building would be revoked if he refused to follow security procedure.

Officer Chubb made contact with Avondale Youth Assistance, and provided them with a copy of an incident report for threats/harassment over electronic means. The case involved students from Avondale Middle School, reference a threat that was posted on Facebook. The threat was posted by a former student, and was directed toward a current student.

Officer Chubb was contacted by parents who were concerned that their daughter was stealing their jewelry, and selling it for drugs. The parents advised that they found a pawn slip in their daughter’s room, with her boyfriend’s name on it. Officer Chubb searched pawn records and other jewelry was identified by the parents as belonging to them. The jewelry was sold by their daughter’s boyfriend at Tapper’s Gold Exchange in Troy. Officer Chubb interviewed the daughter, who confessed to stealing the jewelry, and giving it to her boyfriend to sell. Officer Chubb learned that the daughter and boyfriend were both addicted to heroin, and were stealing the jewelry to pay for the drug. The parents advised Officer Chubb that they did not want to prosecute their daughter for the theft, that they would only pursue criminal charges if their daughter refused to attend rehabilitation.

### PART A INCIDENTS

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Murder</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.00%</td>
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<tr>
<td>Forcible Sexual Offenses</td>
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<tr>
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<td>6</td>
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<td>39</td>
<td>72</td>
<td>92</td>
<td>-21.74%</td>
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<tr>
<td>Burglary</td>
<td>3</td>
<td>12</td>
<td>11</td>
<td>19</td>
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<td>Larceny</td>
<td>28</td>
<td>39</td>
<td>132</td>
<td>86</td>
<td>53.49%</td>
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<tr>
<td>Retail Fraud</td>
<td>22</td>
<td>19</td>
<td>49</td>
<td>55</td>
<td>-10.91%</td>
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<tr>
<td>Motor Vehicle Thefts</td>
<td>4</td>
<td>1</td>
<td>10</td>
<td>3</td>
<td>233.33%</td>
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<tr>
<td>Arson</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Kidnapping / Abduction</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>-200.00%</td>
</tr>
<tr>
<td>Forgery / Counterfeiting</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>6</td>
<td>-66.67%</td>
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<tr>
<td>Fraud</td>
<td>16</td>
<td>17</td>
<td>40</td>
<td>36</td>
<td>11.11%</td>
</tr>
<tr>
<td>Embezzlement</td>
<td>1</td>
<td>3</td>
<td>3</td>
<td>6</td>
<td>-50.00%</td>
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<tr>
<td>Stolen Property</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Damage to Property</td>
<td>6</td>
<td>14</td>
<td>20</td>
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<tr>
<td>Weapon Offenses</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>8</td>
<td>-50.00%</td>
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<tr>
<td>Drugs / Narcotic Violations</td>
<td>44</td>
<td>23</td>
<td>83</td>
<td>57</td>
<td>45.61%</td>
</tr>
<tr>
<td><strong>TOTAL PART &quot;A&quot; INCIDENTS</strong></td>
<td><strong>155</strong></td>
<td><strong>172</strong></td>
<td><strong>437</strong></td>
<td><strong>402</strong></td>
<td><strong>8.71%</strong></td>
</tr>
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## PART B INCIDENTS

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<tr>
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<tr>
<td>Fraud - Bad Checks</td>
<td>1</td>
<td>0</td>
<td>4</td>
<td>5</td>
<td>-20.00%</td>
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<tr>
<td>Non-Forcible Sexual Offenses</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>4</td>
<td>-400.00%</td>
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<td>Nonviolent Family Offenses</td>
<td>0</td>
<td>3</td>
<td>5</td>
<td>4</td>
<td>25.00%</td>
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<tr>
<td>O.U.I.L or O.U.I.N</td>
<td>37</td>
<td>22</td>
<td>74</td>
<td>57</td>
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<td>Liquor Law Violations</td>
<td>9</td>
<td>14</td>
<td>20</td>
<td>26</td>
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<td>Disorderly Conduct / Vagrancy</td>
<td>0</td>
<td>4</td>
<td>10</td>
<td>9</td>
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<td>Trespassing</td>
<td>3</td>
<td>3</td>
<td>17</td>
<td>5</td>
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<tr>
<td>Juvenile Runaway</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>-50.00%</td>
</tr>
<tr>
<td><strong>TOTAL PART &quot;B&quot; INCIDENTS</strong></td>
<td><strong>51</strong></td>
<td><strong>50</strong></td>
<td><strong>132</strong></td>
<td><strong>114</strong></td>
<td><strong>15.79%</strong></td>
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### PART C INCIDENTS

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<tbody>
<tr>
<td>Juvenile Offenses and Complaints</td>
<td>11</td>
<td>11</td>
<td>25</td>
<td>31</td>
<td>-19.35%</td>
</tr>
<tr>
<td>Traffic Offenses</td>
<td>34</td>
<td>34</td>
<td>93</td>
<td>88</td>
<td>5.68%</td>
</tr>
<tr>
<td>Warrants</td>
<td>42</td>
<td>34</td>
<td>100</td>
<td>117</td>
<td>-14.53%</td>
</tr>
<tr>
<td>Animal Complaints</td>
<td>16</td>
<td>28</td>
<td>49</td>
<td>62</td>
<td>-20.97%</td>
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<tr>
<td>Alarms</td>
<td>137</td>
<td>149</td>
<td>451</td>
<td>414</td>
<td>8.94%</td>
</tr>
<tr>
<td>Miscellaneous Traffic Complaints</td>
<td>86</td>
<td>120</td>
<td>315</td>
<td>356</td>
<td>-11.52%</td>
</tr>
<tr>
<td>Non-Criminal Complaints</td>
<td>79</td>
<td>97</td>
<td>233</td>
<td>255</td>
<td>-8.63%</td>
</tr>
<tr>
<td>Miscellaneous Complaints</td>
<td>458</td>
<td>434</td>
<td>1435</td>
<td>1195</td>
<td>20.08%</td>
</tr>
<tr>
<td><strong>TOTAL PART “C” INCIDENTS</strong></td>
<td><strong>863</strong></td>
<td><strong>907</strong></td>
<td><strong>2701</strong></td>
<td><strong>2518</strong></td>
<td><strong>7.27%</strong></td>
</tr>
</tbody>
</table>
### Crashes

- **2013**: 113
- **2012**: 100
- **Current Y.T.D.**: 434
- **2012 Y.T.D.**: 376
- **Y.T.D. % Change 2013 / 2012**: 15.43%

### Private Property Crashes

- **2013**: 30
- **2012**: 39
- **2013 Y.T.D.**: 113
- **2012 Y.T.D.**: 119
- **Y.T.D. % Change**: -5.04%

### Traffic Citations

- **2013**: 741
- **2012**: 603
- **2013 Y.T.D.**: 1977
- **2012 Y.T.D.**: 1644
- **Y.T.D. % Change**: 20.26%
Officer Brown:

Good morning! I wanted to let you know that we received quite a bit of feedback about our April 18 Women Supporting Women event, including a number of very positive comments about your presentation on the "Do's and Don'ts of Personal Safety!"

Overall, we received comments about your presentation from 29 guests with virtually all of them rating it "excellent" (66%) or "good" (24%). Congratulations on those outstanding results! Only a couple of specific comments were logged by our respondents, including the following: "She was very articulate and had some wonderful tips for staying safe, being proactive vs reactive."

Once again, on behalf of Plunkett Cooney's Women's Initiative Committee, thank you for your hard work in speaking at our event.

John
Gilbert: Move Pistons into city

BY MIKE WILKINSON
The Detroit News

Detroit — Quicken Loans Inc. Chairman and Cleveland Cavaliers owner Dan Gilbert had some advice Thursday for fellow NBA owner Tom Gores: Move the Detroit Pistons downtown.

Gilbert, talking during a morning business breakfast at the Detroit Athletic Club, said fans will flock to a downtown setting even when teams are doing poorly, taking in local restaurants, bars or a casino.

"It's an experience," Gilbert said. "Let's face it, (arenas) don't belong in a farm field in the suburbs."

The Cavaliers finished with a worse record than the Pistons this season, but Gilbert said the team still drew about 15,000 fans a game to its downtown arena, while Gores' Pistons at times were noticeably bringing in only a few thousand.

But Gilbert said he hasn't had a chance to talk to Gores, who took over the Pistons in 2011, because Gores hasn't been at recent NBA owners' meetings.

For more than a year, Pistons' officials have said they are committed to The Palace in Auburn Hills, pouring millions into renovations.

In a statement, a spokesman for Gores said the Pistons are "quite happy" at The Palace.

"We have a state of the art facility, it's one of the better ones in the NBA right now, and we're quite happy there," Mark Barnhill said.

Gores and the Pistons "think about downtown quite a bit, and how to improve the quality of life downtown there," Barnhill said.

In a discussion about Detroit's future, Gilbert joined George Jackson, CEO of the Detroit Economic Growth Corp., and Sue Mosey, president of Midtown Detroit Inc., for a "Pancakes and Politics" panel sponsored by the Michigan Chronicle.
To Burn or Not to Burn Leaves: City Faces Question

The question of whether or not to allow leaf burning within the confines of Auburn Hills is still open for discussion.

City officials held a special town hall meeting on March 25 to get public input on what should or should not be allowed when it comes to leaf burning.

Stephanie Carroll, Auburn Hills Community Relations coordinator, said about 80 people attended the meeting and that no decision has been made by the city council on the matter.

"The state banned leaf burning in 2012," Carroll said. "But local communities have the option of opting out if they so choose.

And the question is something of a controversy within the city. Carroll said. There are some residents who strongly oppose leaf burning. They cite the EPA’s warnings that leaf burning generates carbon monoxide and the smoke is bad for people with asthma and other lung problems.

Supporters of leaf burning pointed out that there are many lots in the city that are big. Some are as large as an acre. Raking and bagging those leaves presents unique health problems too.

"Raking can be hard on people’s backs and hands," Carroll said. "Leaves often get wet and that means they can get moldy, so when someone with allergies rakes them and bags them then get exposed to the mold. That’s a health hazard, too."

The city has been allowing leaf burning, Carroll said, and many who burn their leaves are what city officials call "considerate burners."

“They notify their neighbors when they’re about to burn their leaves, they abide by the rules to a T,” Carroll said. "But we also have leaf burners who don’t follow the rules and this causes problems."

Carroll said the meeting was informative and she learned a lot of interesting facts. For example, while many people compost, oak leaves are bad for composting. It takes about three or four years for oak leaves to break down in compost.

"I didn’t know that," Carroll said. "That’s very interesting.

Other residents expressed dismay at the cost of just buying bags to contain the leaves they would normally burn. It’s also a lot easier and faster to burn leaves than to rake them in piles and place them in bags.

“The city council is interested in hearing as many points of view as possible," Carroll said. "This is just the first meeting. I expect that we will have another one before the issue comes up for a vote in the city council. We’re just in the exploratory stage. The council will continue to listen and take ideas. We’ve been asking for people’s thoughts and opinions."

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AUBURN HILLS
Economic talk set for May 2

The Auburn Hills Chamber of Commerce will host its first economic development roundtable meeting at the city of Auburn Hills from 8 to 10 a.m. Thursday, May 2 at the Auburn Hills Public Safety building meeting room, 1899 N. Squirrel Road, Auburn Hills.

This event will provide one-on-one access to city leadership. Two speakers will lead the meeting, which will be about the various aspects of community or economic development or about some of the numerous current development projects going on in the city.

For more information or to register, contact the Auburn Hills Chamber of Commerce at 248-853-7862, by email at info@auburnhillschamber.com or visit www.auburnhillschamber.com.

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AUBURN HILLS
Program allows busy residents to walk pets

The Oakland Pet Adoption Center 1700 Brown Road, Auburn Hills is featuring a program called Fitness Unleashed, where working residents can come and take a dog for a walk or visit with a cat on their lunch hour. It is part of Oakland County Executive L. Brooks Patterson’s vision to improve the quality of life in Oakland County through more active and healthier lifestyles.

Families looking to volunteer at the shelter can participate in one of the monthly volunteer training orientations for cat comforting or dog walking. Children must be 12 years and older to volunteer.

For information, visit oakgov.com/petadoption or call 248-391-4100.

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Special writer
Stacy Egerton
OU breaks ground on student housing complex

By DIANA DILLABER MURRAY
Of The Oakland Press

Spring's warming weather is bringing new growth — no more so than on Oakland University's campus.

The university broke ground this week on a new $30 million project that will provide housing for more than 500 students.

And a groundbreaking ceremony is planned at 2 p.m. Friday for construction of a 151-foot Carillon tower on the main campus, courtesy of a gift from long-time OU benefactors Hugh and Nancy Elliott.

A 37 percent increase in the number of students who want to live on campus in the past four years meant some students had to be put up at hotels at the beginning of this school year.

The new housing facility to be designated for freshmen and sophomores is scheduled to open in fall 2014.

The new complex, to be located on Meadow Brook Drive east of the Ann V. Nicholson Student Apartments, will feature a small cafe and space for student meetings and study.

OU also plans to build a new engineering center on the 1,500-acre campus, which stretches between Auburn Hills and Rochester Hills, bordering on Walton, between Squirrel on Adams Roads.

“By investing in our students’ academic and campus experience with projects like the new housing complex, we are creating a total campus community — a community that our students will remember as their home and their foundation for success,” said OU President Gary Russi.

Student Congress President Samantha Wolf

said students had input on where the housing complex is located and will provide input on the design and other aspects of the project.

Wolf said living on campus “is extremely important in the freshman year, when you start falling in love with your school and get involved in student life.”

SAMANTHA WOLF
President of Student Congress at Oakland University

The groundbreaking ceremony for Oakland University's new student apartments included, from left to right, Gaume Harper, dean of the Honors College; Michael Kramer, chairman of the board of trustees; Gary Russi, president of Oakland University; Mary Beth Snyder, vice president for Student Affairs; Jim Zentmeyer, director of University Housing; Samantha Wolf, president of OU Student Congress; Abuhassanali Young, student in University Housing; and Jessica Drogowski, student liaison to the board of trustees.

Living on campus “is extremely important in the freshman year, when you start falling in love with your school and get involved in student life.”

SAMANTHA WOLF
President of Student Congress at Oakland University

said students had input on where the housing complex
is located and will provide input on the design and other aspects of the project.

Wolf said living on campus “is extremely important in the freshman year, when you start falling in love with your school and get involved in student life.”

Wolf said.

Results of a recent survey indicate that 84 percent of the university’s student body endorses expansion plans. “Because they value this home environment so highly, they wanted to share the intimate Golden Grizzly experience with as many others as they could,” Director of Housing Jim Zentmeyer said of resident students.

Contact staff writer Diana Dillaber Murray at 248-745-4638 or diana.dillaber@oakpress.com.
April 15, 2013, 10:31 a.m. ET

Chrysler Group Announces Management Changes

AUBURN HILLS, Mich., April 15, 2013 /PRNewswire/ -- Chrysler Group LLC is pleased to announce the following changes to its Leadership Team effective today.

Reid Bigland is named President and CEO of the Ram Truck Brand. He continues as head of U.S. Sales, and President and CEO of Chrysler Canada. Most recently, he was President and CEO of the Dodge Brand. Bigland came to Chrysler in July 2006 from Freightliner Custom Chassis Corporation, a South Carolina-based company.

Timothy Kuniskis is named President and CEO of the Dodge Brand. He most recently served as Head of the FIAT Brand for North America. Kuniskis joined Chrysler in 1992 and has held a series of increasingly responsible positions in the Company's business center operations and marketing organization.

Jason Stoicevich is appointed Head of the FIAT Brand for North America. Stoicovich retains the position as director of the California Business Center. In his 10 years of service with Chrysler, Stoicovich has gained experience in a variety of assignments in the Company's business center operations.

Bruno Cattori is appointed President and CEO of Chrysler de Mexico. Cattori most recently served as Director for Retail Sales and Fleet for all Chrysler Group brands in Mexico, a position which he retracts. Prior to rejoining Chrysler Group in early 2012, he served as President and CEO of Mercedes-Benz Mexico. Cattori began his career at Chrysler in 1988 and has held a series of positions with increasing responsibility.

"These appointments are part of the Chrysler Group's strategy to continuously reinforce its leadership ranks as we continue on our path to achieve our business targets," said Sergio Marchionne, Chairman and CEO of Chrysler Group LLC. "They are a further confirmation of the depth of our talent pool and of the exceptional opportunities that are available to our people as part of their career development."

About Chrysler Group LLC

Chrysler Group LLC, formed in 2009 to establish a global strategic alliance with Fiat S.p.A., produces Chrysler, Jeep, Dodge, Ram, Mopar, SRT and Fiat vehicles and products. With the resources, technology and worldwide distribution network required to compete on a global scale, the alliance builds on Chrysler Group's culture of innovation, first established by Walter P. Chrysler in 1925, and Fiat's complementary technology that dates back to its founding in 1899.

Headquartered in Auburn Hills, Mich., Chrysler Group's product lineup features some of the world's most recognizable vehicles, including the Chrysler 300 and Town & Country, Jeep Wrangler, all-new Dodge Dart, Ram 1500, Jeep Grand Cherokee SRT8 and Fiat 500. Fiat contributes world-class technology, platforms and powertrains for small- and medium-size cars, allowing Chrysler Group to offer an expanded product line including environmentally friendly vehicles.

Follow Chrysler news and video on:

YouTube: http://www.youtube.com/pentastarvideo

Chrysler Group blog: http://blog.chryslergroupllc.com

Twitter: www.twitter.com/chrysler

Streeter: http://members.streetfire.net/profile/ChryslerVideo.htm

Corporate website: http://www.chryslergroupllc.com

SOURCE Chrysler Group LLC

/CONTACT/: Guisberto Ranieri, 248-512-2226 (office), 847-778-4162 (cell), guisberto.ranieri@chrysler.com; Shawn Morgan, (248) 512-2692 (office), (248) 760-2621 (cell), shawn.morgan@chrysler.com

/Website: http://www.chryslergroupllc.com
BorgWarner Opens New Campus In Brazil

BorgWarner Targets Increasing Customer Demand for Fuel-Efficient Technologies with New Production Facility and Engineering Center in Itatiba City

AUBURN HILLS, Mich., April 16, 2013 /PRNewswire/ -- BorgWarner officially opened its new production facility and engineering center in Itatiba City, Brazil, on April 9, 2013. The new campus will produce several environmentally friendly technologies for passenger cars and commercial vehicles such as turbochargers, viscous fans and fan drives, engine timing systems and emissions technologies. At 204,500 square feet (19,000 square meters), BorgWarner's new facilities are located 80 km northwest of Sao Paulo and are twice as big as its former facility in Campinas.

(Photo: http://photos.prnewswire.com/prnh/20130416/DE95097 )

"With our new production facility and engineering center in Itatiba City, we are laying the foundation for expanding our excellent position as a leading supplier of advanced powertrain technologies in the rapidly growing South American market," said James Verrier, President and Chief Executive Officer, BorgWarner. "New legislation is driving automakers to improve fuel economy and reduce emissions. Consumers are demanding performance and enhanced drivability. BorgWarner's advanced technologies satisfy all of these needs with local production and engineering capabilities."

Driven by growing demand for BorgWarner's fuel-efficient technologies, the new campus was built in only 18 months. Relocation of production capacity from Campinas to Itatiba City took place without any interruption in operations. Itatiba City generates great interest with multinational companies because of its strategic location close to major development regions and the capital of the federal state, Sao Paolo. With a total area of nearly 100,000 square meters, the environmentally friendly campus offers additional space for future expansion and is expected to receive LEED (Leadership in Energy and Environmental Design) certification soon. In addition, the new campus includes an engineering center with four engine test stands for developing and introducing new technologies to provide local customers with the latest powertrain technologies.

About BorgWarner

Auburn Hills, Michigan-based BorgWarner Inc. (NYSE: BWA) is a technology leader in highly engineered components and systems for powertrain applications worldwide. Operating manufacturing and technical facilities in 57 locations in 19 countries, the company develops products to improve fuel economy, reduce emissions and enhance performance. Customers include VW/Audi, Ford, Toyota, Renault/Nissan, General Motors, Hyundai/Kia, Daimler,
Chrysler, Fiat, BMW, Honda, John Deere, PSA, and MAN. For more information, please visit borgwarner.com.

Statements contained in this news release may contain forward-looking statements as contemplated by the 1995 Private Securities Litigation Reform Act that are based on management’s current outlook, expectations, estimates and projections. Words such as "anticipates," "believes," "continues," "could," "designed," "effect," "estimates," "evaluates," "expects," "forecasts," "goal," "initiative," "intends," "outlook," "plans," "potential," "project," "pursue," "seek," "should," "target," "when," "would," variations of such words and similar expressions are intended to identify such forward-looking statements. Forward-looking statements are subject to risks and uncertainties, many of which are difficult to predict and generally beyond our control, that could cause actual results to differ materially from those expressed, projected or implied in or by the forward-looking statements. Such risks and uncertainties include: fluctuations in domestic or foreign vehicle production, the continued use by original equipment manufacturers of outside suppliers, fluctuations in demand for vehicles containing our products, changes in general economic conditions, as well as other risks noted in reports that we file with the Securities and Exchange Commission, including the Risk Factors identified in our most recently filed Annual Report on Form 10-K. We do not undertake any obligation to update or announce publicly any updates to or revision to any of the forward-looking statements.

SOURCE BorgWarner Inc.

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Red Point Engineering grows after move to Auburn Hills

Red Point Engineering made the move from Silicon Valley to Metro Detroit last year to take advantage of the region's talent pool and depth of resources in the automotive sector.

The nearly 10-year-old company specializes in advanced electric vehicle technologies and electric drivetrain development and integration. It choose to move to Auburn Hills because of the municipality's proximity to automotive suppliers and I-75.

"It (the city of Auburn Hills) has been very friendly and helpful to us so we can get started," says Monika Kedzierski, business development director of Red Point Engineering.

Kedzierski declined to publicly disclose the size of Red Point Engineering's workforce because of competition concerns, but did note that it has been growing since landing in Metro Detroit. It is constantly on the lookout for engineers in the software, electrical and powertrain fields.

"We're going to need to expand," Kedzierski says. "We will need a larger building to fulfill our customer requirements and scale the business."

Source: Monika Kedzierski, business development director of Red Point Engineering
Writer: Jon Zemke

Read more about Metro Detroit's growing entrepreneurial ecosystem at SEMichiganStartup.com.
OU Inc Accelerator Client Munetrix Grows In Auburn Hills

April 14, 2013 3:39 PM

ROCHESTER – Munetrix LLC has moved into a vacant 2,400-square-foot office in Auburn Hills to accommodate its growing business.

The company has expanded to three full-time employees and several contractors, and is now engaging interns as a part of its team.

Munetrix is a social media, Web-based financial management and transparency database for municipalities and schools. It is a financial management and transparency tool that local units of government and school districts can use to network with each other and build long-range fiscal roadmaps in a fraction of the time legacy systems require.

Launched in Michigan in 2011, Munetrix now has approximately 750 jurisdictions at low-level subscriptions and more than 140 at premium subscriptions with plans to add richer features and revenue channels.

“Our new facility in Auburn Hills … gives us a great sense of place and allows us to begin forming our true culture,” said Bob Kittle, co-founder of Munetrix. “Besides being centrally located, with great access to amenities and
highways, we are smack dab in the middle of a college corridor that offers access to talented, bright young adults who are looking for real world experience with internships. It doesn’t get any better than that quite frankly. We’re now home.”

Said Amy Butler, executive director of OU INC. “Working with Munetrix is a true pleasure. We are excited for them in their new facility and the expansion of jobs within the community. It is also a great partnership in which OU INC can assist them in their business development, and the business is also able to give our students applied learning opportunities that help both them and the company.

To learn more about the company, visit the Munetrix website at www.munetrix.com.

OU INC is a SmartZone Business Accelerator and Clean Energy Research Center located on the campus of Oakland University that enables clients to Reach Beyond the Ordinary by providing entrepreneurial resources and strategic business solutions for accelerating ideas to market. Areas of focus are clean energy and energy efficiency, medical devices, and information technology. OU INC provides customized services to assist domestic and international businesses. To learn more about OU INC, visit www.oakland.edu/ouinc or contact Butler at (248) 649-4800 or abutler@oakland.edu.

It Doesn’t Get Lower Than This! Awesome Deals on Patio Sets

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http://detroit.cbslocal.com/2013/04/14/ou-inc-accelerator-client-munetrix-grows-in-auburn...
Chrysler Museum Will Open Again

BY GABRIEL BRANIUŞESCU
19TH APRIL 2013, 09:21 UTC

Why Volkswagen Doesn’t Need Facelifts

History of the Hofmeister Kink

After it was closed in December due to lack of attendants, the Walter P. Chrysler Museum in Auburn Hills will reopen for the last time on June 8th, along with the annual Chrysler Employee Motorsport Association car show.

The show will start at 9:00 AM in the museum’s parking lot, featuring a muscle car dedicated theme. Guests will be allowed then to enter the museum free of charge to see some iconic cars that made history.

Walter P. Chrysler Museum opened in October 1999 in Auburn Hills, Michigan. It showcases historically significant cars from Chrysler, Dodge, Plymouth, Jeep, AMC and Rambler from different years, in a mural and dioramas decorated interior made by A. Shapiro. The museum represents a big part of the American automotive history, as Chrysler is one of the most significant carmakers in the US.

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U.K. Minister of State for Business and Energy Visits Gibbs Sports Amphibians U.S. Headquarters


(Photos: http://photos.prnewswire.com/prnh/20130422/DE99157)

(Gibbs executives offered Mr. Fallon a first-hand look at the Quadski, a recently-launched personal sports amphibian that demonstrates technological development through a cross-national effort.

"The Quadski represents a successful collaboration between the United Kingdom and the United States," Fallon said. "This combination of British engineering and American manufacturing has produced the world's first personal sports amphibian. Gibbs' success highlights the huge business and investment opportunities there are on both sides of the Atlantic."

Gibbs has locations in the U.K. (Nuneaton), New Zealand and U.S. (Michigan), utilizing engineers from each of the countries for their respective strengths in technology, manufacturing and production.

Mr. Fallon also got a chance to meet with Gibbs' U.S. staff and Mayor James McDonald, of Auburn Hills; Michele Eaton, senior business development representative, Oakland County Economic Development; and Denise Askar, executive director of the Auburn Hills Chamber of Commerce. He also participated in a tour of Gibbs' assembly plant, where the Quadski is assembled.

"Gibbs Sports Amphibians has succeeded in bringing High Speed Amphibian technology to consumers after 15 years and hundreds of millions of dollars in development across the U.K. and U.S.," said Neil Jenkins, Gibbs Sports Amphibians chairman. "We would like to thank the minister for acknowledging the outstanding efforts of our two great nations; the Quadski proves innovation is developed through cooperation."

The combined U.K. and U.S. team efforts have resulted in more than 300 patents and patents pending on technology worldwide. The Quadski is the most recent product of their combined efforts and launched in October 2012.

About Gibbs Sports Amphibians

Gibbs Sports Amphibians Inc. has developed its High Speed Amphibian technology to create Quadski, the world's first sports amphibian, which operates at 45 mph on both land and water.

The privately held business, founded by Alan Gibbs with Neil Jenkins, consists of two companies -- Gibbs Sports Amphibians Inc., which designs and manufactures consumer sports amphibians such as the Quadski, and Gibbs Amphitrucks Inc., which designed the Humdingas and Phibian commercial amphibians for first responder and military applications. Based in Auburn Hills, Mich., Gibbs currently has more than 120 employees.

More information about Gibbs and its High Speed Amphibian technology can be found at www.gibbsports.com.

SOURCE Gibbs Sports Amphibians

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Oakland County students get peek at local government

BY SHAUN D. LEWIS  THE DETROIT NEWS

Pontiac — Area high school students got an up-close view of government Monday when they met with Oakland County officials, including County Executive L. Brooks Patterson.

They were participating in the 33rd Annual Youth in Government Day, in recognition of National County Government Month.

About 100 students from Auburn Hills, Ferndale, Farmington Hills, Milford, Pontiac, Southfield, Waterford and White Lake began the day meeting members of the Oakland County Board of Commissioners, and also toured courtrooms and the sheriff’s office.

Ny’Ea Reynolds, a 10th grader at Ferndale High School, was in awe of the workload performed by government officials.

"I think the Board of Commissioners have a lot on their shoulders because it is part-time work, and they also have their other full-time jobs," said Ny’Ea, 15, of Ferndale. "I was able to ask a commissioner about promoting youth services in the community and I learned about projects like students reading to other kids."

Patterson expressed admiration for the group of students.

"Bright bunch of young men and women, who give me hope and confidence that the future is in good hands," he said.

In addition to the county executive, students met Circuit Court Chief Judge Nanci J. Grant, Sheriff Michael Bouchard, Clerk/Register of Deeds Lisa Brown and Oakland County Board of Commissioners’ chairman Michael J. Gingell, who participated in the county leaders’ panel.

Gingell said he was happy they were able to host the students.

"Today was a good opportunity for students to meet their elected officials, learn about county government and get involved in their government," he said.

Between the panel and the tours, students gathered for a luncheon in the courthouse cafeteria.

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Dan Gilbert blasts Bill O'Reilly's anti-Detroit segment

Auburn Hills Kevyn Orr
Apr. 24

Quicken Loans founder and chairman Dan Gilbert said a recent cable television segment blasting Detroit hosted by Fox host Bill O'Reilly was the most unfair attack on the city he had ever seen.

The O'Reilly segment, featuring Detroit Fox TV newsman Charlie LeDuff, described Detroit as “in chaos” and suffering from crime, political corruption and other ills. It made no mention of recent improvements downtown or other more positive aspects of the city.

Speaking at the latest Pancakes & Politics breakfast this morning at the Detroit Athletic Club, Gilbert also said that he hopes Detroit Pistons’ owner Tom Gores moves his team downtown from Auburn Hills one day, saying pro basketball teams draw much higher attendance in a downtown setting than far out in the suburbs.

Gilbert joined George Jackson, president of the Detroit Economic Growth Corp., and Sue Mosey, president of the civic group Midtown Detroit Inc., for a wide-ranging panel discussion on the state of Detroit.

Among Gilbert’s comments:

- Detroit Emergency Financial Manager Kevyn Orr’s work will lead to better days in the city. Detroit, too, will see that kind of renewed success in a few years, he said. “America loves a comeback story and a lot of people are rooting for Detroit,” Gilbert said.

- Gilbert also said that he hopes Detroit Pistons’ owner Tom Gores moves his team downtown from Auburn Hills one day, saying pro basketball teams draw much higher attendance in a downtown setting than far out in the suburbs.

- He said that Quicken Loans has hundreds of job openings for technology workers but that there aren’t enough trained workers available.

Contact John Gallagher at gallagher@freepress.com or 313-222-5173.
Tom Walsh: Gilbert blasts Bill O'Reilly, advises Pistons move downtown

By Tom Walsh Detroit Free Press Business Columnist Filed Under Commentary and criticism Tom Walsh Dan Gilbert
Tom Gores Auburn Hills
Apr. 25

Zoom

Dan Gilbert: Chairman and Founder, Quicken Loans Inc. and Majority Owner, Cleveland Cavaliers. Handout picture from Gilbert Picture received July 2010. / Santa Fabio

Don’t mess with Dan Gilbert’s Detroit.

That’s right, Bill O’Reilly, Dan’s talking about YOU.

Gilbert, the Quicken Loans chairman and owner of the Cleveland Cavaliers, let loose Thursday morning with a tirade about an April 11 installment of the Fox News show The O’Reilly Factor that depicted Detroit as dying, corrupt wasteland destroyed by 50 years of Democratic rule.

“I don’t know how many here saw the Bill O’Reilly thing, but there’s never been a hack job done on an American city in the history of mankind, like what he did a few weeks ago,” Gilbert told a Pancake & Politics breakfast crowd at the Detroit Athletic Club.

“It’s probably the single worst thing I’ve seen — forget about Detroit — on any city in the history of mankind,” Gilbert added. “So if you get a chance and you want to get angry and get all crazy, just go out on the Web and pull up the segment he did. It’s just the most irresponsible, worst thing I’ve ever seen.”

O’Reilly, the Fox show’s acerbic host, concluded the 6-minute segment entitled “Detroit in Chaos” by declaring, “Detroit is an iconic city, but it’s through. You have to put it under martial law, and you’d have to suspend all kinds of these crazy laws they have, and you have to bring people in just to oversee it. It’s like the military, you’d have to do like they did with the Marshall Plan after World War II. Cuz it ain’t coming back by civilians.”

Earlier in the segment, O’Reilly’s sidekick Jessie Watters drubbed Detroit while standing against backdrops of burned-out houses and disabled fire trucks and EMS units.

“Corrupt politicians destroyed this city. You can’t afford to live here, and you can’t afford to leave,” Watters said. “There’s no jobs any more. They said the auto industry bailout worked. It didn’t; 200,000 jobs have been lost. There’s no plants, half the plants have gone. There’s just crime all over the city, and they’re so corrupt they just can’t run the city effectively.”

Gilbert went off on the O’Reilly show during a panel discussion about efforts to revive Detroit’s downtown and Midtown areas.
“There is a fascination with the city of Detroit nationally that is just truly remarkable,” he said earlier, referring to a spate of recent stories by national and foreign news outlets. “I don’t want to call it a perverted fascination … They have the ruin porn stuff that they like to do, but there’s also this other fascination with a great American city and its perceived comeback. I think we’re slowly chipping away at the image … America loves a comeback story.”

Noting that he’s also heavily involved with Cleveland, where he owns the Cavs and a casino, Gilbert said, “There is absolutely no (media) fascination with Cleveland.”

Later in the breakfast panel, Gilbert was asked if he’s trying to persuade Tom Gores to move the Detroit Pistons downtown from the team’s current home in Auburn Hills.

“I always try to put the bug in his ear,” said Gilbert, who has long espoused the belief that sports arenas belong in core cities rather than faraway suburbs. Both the Pistons and Cavs had losing records this year, but Gilbert said the Cavs drew much better crowds because there’s more to do in downtown Cleveland — with a casino and restaurants nearby — than in a suburb like Auburn Hills.

“It’s not the same experience,” he said. The urban surrounding is even more important when a team is mediocre or rebuilding. “If there’s a championship team, a competitive team, people will drive anywhere,” he said, but not so otherwise.

Mark Barnhill, a partner in the Platinum Equity investment group headed by Pistons owner Gores, was asked about Gilbert’s comments Thursday afternoon in Southfield, after Barnhill spoke to a Turnaround Management Association meeting there.

“Listen, I’m not interested in getting into a political debate with Dan,” Barnhill said, adding that Pistons ownership is “quite happy” at the Palace of Auburn Hills.

Noting that the Palace joined a group of companies donating police cruisers and firefighting equipment to Detroit, Barnhill said, “I understand that Dan has a lot at stake downtown and it’s important to him.”

But he added, “Our constituents are not just downtown. They are in Auburn Hills and Sterling Heights and Troy and Wixom and Belleville and Ypsilanti and Cadillac and Flint and Fenton,” rattling off a list of towns where Platinum has non-sports investments in companies making products ranging from fasteners to boats.
Governor makes appointment to Barrier Free Design Board
Thursday, April 11, 2013

LANSING, Mich. - Gov. Rick Snyder today announced the appointment of Jeffrey Spencer, of Davisburg, to the Barrier Free Design Board.

The nine-member board assists the Michigan Department of Licensing and Regulatory Affairs with reviewing and processing requests for exceptions to the barrier free design specifications. It also makes recommendations for barrier free design rules.

"Jeffrey brings more than 40 years of experience to the board and I appreciate his willingness to serve in this role," said Snyder.

Spencer is the building reviewer and inspector for the city of Auburn Hills, a position he has held for more than 25 years. He previously served as a carpenter and project coordinator for St. Joseph Mercy Oakland in Pontiac. Spencer is a member and former president of the Oakland County Building Officials Association and a member of the Southeast Michigan Building Officials and Inspectors Association. He holds an associate degree in industrial technology from Baker College. Spencer will represent building inspectors and fills the vacancy created by the resignation of Jerry Harkness.

Spencer will serve the remainder of a three-year term that expires Oct. 31, 2013, and his appointment is subject to the advice and consent of the Senate.

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Sixth-largest auto supplier chooses Michigan community for North American headquarters

Posted By Dan Rafter On April 12, 2013 @ 2:08 pm | No Comments

In a good sign for the still-struggling state, manufacturers continue to make strong commitments to Michigan. The latest example comes in Auburn Hills, Mich., a city in the metro Detroit area. Faurecia, the sixth-largest automotive supplier in the country, has chosen this community as the home for its new North American headquarters.

This isn’t surprising. Faurecia has long been a presence in Oakland County, the county in which Auburn Hills sits. This presence includes three current offices in the city.

Once the company’s new North American headquarters bidding is complete in the first quarter of 2014, two of the Auburn Hills offices and a technical center located in Troy, Mich., will move to the new building. The third Auburn Hills Faurecia office will remain open.

The new headquarters will be a significant addition to the Auburn Hills business community. It will cover 278,000 square feet in three stories. The building, in the Oakland Technology Park, will eventually be home to 700 employees. These employees will work in the company’s core business groups: automotive seating, emissions control technologies, interior systems and automotive exteriors.

Pete Auger, city manager with Auburn Hills, said that the auto industry and its suppliers have long been key components of the area’s economic health. The expansion by Faurecia is just the latest example, he said.

“This industry, including the suppliers who serve it, has always had a special role in our community,” Auger said. “They’ve had an extremely positive economic impact on the area.”

And why do companies like Faurecia like to do business in Auburn Hills and Oakland County? Faurecia points to a pro-business environment that has remained consistent over the years.

“We don’t have a lot of upheaval with our government here. We’re steady,” Auger said. “And we have a reputation for being pro-business and pro-growth. We work with the businesses and manufacturers who locate here. We don’t get them here and then forget about them.”
Faurecia has called Auburn Hills home for a decade. And its North American president, Michael Heneka, said in a written statement that he is excited to make an even stronger commitment to the community.

"As the auto industry has reinvented itself over the past few years, Faurecia has been a notable success story," said Heneka in his statement. "We have grown substantially. Our new location presents a distinctive opportunity to build from the ground up in a way that most suits our needs."
Patrick Elwell, Seasoned Restaurateur
Re-opens Iconic Downtown AH Eatery

by Irena Granaas

A well-liked, much-admired restaurateur with deep local roots is back in the game.

Following a 10-year retirement from the business, Patrick Elwell has put out the welcome mat at the same site he where ran a restaurant for many years. He is once again doing what he loves best – serving up excellent food and mingling with returning customers while making friends with new visitors to his establishment, formerly called Patrick's, now named the Elwell Grill.

The Oakland Tech News caught up with the busy Elwell, 75, at the Grill, located in downtown Auburn Hills for a convivial conversation.

"I think the important thing is that I'm an entrepreneurial type of operation. I'm a small business," he said. "I don't particularly like to play my age as something, because I don't think age is the important thing... What's more important is I retired for 10 years, I leased the building out and I worked various jobs that I enjoyed, but the restaurant is my first love."

Elwell, a resident of the Auburn Hills area for 50 years, combines a lot of pride, passion and love of people in order to treat customers to the what he describes as the "upscale casual" dining experience at the Elwell Grill.

"I enjoy being back for the fellowship with the customers, I enjoy the challenge of trying to build something – again," Elwell said. "It's the potential. And I have a lot of my old employees here that came back to work."

Elwell's philosophy is to present high-quality food that is well-prepared, and to serve it in a family-friendly atmosphere that has a lot of warmth.

There's a definite sense that the Elwell Grill is here to stay.

"It goes back to painting the picture of success," he said. "Because people like to be with successful people. I could have done it cheaper but that's not the way I do it. Take your customer – you must meet him at the door, then you have to serve a good meal with a quality bottle of wine."

The restaurant features an American-style menu, with a lot of "comfort foods," including staples like salads, sandwiches, fish, soup and meats, as well as specialty dishes like Elwell's pan-fried chicken breast that is a favorite with many customers.

"I buy nothing with a coating on it. Everything is done straight from scratch," Elwell explained. "One of my signature dishes is my pan-fried chicken. Basically, it's just my method of cooking... I can walk back (to the kitchen) and tell if it's going to be good, and if it's not, I tell them to throw it out and start fresh."

Elwell's filets and Delmonico steaks are made from certified Angus beef. Whitefish and salmon with Hollandaise sauce are among notable selections, and frog legs are popular with customers on Monday nights.

Pride is the key, Elwell emphasized.

"It's your character," he said. "There are certain things you won't compromise on, and there are certain things you won't do... You're going to go away, it's human nature, but you have to self correct. Take the people I surround myself with - if they don't have pride, it's detrimental."

In keeping with the family ambiance, Elwell has photos of his family and relevant events on the walls. Elwell is proud of both of his children, daughter Kelly Talmers and son Patrick, who work with him at the Grill.

Patrick lends his talents to cooking, while Kelly pitches in as part of the management when Elwell needs them. He also praised his niece, Dawn Hurren, who works in the kitchen and, and his day manager, Maureen Glen.

Elwell bought the original restaurant, called Stewart's Diner, in 1964 from Mel Stewart, which was at the same location where Elwell's Grill stands today.

He operated it for two years before he remodeled and reopened it as the Shalea Inn. Later the name changed to Patrick's Shalea Inn. After a fire in 1987 it re-opened as simply Patrick's.

Elwell's establishment has received its share of acclaim over the years. According to Elwell, his restaurant earned an award every year until the fire from 1970 to 1987.

Shalea Inn After a fire in 1987 it re-opened as simply Patrick's.

From Travel Holiday magazine.

Positive reviews of his restaurant and cuisine have also run in AAA Motor News, The Ford Times and various other publications.

CONTINUED ON PAGE 6
Patrick Elwell Talks About His Life and Times in AH

CONTINUED FROM PAGE 3

He retired in 2000 and leased the building to Kip Bourdeaux, who operated the Bourdeaux Bistro until it closed its doors in 2009.

Meanwhile Elwell was enjoying a very busy “retirement,” working at Heather’s Club, a private country club in Bloomfield, where he did hosting duties, seating patrons and rotating the wait staff. After a year and a half, he moved on to a job at Metalworking Lubricants Company in Pontiac, going to their plants and monitoring their oil and lubricants.

After a year or two at Metalworking, Elwell entered what he likes to call his “contemplative period,” working for Oakland University as a groomer, driving a big commercial Toro mower, smoothing the grounds.

“It’s like you’re waking up to nature. I’d get there at 5 a.m. — if there was frost I couldn’t get out there of course,” he said. “It’s one of those jobs where it’s instant gratification. You look back and see how nice it looks.”

Elwell followed up the OU stint with a couple of years at Red Run Country Club doing grooming. During all this time Elwell enjoyed the challenges, but when the Bistro closed and he realized in 2010 that the site had been vacant for a year, he came to the conclusion that if he was going to be working, he might as well go back to working for himself.

Shortly after that he began the remodeling work in preparation to re-open.

“What I find challenging is surrounding myself with the right people,” said Elwell. “You hire and you fire until you get the people that can put it together.”

For example, Elwell hired Ron Rea, who’s designed restaurants in the region for over 30 years.

“He’s not cheap, but he’s very good. He’s designed most of the restaurants in southern Oakland County.”

Elwell is doing the thing he loves best, in his favorite place.

“I love this area,” he said. “Part of it’s from the heart. I am hopeful I can keep the same rapport with my old customers. I love my customers and I love people.”

Elwell says he’s “shocked” (albeit pleasantly so) that many of his loyal customers from the past have returned.

One aspect that’s taken some getting used to is all the technology used in the business today.

“It seems like everything’s electronic,” Elwell said. “That’s been an adjustment for me, with all the computers and all the information you get from them.”

As someone who’s seen the Auburn Hills area evolve and grow over the years, Elwell has a good feeling about those who are steering the city into its future.

“Auburn Hills has a board that has a lot of foresight in what they do,” he commented. “They’re always doing something to enhance it . . . a university, putting in a medical school. With the city fathers, there has to be somebody steering the ship and they are steering the ship.

“I have confidence in the management of this city.”

Elwell has seen many changes over the past five decades or so.

“When I first came out here, Squirrel Road was gravel and in back of the restaurant was an old grist mill,” he said. “There was a house across the street from me that was 100 years old at that time, which I bought and fixed up, and it became an apartment building.”

Elwell said it’s always been a kind of quiet town, although the city fathers are molding it into an area where people can come down and enjoy themselves.

There have been some changes, notably with major companies like Chrysler building its headquarters in town, as well as Comerica Bank, Hewlett-Packard, BorgWarner and Volkswagen, as well as Oakland Community College Auburn Hills campus, OCC’s largest campus.

Since he reopened, Elwell admits to being “pleasantly surprised” by the changes. “What they’ve done with the streets, the sidewalks, the whole commercial area . . . I like the boulevard down Squirrel Road, the trees they planted — they did a beautiful job.”

A new college dormitory is going up across the street, and Elwell noted the city is putting in a four-story high rise with commercial rentals and three stories of student housing, and just put in a new parking deck.

Elwell said the business climate may be perking up a little.

“I think people are a little more optimistic . . . people are starting to feel a little freer with their money.”

The Elwell Grill is located at the northeast corner of Auburn and Squirrel Court in downtown Auburn Hills. Hours are 11 a.m. to 10 p.m. Monday through Friday. On Saturday it’s dinner only, 5 to 10 p.m., and it is closed on Sunday. For more information visit www.elwellgrill.com.
OU freshman finding quick success

Armada native adjusting well as starter for Grizzlies

By BRIAN MARSHALL
For The Oakland Press

Let's see, there was the move from Armada to Oakland County, being on her own for the first time, taking college courses and leaving her support group. If all that wasn't enough to deal with, Erin Kownacki went and performed so well that she made herself the focal point of a college athletic team.

So much. For easing into a college career by red-shirting, watching and learning or slowly getting playing time. No, this freshman prefers to jump right into the fray.

Kownacki is a rookie pitcher for Oakland University's softball team and she quietly emerged as the Golden Grizzlies' No. 1 option on the mound.

Kownacki, a three-time all-state hurler at Armada, got off to a 3-1 start before Oakland hit a skid. She is now 4-5 for the Golden Grizzlies, who are 5-11-1.

"I had no idea that I would start off the season as No. 1," Kownacki said. "Of course, I had always had that goal in mind and knew I would be able to achieve it eventually with hard work, but I had no idea it would come so soon."

"I think it is a great honor and I am not taking it lightly. I may have started out as the No. 1, but I know that it can be taken away just as easily as I earned it, so I know I have to work harder and harder every day to make myself better and keep my position."

One of Kownacki's highlights so far was no-hitting Columbus State for 6 2/3 innings, then completing a shutout win. She has an ERA of 3.09, with 48 strikeouts and 21 walks in 52 2/3 innings.

"I think that things are going very well, considering it is my first year pitching at the D-1 level," Kownacki said. "It is a lot different than I thought it was going to be, but I think that I am adjusting very well and the whole team and coaching staff has been very supportive."

Oakland coach Connie Miner couldn't be happier with Kownacki's start.

"Her potential is never-ending. Once Erin accomplishes a goal, she is hungry to be challenged again," Miner said. "Erin has all the tools, both physically and mentally, to be the top pitcher in our conference and beyond. She can pitch against any team and be successful. I have been coaching Division I ball for a while and the sky is the limit for Erin."

Kownacki has no regrets about her decision to attend Oakland.

"I absolutely love my team," she said. "I could not imagine playing with a better group of girls. They are all so talented and want nothing more than to do their best in order to help the team."

"It is definitely difficult to juggle both softball and academics, since around four hours of every day are dedicated to softball practice or training and that doesn't count the time spent in the training room. But the upperclassmen on the team have been extremely supportive and willing to help since they have all been through it before."

Like most players who dominate playing at smaller high schools, Kownacki quickly discovered that her mostly one-pitch repertoire wasn't going to cut it at the college level.

"The biggest adjustment from high school to college would definitely be that now I can't get away with as many mistakes as before," she said. "In high school, if I missed a spot eight or nine times out of 10 I was able to get away with it with little damage done. I am quickly learning that any little mistake could cost my team the game. My approach has changed a lot."

Kownacki has widened her array of pitches and still is perfecting them.

"For the past few years I threw predominantly rise balls and more up in the zone," she said. "Lately I've been working more in and out on batters and mixing in some drop balls and change-ups."

So, she has the riseball, dropball, change-up, screwball and curveball to confuse hitters with.

"Normally I would say that my riseball would be my "go-to" pitch since that is what I am most comfortable throwing in any situation," she said. "Lately I've been relying more on my curve since that has been breaking the most and I have been able to be more effective with it."

Kownacki said the Grizzlies' main goal is to make the Summit League Tournament. Her focus is obvious: Making opposing hitters walk back to the bench.

"Being a freshman and being in one of the toughest positions on the field is tough, so I think my main goal is to help my team out as much as I can," she said. "Since I am not hitting, one of the only ways I can do that is in the circle, so I want to prevent the other team from scoring and just keep us in games so our offense can do the rest."

The 5-foot-10 right-hander also would like to help Oakland reach the NCAA Tournament before her career is over.

"It would be cool to be able to get personal awards like first-team or second-team All Summit League, but making it to the tournament would be the one goal at the top of my list," she said. "It has been a long time since the team has been a force in the Summit League and we want to show everyone just how hard we have been working in the off-season to reach our goals."

Kownacki is majoring in health sciences/pre-physical therapy with the hopes of becoming a physical therapist. For now, however, she is specializing in sending opposing batters back to their dugout mumbling.
By DIANA DILLABER MURRAY
Of The Oakland Press

Four Avondale High School seniors will be working one-on-one with scientists at Oakland University laboratories after being selected in a national competition that included college and university students.

The four students — Piper Lehto and Sanjay Das of Auburn Hills, and Lauren See and Kevin Yang of Troy — will work in the lab for 10 weeks and will also receive a stipend in the National Science Foundation Project SMaRT grant. Four other students from around the U.S. were selected for the program.

"This is an extraordinary opportunity for these four bright students, and we are glad to see their hard work and dedication to science and academics recognized and applied beyond Avondale," said Avondale School District Superintendent George Heitsch.

According to OU spokesman David Groves, the four completed a rigorous application and selection process that included interviews and a review of their academic record, as well as an assessment of their ability.

Among research projects they will work on over the summer with OU professors are the study of molecular mechanisms of high blood pressure under the direction of Assistant Professor of Biological Sciences Amy Banes-Bercelli; and the study of telescoping carbon nanotubes that are an incredible new material that have the potential to revolutionize the way electronic circuits are built, under physics Professor George Martins.

Two other projects Avondale students will be involved in are the analysis of a mechanical model of cardiac tissue under physics Professor Brad Roth and studies under Distinguished Professor of Physics Gopal Srinivasan that include magnetoelastic interactions.

To learn more about all the research projects, visit www2.oakland.edu/physics/smart/projects.cfm.

Avondale High School students Kevin Yang, left, and Sanjay Das working on the chemistry lab. Oakland University researchers will host four students who competed nationwide for the honor to participate via a National Science Foundation-funded grant titled Project SMaRT.
Chrysler Foundation supports 10 Michigan high school robotics teams with grants

As high school teams such as Killer Bees, Bionic Barons, Purple Raiders and More Martians invaded the 2013 FIRST Robotics World competition, Chrysler gave 10 teams a big financial boost.

The for Inspiration and Recognition of Science and Technology program teaches students about teamwork and project management as they build robots to complete given tasks.

The Chrysler Foundation, the charitable arm of Chrysler Group LLC, Monday afternoon announced grants totaling nearly $30,000 to support 10 Michigan high school robotics teams, which qualified to compete for the 2013 FIRST Robotics Competition Championship Wednesday through Saturday at Edward Jones Dome in St. Louis.

The grants helped the teams offset costs associated with items such as registration fees, parts and materials and team apparel. Robotic teams that received a share of the Chrysler Foundation grant include: Bloomfield Hills Andover and Lahser high schools’ Bionic Earons; Bishop Foley and Marian Catholic high schools’ Foley Freeze; the Goodrich High School More Martians; Grand Blanc High School’s EngiNERDs; Macomb Academy of Arts and Sciences Fighting PI; Notre Dame Preparatory School’s Killer Bees; OSMTech Academy Clarkston High School’s Team RUSH; Oxford Community Schools’ Team TORC; Pontiac High School’s Wings of Fire; and Rochester Adams and Stoney Creek high schools’ Adambots.

"Teams vying for the championship will compete in a high-tech version of disc golf, called ULTIMATE ASCENT. The Chrysler Foundation and Chrysler Group are proud to play a role in encouraging students to explore the worlds of science, technology, engineering and mathematics education," said Jody Trapasso, senior vice president, external affairs for Chrysler Group LLC and president of the Chrysler Foundation.

Chrysler also provides mentors to student teams. To view a video of Chrysler's involvement in FIRST, visit http://youtu.be/4pp7dRcoXs.

— Staff writer Diana Dilaber Murray
GILBERT WANTS PISTONS IN DETROIT

Quicken Loans chairman, Cavs owner suggests move to bring fans downtown

By PAUL KAMPE

Quicken Loans Chairman and Cleveland Cavaliers owner — not to mention Mike Ilitch’s chief rival for Detroit property ownership supremacy — Dan Gilbert reportedly suggested the Detroit Pistons join the rest of their sports brethren downtown. Gilbert suggested Pistons owner Tom Gores relocate the franchise from its home at The Palace of Auburn Hills, where it has resided since the 1988-89 season, at a business breakfast Thursday at the Detroit Athletic Club.

“These arenas don’t belong on farmland in the suburbs,” Gilbert said. “That doesn’t make any sense.”

He noted an overwhelming majority of NBA arenas are located in downtown areas.

Gilbert, a Detroit native, currently has a home in Franklin, according to Forbes. He has not been shy about championing businesses’ relocation to the revitalized city.

“That’s no slight on Auburn Hills,” Gilbert said. “You don’t get (downtown experience) walking on 200 yards of asphalt in mid-February.”

Gilbert owns several downtown buildings, which house thousands of employees. An ownership group with which Gilbert is invested recently completed its purchase of Detroit’s Greektown Casino.

Gores bought the Pistons along with Palace Sports and Entertainment for a reported $255 million nearly two years ago and The Palace has since been renovated. The venue recently hosted the opening rounds of the NCAA tournament, in addition to its regular lineup of concerts and variety acts.

Please see Pistons/A-6
The Detroit Lions vacated the Pontiac Silverdome following the 2001 season, leaving the Pistons the last Detroit sports franchise with its home base outside the city limits.

At a Detroit function Wednesday, Chris Ilitch, CEO of Ilitch Holdings, confirmed progress has been made on a new arena for the Detroit Red Wings, who have played at riverfront Joe Louis Arena since 1979.

Owners of the Detroit Tigers, the Ilitches opened Comerica Park in 2000, which was soon joined by neighboring Ford Field just two years later.

The Pistons finished 28th in the 30-team NBA in attendance this season, drawing 14,782 fans per game.

The team, which finished 29-53, is currently in search of a new coach, having fired Lawrence Frank last week.

Gilbert, whose Cavaliers owned a similarly unsatisfying 24-58 record this season, recently rehired former coach Mike Brown.

Paul Kampe is the online coordinator for The Oakland Press. Follow him on Twitter @PaulKampe and email him at paul.kampe@oakpress.com
West Bloomfield, area communities working on luring people downtown

By CAROL HOPKINS
carol.hopkins@oakpress.com

Last fall, a developer approached West Bloomfield trustees asking for a zoning change in order to place a storage unit business at Orchard Lake and 14 Mile. Then, a business owner approached asking for approval to open a fitness club in a former dealership on Orchard Lake Road.

“The new businesses didn’t conform to our zoning,” said Supervisor Michele Economou-Ureste. The requests were for properties in the township’s “town center” — defined back in 2007 as Orchard Lake Road between 14 Mile and Maple roads. In the area, zoning rules require active first floors, not blank walls, which was intended to make the area more appealing to people walking. So the board has denied the requests and decided to take a second look at the zoning — to the point of creating a task force to reexamine its town center plans.

“We want to see a viable corridor,” said Sara Roeder, West Bloomfield senior planner. “We want it to be a successful place that people want to come to.”

That desire is enthusiastically echoed in communities across Oakland County. A check of various municipalities reveals that, to that end, many have just revamped their downtowns or are planning to do so in the near future.

For example, Ferndale, West Bloomfield, Birmingham, Milford, Auburn Hills and Pontiac are all in the midst of some kind of renovation.

In the past two years, both Rochester and Lake Orion have undergone major overhauls of their downtowns.

By establishing a downtown business district, local officials hope to provide tax incentives for property around its vacant Summit Place Mall.

Pontiac is studying rerouting traffic to bring more people through its downtown, and is also beginning a study to uncover part of the Clinton River, a natural asset that runs through downtown. A 3,000-foot stretch of the river was covered in concrete in 1965 in an effort to prevent flooding, according to Oakland County.

Downtown Pontiac has had a gain of nearly 70 new businesses since 2011. Lafayette Place Lofts and Lafayette Market — a nearly $20 million renovation of the former Sears building — are two high-profile projects.

Why the push for vigorous downtowns

Creating a healthy, lively downtown has many benefits, say planners.

“Centers provide a real camaraderie and sense of community,” said Andrea Brown, executive director of Ann Arbor-based Michigan Association of Planning.

Lou Glazer, president of Michigan Future Inc., a nonprofit organization focused on helping Michigan succeed as a world-class community, has written that Michigan must create places where the talent class — young,
educated professionals — want to live. “The most prosperous places in the country, by and large, are big metros anchored by vibrant central cities,” he stated.

Brown said Michigan is losing its “talent class” of young professionals to city centers such as Chicago. “There are whole neighborhoods in Chicago that are made up of Michigan talent.”

Companies looking to locate in a city or state seek out the places their young employees will enjoy. If the company can’t find that community, they won’t come, said Brown.

With cities looking to attract the talent class, they’re revitalizing their central business districts, according to a March 25 feature in Forbes magazine.

The talent class wants plenty of entertainment and shopping within walking distance, according to Forbes. Snagging that demographic means economic growth in the area.

Brown said retiring Baby Boomers looking to downsize from a house are also in the market for condos and apartments near a walkable city center. “We all don’t want to own homes anymore,” she said.

Asked what advice she has for West Bloomfield, Brown cautioned against building a “faux” downtown with a row of businesses facing inward. The facades should face out.

Look at successful downtowns, she said. “Make sure your market studies are correct,” she said, and don’t forget to place housing nearby.

Bret Rasengan, Oakland County planning supervisor, urged West Bloomfield to not think big.

“If you look at many successful downtowns, the corridor is small. Rochester is really only three or four blocks,” he said.

Most great downtowns have narrow streets, wide sidewalks, trees — “it doesn’t have to be fancy,” said Rasengan.

“You want people to feel comfortable.” he said. “You want to go there.”

**Evolving downtowns**

Change is happening in many of the county’s downtown areas:

- Construction is progressing on a new 97-unit student housing development with attached retail space in downtown Auburn Hills.
- Auburn Hills incorporated in 1963, and began developing its downtown streetscape in 2002, said Stephanie Carroll, community relations director for the city.
- City Manager Peter Auger said having a downtown “adds life and vibrancy.”
- “We humans by nature cluster toward each other. We need social interaction.” Carroll said a downtown “is a community’s vision. It doesn’t have to be a lot of tall buildings. It’s whatever gives a community a place to gather.”
- Planners call the effort giving a community a “sense of place,” she said.
- “It’s creating an environment where people want to live and thrive.”

Considered one of the county’s hippest downtowns, Ferndale has new restaurants and retail coming, said Chris Hughes, communications and marketing manager for the city’s Downtown Development Authority.

“We are a big ‘ol intersection (9 Mile and Woodward Avenue), but we have a lot of cohesiveness,” she said.

On May 20, a water main will be replaced along West 9 Mile downtown, and that portion of the street will also undergo a significant renovation — new sidewalks, bike racks, bike sharrows (space for cyclists in the road), streetlights and outdoor seating.

“There’s a lot going on here,” said Hughes.

After Lake Orion underwent a massive downtown streetscape project in 2011, Marcella Costin, then owner of St. Clair-based Simply Marcella boutique, happened to be downtown. She found a vacant space and decided to open a second shop at 34 S. Broadway St., in 2012.

“Part of my whole philosophy is being in an environment that is inviting and cozy,” she said. “I felt the downtown has its own
Construction continues of the Auburn Hills University Center and apartment complex on Auburn at Squirrel roads in Auburn Hills.

sweet character. We keep growing!”

This year, Lake Orion officials plan to add an additional parking lot downtown, said Suzanne Perreault, DDA director.

Milford’s downtown has nearly 100 percent occupancy but that hasn’t stopped officials from working on building an amphitheater at Central Park (http://milfordamp.org), located in the downtown.

“The biggest asset to a real downtown is related to quality of life,” said Ann Barnette, DDA director. “People want to shop and eat in downtowns because of the personal connection, gathering of neighbors — and an amphitheater follows along those lines. It will enhance that experience.”

Downtown Birmingham’s Pierce and Merrill streets are undergoing complete streetscape reconstruction this spring.

The Holly village offices in the downtown are up for sale, officials said. Should that building become available, that would open up retail space, they said.

West Bloomfield: Almost back to drawing board

The West Bloomfield town center task force has been listening to planning experts over the winter month meetings, and plans to keep at it.

The existing town center zoning “isn’t working,” Ureste said. “It doesn’t fit our community.”

Businesses are coming forward to build in the town center, but they all required a zoning waiver.

The township is moving forward, planning to hire a facilitator and also host a competition to obtain new town center zoning, said Ureste.

Not everything is being tossed. Rules on lighting and signage will stay, she said.

One large development is underway at Orchard Lake and Maple’s northwest corner, said Ureste.

“This new development is going to have a clock tower and instantly give us a downtown feel,” she said.

A four-lane boulevard of Orchard Lake Road between 14 Mile and Maple is set to be built in 2015 or 2016. Many consider the design more appealing because boulevards feature green space in the middle.

“I’m very positive about all this,” said Ureste.

“We have to be proactive in a changing marketplace.”

Contact Carol Hopkins at 248-745-4654 or carol.hopkins@oakpress.com.

Follow her on Twitter @OPCarolHopkins or on
Glitch’ leaks OCC students’ private info

By DIANA DILLABER MURRAY
Of The Oakland Press

Oakland Community College is investigating how personal information of more than 100 students in connection with student loans became available on the college website. The information has been removed from the website and OCC officials are working with search engines to remove the information that was already stored on Google, said George Cartsonis, OCC spokesman.

"We have not yet found out how it happened, but you can be sure we are investigating" and will find out, Cartsonis said. "There is no evidence of foul play or wrongdoing. It appears to be a computer glitch," he said.

The five-campus, 28,000-student college is in the middle of registration for summer classes, much of it done online.

Personal information such as social security numbers and addresses of 129 students went on the college website last Friday afternoon.

The information was removed from the college website as of 10 a.m. Monday, after one of the affected students notified OCC of the issue.

“We are notifying by email all potentially affected students this afternoon,” Cartsonis said Wednesday. The email notification will be followed by a letter through the U.S. Postal Service, he said, to ensure also students are aware of the incident.

Although OCC has no report that there was any intentional inappropriate use of the personal data, the school is offering each of the affected students a free one-year subscription to an identity theft monitoring service. This is often done by banks and other institutions when private information is released.

In addition, “We are working with those search engines to remove the information and they are cooperating. We are already seeing results and we hope to have it off all engines in the near future,” Cartsonis said.

He said OCC’s IT (informational technology) department has been able to figure out how many students were affected and will continue the investigation into where and how the information went on the web.

“We take student privacy seriously and we are taking action to correct future occurrences of this type and we deeply regret any inconvenience we might have caused our students,” Cartsonis said.

Contact Diana Dillaber Murray at 248-745-4638 or diana.dillaber@oakpress.com or follow her on Twitter at @DDillybair.

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Economic roundtable to be held May 2

AUBURN HILLS — The Auburn Hills Chamber of Commerce will host its first economic development roundtable meeting at the City of Auburn Hills 8 to 10 a.m. Thursday, May 2 at the Auburn Hills Public Safety building meeting room, 1899 N. Squirrel Road. This event will provide one-on-one access to city leadership. Two speakers will lead the meeting, which will be about the various aspects of community or economic development or about the numerous current development projects going on in the city. For more information or to register, contact the Auburn Hills Chamber of Commerce at 248-853-7862, by email at info@auburnhillschamber.com or visit www.auburnhillschamber.com.

Oakland County Senator Stabenow to speak today at OU commencement

Michgan U.S. Sen. Debbie Stabenow will deliver the 2013 commencement address at 12:30 p.m. today at Oakland University’s Athletic Center O’Reana.

OU will stream the commencement ceremony live. Graduates participating in commencement are from the schools of Business Administration, Education and Human Services, Engineering and Computer Sciences, and Integrative Studies.

Stabenow was just elected to a third six-year term in November. OU was founded in 1877. The contest, to be held June 21-22, offers first-place prizes of $500 each for the best entries in four categories: chicken, pork ribs, pork and beef brisket. The grand champion, who must enter all four categories, wins $2,000, city spokesman Shawn Keenan said.

Typical contestants are teams of cooks because the entry fee is $250, and $300 after June 7, according to details at www.auburnhills.org (click on “downtown” and then on “Summerfest”).

The contest is part of the city’s annual Summerfest outdoor festival of live music, arts and crafts, kids fun and classic-car show, held in the downtown area at Auburn and Squirrel roads.
Among Michigan's famous boundary disputes — the bloodless war over the Toledo Strip, say, or long-lived tension over Eight Mile — Oakland University's ZIP code controversy has stayed obscure.

The school's mailing address is in Rochester, even though not one square inch of the campus lies within the Rochester city limits.

The campus proper, on Squirrel Road, is in Auburn Hills. With the exception of the school's golf course and Meadow Brook Hall, both in Rochester Hills, OU belongs to Auburn Hills.

Now Auburn Hills officials want its burgeoning nonprofit, non-tax-paying resident to stop hiding behind the long-ago wishes of long-deceased donor Matilda Dodge Wilson and own up to geographic fact.

"We're proud of Oakland University. It's in Auburn Hills, almost all of it, and we're extremely proud of it, and we'd like that recognition," says Mayor Jim McDonald, a city official for 24 years.

Auburn Hills provides backup police and fire protection to the university. And roads. And good will.

"We think we're good neighbors and we value our relationship with Auburn Hills," said OU spokesman Ted Montgomery. OU's website explains the university's history.

"1958: Matilda Wilson demands that the university's address match Meadow Brook Hall's Rochester address, even though the main campus lies in Pontiac Township (now Auburn Hills).

"She prevails by reminding U.S. Postmaster General Arthur Summerfield that she had been a generous contributor to his Republican administration."

Should Wilson's campaign contribution buy her a phony address indefinitely?

"It's intellectually dishonest," huffs Auburn Hills City Council member Anne Doyle, who is crusading for change that will right an "insulting" wrong to her city's residents. "You would think that a university wouldn't tolerate that."

She is critical of media who kowtow to the university's semi-spurious address, on the grounds that newspapers owe allegiance "to the facts, not the wishes of a long-deceased society matron."
Oakland University has at least one fact in its favor: "Our address in Rochester is registered with the U.S. Postal Service," Montgomery says.

While OU has stayed stuck in Rochester, Auburn Hills has evolved. Its four-corners downtown once called itself Auburn Heights to distinguish itself from Pontiac, before becoming a city 30 years ago.

Now home to 70 international companies, Auburn Hills is proud of more than secession from Pontiac Township. The city seeks a full embrace from its prestigious university resident.

"Times change," says McDonal, who says he's been "disappointed" by OU's inexplicable loyalty to Rochester.

"Let's get with the program."

lberman@detroitnews.com

(313) 222-2032

Laura Berman's column runs Tuesday and Thursday.

- **Fired Detroit airport CEO Mullin looks to rebuild former fast-paced life**

  Laura Berman: As an executive who openly thrived on getting things done, Turkia Mullin lived a warp-speed life. Other executives saw her as dynamic, aggressive, smart, effective, outgoing. Then came the crash.

- **Daniel Howes: Howes: Detroit potshots too close to reality**

- **Vincent Goodwill: NBA news and views: Nuggets find way to hinder Stephen Curry**

- **Neal Rubin: The original Huel Perkins: A gentleman and a scholar**
NEWS

ABB Robotics Technology Days to highlight broad range of automation technology, May 15 at Auburn Hills, MI facility

ABB Inc.
POSTED 05/01/2013

Open to current and potential customers. Late afternoon Open House open to all!

Over 40 live demos and seminars on automotive and general industrial applications.

AUBURN HILLS, Mich. – ABB Robotics will host a Technology Days event on May 15th, 2013 at their North American headquarters and training center in Auburn Hills, Michigan. The event features a large exhibition floor with over 40 separate live robotic demonstrations, and 39 small-group, topic-specific seminars on a variety of robotic subjects.

General and application specific information will be provided to benefit both those considering an initial foray into robotic automation, and those looking to upgrade or expand their existing robotic lines. ABB experts in virtually all industrial applications will be on hand to answer your questions as you tour the 55,000 sq ft facility.

Current and Prospective Robotic Customers – 8:00 am to 7:00 pm: The entire day is open to all current and prospective ABB customers. The demo floor will be open the full day, and the seminar schedule will run from 8:00 am to 5:00 pm. This is a great opportunity for industry professionals to gain first hand intelligence and network with their peers across the full range of industrial robotic applications. Continental breakfast and lunch will be served.

Open House – 4:00 pm to 7:00 pm: A continuation of the customer and prospective customer session, with the doors open to anyone interested in learning more about robotics, including old friends, new friends, family, youth organizations and students. The full demonstration floor will be open and all ABB experts will be on hand. Dinner will be served.

For more information, including a full list of seminars, and to register, please visit: www.cvent.com/d/gcqv3x

A sampling of the robotic exhibits and demonstrations includes:
• General Applications, including new technologies in integrated vision, robotic safety, machine tending, and simulated programming,
• Welding and Cutting, featuring fully equipped cells for those looking to set-up an initial robotic welding operation, advanced laser welding and cutting technology, and a 10-axis robot system consisting of a smaller 6-axis robot attached to the arm of a larger 4-axis robot for long reach applications.
• Packaging, highlighting a three robot palletizing cell with new software for far easier programming, three demos with the high speed FlexPicker including the new 8Kg model, and two demos with the IRB 120, ABB's smallest 6-axis robot.
• Painting, including three separate demos ranging from basic to highly sophisticated, displaying systems for paint operations of all sizes, each providing thorough and consistent paint coverage while delivering significant paint savings.
• Service and Training, featuring ABB's full training portfolio, robotic cells dedicated to training, live remote service demonstrations, and the robot reconditioning program.
• Powertrain, covering the complete capabilities of robotic automotive Powertrain systems, with escorted tours of selected demonstrations.
• The Lighter Side, a 70” SmartTV attached to the arm of a robot, creating a unique viewer experience by bringing virtually unlimited, 6-axis motion to the video media. RoboScreens® first gained prominence in 2010 when a group of large model RoboScreens travelled the globe as main stage props for the Bon Jovi Circle Tour.

The 45 minute long technical seminars cover many of the same subjects as featured on the demo floor, with the addition of 16 seminars to be conducted by a large group of ABB technology providers.

The ABB facility is located at 1250 Brown Road, Auburn Hills, MI 48326. Please call 248-391-9000 for additional assistance.

About ABB
ABB is a leader in power and automation technologies that enable utility and industry customers to improve their performance while lowering environmental impact. The ABB Group of companies operates in around 100 countries and employs about 145,000 people.

About ABB Robotics
ABB Robotics (www.abb.com/robotics) is a leading supplier of industrial robots - also providing robot software, peripheral equipment, modular manufacturing cells and service for tasks such as welding, handling, assembly, painting and finishing, picking, packing, palletizing and machine tending. Key markets include automotive, plastics, metal fabrication, foundry, electronics, machine tools, pharmaceutical and food and beverage industries. A strong solutions focus helps manufacturers improve productivity, product quality and worker safety. ABB has installed more than 200,000 robots worldwide.

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900 Victors Way, Suite 140, Ann Arbor, Michigan 48108 • T: 734.994.6088 • F: 734.994.3338
AUBURN HILLS, Mich., May 1, 2013 /PRNewswire/ -- GKN Sinter Metals has received major automotive quality awards from General Motors and the Schaeffler Group.

(Logo: http://photos.prnewswire.com/prnh/20130501/DE05643LOGO)

Three GKN Sinter Metals plants in the United States were honored with GM Supplier Quality Excellence awards by General Motors Powertrain. In Europe, the company received a GM Quality of Excellence award as well as a Supplier of the Year award from the Schaeffler Group.

GKN Sinter Metals facilities in Emporium, Penn.; Manitowoc, Wisc.; Conover, N.C., and Bad Brueckenau, Germany were recognized with GM's quality award, ranking the company among the top two percent of GM Powertrain's North American suppliers and the top five percent of GM's European suppliers.

The company's U.S. locations provide GM with a range of powertrain products, including clutch plates, connecting rods, camshaft caps and main bearing caps. One of eight GKN Sinter Metals plants in Europe, Bad Brueckenau has supplied GM with automatic-transmission clutch plates since 2005.

GKN Sinter Metals also was one of only 16 companies selected from a group of more than 1,250 suppliers to receive Schaeffler's prestigious Supplier of the Year award. The honor
recognizes excellence in quality, reliability, competitive cost structures, service, innovation and global presence.

GKN supplies the Schaeffler Group with a wide range of engine and transmission components from plants in Germany, China, Italy and Brazil.

**Editor's notes:**

**GKN Sinter Metals**
GKN Sinter Metals is the world's largest producer of precision powder metal products. With a focus on superior delivery, quality and total solutions, the company offers extensive technical expertise in design, testing and various process technologies. GKN Sinter Metals offers a full range of more than 10,000 complex shape, high strength products for automotive, industrial and consumer markets worldwide. The company's global footprint spans more than 13 countries across five continents. GKN Sinter Metals is in close proximity to its customers with more than 30 global locations and approximately 6,500 employees.

**GKN plc**
GKN plc is a global engineering group. It has four divisions; GKN Driveline, GKN Powder Metallurgy, GKN Aerospace and GKN Land Systems, which operate in the automotive, aerospace and land systems markets. Approximately 47,000 people work in GKN companies and joint ventures in more than 35 countries. GKN is listed on the London Stock Exchange (LSE: GKN) and recorded sales of GBP6.1 billion in the year to 31 December 2012.

SOURCE GKN Sinter Metals

**Find this article at:**

☐ Check the box to include the list of links referenced in the article.
Genisys Credit Union continues growth streak in Auburn Hills

Genisys Credit Union is riding high on some sizable growth numbers. The Auburn Hills-based financial institution has watched its membership, loan growth and employee base jump in the last year.

Membership for the credit union is up 7 percent, reaching a total of 138,000 members in Metro Detroit. That has allowed the credit union to hire about a dozen people, rounding out its staff to nearly 350 people. Its loan growth is also up several percentage points and is on track to be up between 10 and 11 percent in 2013.

"That's one of our best years ever," says Jackie Buchanan, president & CEO of Genisys Credit Union.

Genisys Credit Union got its start in 1936 as the credit union for workers of General Motors Truck & Coach and Burroughs Corp. It merged with three other credit unions five years ago to create Genisys Credit Union.

Since then the company has focused on growing its membership (credit unions are member-owned) by focusing on customer service. It doesn't try to push certain products on its members, instead focusing on finding ways to save them money in financial transactions. It has also been building out its technology to make banking easier for its membership.

"We have some really good technology," Buchanan says. "We have a really robust online platform and our mobile banking platform. We're adding to that all the time."

Source: Jackie Buchanan, president & CEO of Genisys Credit Union
Writer: Jon Zemka

Read more about Metro Detroit's growing entrepreneurial ecosystem at SEDetroitStartup.com.
Denise
Asker
Institute for
Organization
Management,
the professional
development
program of the
U.S. Chamber
of Commerce
Foundation, announced
that Denise Asker of the
Auburn Hills Chamber of
Commerce has been awarded
a Regent Scholarship. Regent
Scholarships recognize each
recipient for their involve-
ment in industry professional
organizations, community
service and professional
background.

THE MOVE
Recipients
will attend
one of
institute's five sites in 2013.
At the completion of the four-
year curriculum, each of the
recipients will receive the
IOM graduate recognition,
signifying completion of 96
hours of course instruction.
Credit hours may be applied
toward the Certified Chamber
Executive (CCE) or Certified
Association Executive (CAE)
industry certification.
OU conference focuses on changes in health-care industry

With the anticipated changes in the health care industry, innovative care delivery and payment models must be developed to make quality care both affordable and accessible to health care consumers.

Oakland University will present "The Physician's Practice: Emerging Issues for Healthcare Providers" — a forum bringing industry practitioners and researchers together to discuss patient needs, practice management, care delivery and information technology support on Thursday and Friday, May 9 and 10. "The Affordable Care Act is expanding health care to many who were uninsured before, and the government's price structure for care-related reimbursements is expected to put competitive pressure on insurance companies and health-care providers," said Mohan Tanniru, dean of Oakland University School of Business Administration.

The forum is 8 a.m. to 5:15 p.m. May 9 at Thomas M. Cooley Law School, 2630 Featherstone Road, Auburn Hills.

It will offer a variety of sessions including "Trends in Reimbursements, Improved Physician Decision Making," "Enhanced Operational Efficiency" and "Information Technology Innovations."

In addition, a half-day post-forum workshop scheduled for 8 a.m. to noon on May 10 will highlight some of the challenges discussed at the forum and will identify actions steps with a focus on follow-up and collaborative academic research and/or student projects.

The cost to attend the forum is $150, and online registration is available. Participation in the Friday workshop is free.

The event is presented by the Center for Integrated Business Research and Education at Oakland University's School of Business Administration, in partnership with the Executive MBA in Health Care Management at Oakland University's Automation Alley, Oakland County's Medical Main Street and St. Joseph Mercy-Oakland. Other sponsors include Thomas M. Cooley Law School, United Physicians, Michigan Health Information Network Shared Services and the Michigan Wellness Council.

For more information, including a complete list of speakers, conference details and registration information, visit oakland.edu/clibre and click on the Health Care Transformation Forum link, or call 248-370-2857 or email tanniru@oakland.edu.

Staff report

OU student affairs VP Mary Beth Snyder retires

The retirement of Mary Beth Snyder, vice president for Student Affairs and Enrollment at Oakland University, was announced Monday via email, after 19 years at the school.

Snyder is credited with playing a significant role in the plans to expand the school's student center, the Oakland Center, and the addition of the Rochester area campus' student apartments, as well as the construction of the student recreation center.

Snyder joined Oakland in 1994 and has received various awards for her work, including the Phyllis Googasian award for the advancement of women in higher education in 2002.

The school will reportedly name an interim replacement later this week.

A reception to honor Snyder's tenure is scheduled for May 28 in the Oakland Center.

Staff writer Paul Kampe