



The City of Auburn Hills

City Council Meeting

Minutes

October 7, 2013

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, Kittle, Knight, McDaniel, Verbeke

Absent: None

Also Present: City Manager Auger, Assistant City Manager Tanghe, Water Resources Coordinator Keenan, Deputy Director/Fire Manning, Assessor Lohmeier, Manager of Public Utilities Herczeg, City Clerk Kowal, City Attorney Beckerleg, City Engineer Juidici

19 Guests

4. APPROVAL OF MINUTES

4. Regular Council Meeting – September 23, 2013

Moved by Verbeke, Seconded by Kittle.

RESOLVED: To approve the September 23, 2013 meeting minutes.

VOTE: Yes: Doyle, Hammond, Kittle, Knight, McDaniel, McDonald, Verbeke

No: None

Motion Carried (7-0)

Resolution No. 13.10.172

4b. Council Workshop – September 23, 2013

Moved by Hammond, Seconded by Doyle.

RESOLVED: To approve the September 23, 2013, Council Workshop minutes.

VOTE: Yes: Doyle, Hammond, Kittle, Knight, McDaniel, McDonald, Verbeke

No: None

Motion Carried (7-0)

Resolution No. 13.10.173

5. APPOINTMENTS AND PRESENTATIONS

5a. Reappointment of Carolyn Shearer to the Planning Commission for a term to expire July 31, 2016

Moved by Doyle; Seconded by Knight.

RESOLVED: To confirm the Reappointment of Carolyn Shearer to the Planning Commission for a term ending July 31, 2016.

VOTE: Yes: Doyle, Hammond, Kittle, Knight, McDaniel, McDonald, Verbeke

No: None

Motion Carried (7-0)

Resolution No. 13.10.174

5b. Reappointment of Bob Pierce to the Planning Commission for a term to expire July 31, 2016.

Responding to Ms. Doyle, Mr. Pierce stated he isn't sure how many years he has served on the Planning Commission, but believes it is eight, nine or ten years.

Ms. Doyle asked Mr. Pierce to comment on what he has seen change over the years on the Planning Commission.

Mr. Pierce stated the number of site plans hasn't been as great as in the past, and discussions have turned to other topics, such as age friendly communities and the impact of an aging community. In 20 years, Auburn Hills will see four times more seniors than what the City currently has; and long range planning is necessary.

Moved by McDaniel; Seconded by Verbeke.

RESOLVED: To confirm the Reappointment of Bob Pierce to the Planning Commission for a term ending July 31, 2016.

VOTE: Yes: Doyle, Hammond, Kittle, Knight, McDaniel, McDonald, Verbeke

No: None

Motion Carried (7-0)

Resolution No. 13.10.175

6. PUBLIC COMMENT

Angela River, Vice-President of the Library Board, thanked the Mayor for directing residents who spoke before Council regarding Library issues, to take their concerns to the Library Board.

She recently learned the president and vice-president of a civic group met with a City staff member and those individuals took away from that meeting that comments regarding the Library should be made to City Council. She is disturbed that a City staff member would convey that message to civic group members. She agrees the public should be able to speak to

Council regarding any concerns within the City, but she would encourage comments be made to the body in question so policies and procedures can be explained.

Continuing, she noted the Library Board meetings are held the fourth Tuesday at 4:30 p.m., at the Library. There are also conversations available with the Library Board members on the third Monday of the month.

Ms. River also mentioned, she has had people from other communities ask her about the AARP designation and has asked how their communities can receive accreditation. She thanked the City, noting all the positive feedback she has heard throughout the County.

Mr. Knight stated, in his opinion, a meeting held at 4:30 in the afternoon is not a very convenient time for most people, other than retirees. He suggested the Library Board possibly consider an evening meeting, which would allow more residents the opportunity to attend.

Ms. River agreed 4:30 p.m. is an early meeting time, and would make the suggestion to the Library Board. Library Board Members are willing to meet with people at other times as well.

Mr. Kittle asked how things are going with the Library Board.

Ms. River stated the Library Board just had their budget hearing, and are continuing to protect the Library fund.

Mr. Kittle was pleased to hear things seem to be going well with the Library. He noted when Council has been approached by residents with Library concerns, it has been explained to the residents that the Library is its own entity. Since being on Council, he has never seen anyone addressing Council with Library issues, which concerns him.

Ms. Doyle asked Ms. River to clarify what civic organization approached and spoke with what City staff member and what happened during that conversation.

Ms. River stated the civic organization, the Friends of the Library (Friends), president and vice-president spoke with City Manager Auger. The Friends members took from the conversation with City Manager Auger that they should voice their concerns to City Council as opposed to the Library Board. Ms. River stated she isn't sure what was told to the Friends, but that is what the Friends conveyed to the Library Board.

Ms. Doyle noted she felt it is necessary for transparency and clarity for discussion purposes for Ms. River reveal who she is referring to.

Ms. River felt it was a delicate situation and didn't want to name names, but appreciated Ms. Doyle's concerns.

Ms. Doyle felt Ms. River implied that it is inappropriate for a citizen to come before City Council and talk about the Library.

Ms. River stated she was not implying any such thing.

Ms. Doyle believes any resident of the City can bring any City concern to Council.

Ms. River agreed; she believes anyone has the right to come and speak to City Council.

Kay Sendegas thanked Council for helping to take care of the problems she presented regarding College Heights. She has talked with two residents who are also pleased with the progress that is being made in their neighborhood.

Continuing, Ms. Sendegas stated there is nothing to watch on the City's cable channel and asked if there is something that can be done. Other communities have very good programming and the Auburn Hills channel is blank.

Ms. Sendegas mentioned the cement companies on Auburn Road are trailing cement and mud onto the road and making them a mess; also the properties are not as well maintained as they have been in the past.

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.

Item 7b. was removed from the Consent Agenda at the request of Councilman Kittle.

7a. Board and Commission Minutes

7a.1. Public Safety Advisory Committee – September 24, 2013

7a.2. Planning Commission – October 1, 2013

Moved by Knight; Seconded by Doyle.

RESOLVED: To approve Item 7a. of the consent agenda.

VOTE: Yes: Doyle, Hammond, Kittle, Knight, McDaniel, McDonald, Verbeke

No: None

Motion Carried (7-0)

Resolution No. 13.10.176

7b. Motion – Resolution to Revise 2013 Clinton Oakland Sewage Disposal System (COSDS) Inter-Municipal Contract

Mr. Kittle noted the resolution was quite extensive and asked what modifications were made to the contract.

Mr. Herczeg stated the change included the City of Rochester no longer taking part in the new contract. Also, a review of the initial proposal for the Perry Street diversion came back lower than expected so the Water Resource Commission decided to pay for the project from the reserves, rather than through bonds.

Moved by Kittle; Seconded by McDaniel.

RESOLVED: To approve the revised 2013 Clinton Oakland Sewage Disposal System Inter-Municipal Contract.

VOTE: Yes: Doyle, Hammond, Kittle, Knight, McDaniel, McDonald, Verbeke

No: None

Motion Carried (7-0)

Resolution No. 13.10.177**8. OLD BUSINESS** – None.**9. NEW BUSINESS**9a. Motion – Approve Recommendation Site Plan and Tree Removal Permit / Atlas Copco U.S. Headquarters

Mr. Keenan stated Atlas Copco has resided in Auburn Hills since 2004, in the Dutton Tech Park. The proposed facility will be the U.S. Headquarters for the tool and die assembly division, located on Cross Creek. The proposed 120,000 sq. ft. facility will more than double their current facility and allow room for future growth. The estimated cost is \$15 million and will employ an estimated 225 people.

Green elements will be included in the construction of this facility, but the building will not be LEED certified.

Atlas Copco intends to lease the facility from General Development; the initial lease will be for 11 years.

Teresa Sinelli, General Development representative, explained the intent is to begin work at the end of October if all goes well, with completion at the end of next summer. The breakdown of the 120,000 sq. ft. building is 67,000 sq. ft. for technology, research and design at the back of the building, the front of the building will have 53,000 sq. ft. of office space. The facility will have LEED design, but will not be LEED certified.

Ms. Hammond asked if Atlas Copco will be vacating the Dutton Road site, once this facility is completed.

Ms. Sinelli stated yes, Atlas Copco will be vacating the current building that they are leasing.

Ms. Doyle noted the LEED initiatives with this project, but her concern is with parking lots and questioned the number of parking spaces; she would like to see the use of permeable materials for parking lots.

Ms. Sinelli believed there will be 260 or so parking spaces.

Ms. Doyle continued noting the Rouge plant in Dearborn has many green initiatives included in the facility and asked if a permeable parking lot is difficult to construct.

Mr. Keenan explained the cost is higher to install any type of permeable material for a parking lot. The cost is quite substantial as well as a substantial cost in maintaining the parking lot.

Ms. Doyle questioned the proposed eight foot pathway on the site plan and asked if it will be built.

Ms. Sinelli stated the pathway along Cross Creek will be built.

Responding to Mr. Kittle, Mr. Keenan stated this eight foot pathway will meet City requirements.

Mr. Auger noted a 10 foot pathway is required for State and federal funding.

Moved by Knight; Seconded by Hammond.

RESOLVED: To accept the Planning Commission's recommendation and approve the Site Plan and Tree Removal Permit for Atlas Copco's – United States Headquarters for their Tools and Assembly Division subject to staff and consultants' conditions.

VOTE: Yes: Doyle, Hammond, Kittle, Knight, McDaniel, McDonald, Verbeke

No: None

Motion Carried (7-0)

Resolution No. 13.10.1789b. Public Hearing/Motion – Request to Approve Extension of IFEC 2003-505 for BorgWarner, Inc.

Mr. Lohmeier explained this is a request for an extension of IFEC 2003-505 for real and personal property for BorgWarner Inc., located at 3850 Hamlin. An IFEC 2003-505 was approved for eight years, with an expiration of December 30, 2013, and a total investment \$6,254,000.

BorgWarner Inc. has requested City Council approve an extension of the abatement for an additional two years, which would provide for the maximum based on its current lease expiration. BorgWarner has agreed to remain in the facility for an additional four years after the expiration of the certificate.

If the abatement is extended for the additional two years the taxes that will be generated will be approximately \$110,898 including \$29,390 in City tax revenues.

Continuing, Mr. Lohmeier stated to the best of staff's knowledge, the applicant is not delinquent in any of its property taxes for any owned parcels in the City of Auburn Hills, nor are there any outstanding and/or pending appeals involving the property or the applicant of this application.

Mayor McDonald opened the public hearing at 7:35 p.m.

Scott Gallett, BorgWarner Vice President, Marketing and Public Relations explained BorgWarner is a global automotive supply company. This is the world headquarters that was moved from Chicago back in 2005. BorgWarner is a \$7 billion company and being in the automotive industry, they try to take advantage of any incentive possible to help them to remain globally competitive.

Mr. Kittle asked if the basis for the request is more equipment or is the facility being refurbished or expanded.

Mr. Gallett explained the Harmon Road facility is being considered for expansion, which will add about 200 high-tech jobs. While investigating other incentives, he learned the possibility of an extension on this current facility of up to four additional years; however, BorgWarner is seeking only a two year extension.

Mr. Kittle surmised the two BorgWarner locations in the City must be filled almost beyond capacity.

Mr. Gallett confirmed that is correct, and stated the Harmon Road facility will be moving some of their employees to the headquarter building while construction of the expansion is taking place.

Mr. Gallett stated the company has grown significantly, back when the mega credit with the State, it was anticipated that BorgWarner would have approximately \$25 million in revenue, employees and investments of the facility, but the actual numbers have been three to four times greater than the original anticipated amount per year.

Mr. Knight stated he would like for BorgWarner to commit to staying in the City for an additional year, on top of the four already required for a 12 year abatement, if the two year IFEC extension is approved. This will also establish a precedent for others, who are seeking IFEC extensions.

Mr. Auger noted BorgWarner has agreed to stay an additional four years after the expiration of the abatement, as if they had received a 12 year abatement. BorgWarner is only asking for a two year extension, but will be staying the additional four years.

Mr. Knight explained he would like the additional year, extending to a five year stay beyond the IFEC expiration.

Mr. McDaniel noted the Policy states that a company must stay an additional four years beyond the expiration of a 12 year abatement. If the number of years is going to be amended, as Mr. Knight has suggested, then the issue should be taken to the Tax Incentive Review Committee to make that Policy change.

Mr. Knight stated policy would be established with whatever Council chooses to do with the additional years.

Mayor McDonald doesn't believe this is the time to add the additional year to make the requirement five years. He agreed if there is a Policy change, it should be sent to the Tax Incentive Agreement Committee for an amendment.

Mr. Knight felt if there are no changes made, more companies will ask for extensions and there will not be the requirement of extending their stay an additional year.

Ms. Doyle asked with the addition of these two years, for a total of 10 years, can BorgWarner request an additional two years, for a total of 12 years.

Mr. Beckerleg stated yes, a two year extension would be possible; this current extension will amount to 10 years.

Mr. Knight stood corrected, he thought this additional two years was in addition to 10 years for a total of 12 years, because of a two year, build in faith clause.

Mr. Lohmeier explained when this application was filed with the State, it was done with a resolution for eight years plus two years after construction period; the State issued a certificate for a 10 year period. He has spoke with the State, and they agree this extension would only be an extension equaling 10 years, with the opportunity for an additional two year extension.

Mayor McDonald closed the public hearing at 7:46 p.m.

Moved by Knight; Seconded by Doyle.

RESOLVED: To approve the request for an additional two (2) years of abatement for BorgWarner Inc. and IFEC 2003-505 by adopting the attached resolution (Attachment A).

Mr. Kittle suggested waiting until after the August election to see what happens with the personal property tax, before any amendments are made to the Tax Incentive Review Policy.

VOTE: Yes: Doyle, Hammond, Kittle, Knight, McDaniel, McDonald, Verbeke

No: None

Motion Carried (7-0)

Resolution No. 13.10.179

9c. Public Hearing/Motion – Request to Approve Transfer of IFEC 2010-394 for Unwired Technology LLC

Mr. Lohmeier introduced Cheryl McNally, Unwired Technology Vice President of Human Resource and Neil Goldman, Unwired Technology Executive Vice President in charge of Corporate Development and CFO.

Continuing Mr. Lohmeier explained Unwired Technology has requested to transfer an Industrial Facility Exemption Certificate from 2661 Superior Court, to an adjacent existing facility at 2611 Superior Court. The request is for personal property only.

Unwired Technology is intending to lease the facility at 2611 Superior Court for seven years and is requesting an extension of this certificate for an additional four years, if the transfer is approved.

Mayor McDonald opened the public hearing at 7:50 p.m.

Mr. Goldman explained Unwired Technology has gone from one employee in a 5,000 sq. ft. space in 2006, to last year moving into a 23,000 sq. ft. building which they have almost outgrown. There are now 40 employees and the new building will allow enough space to double the number of employees and are committing to a seven year lease.

The abatement extension was originally granted on the existing facility, and hope the transfer and extension are granted as well as a new four year abatement for a total investment of \$1.9 million in the new building.

Ms. Doyle asked for a brief overview of the company.

Mr. Goldman explained the company was founded in 1997 and sold to a private equity firm, American Capital in 2005, a buy and hold kind of firm worth \$200 billion. Unwired Technology is one of many investments of American Capital; however, Unwired runs independently and has their own management.

Unwired Technology has about 85% of the global market share of the backseat video systems technology which includes the headphones, remote control, and transmitters for audio. The company sells to almost every global original equipment manufacturer. What is fueling growth are cell phones, companies wanting components that are able to support cell phones in vehicles such as charging or better clarity parts..

Mayor McDonald closed the public hearing at 7:55 p.m.

Moved by Kittle; Seconded by Knight.

RESOLVED: To approve the request to transfer IFEC 2010-394 to the existing building located at 2611 Superior Court, having real property parcel number 02-14-02-201-001, for Unwired Technology LLC by adopting the attached resolution (Attachment B).

VOTE: Yes: Doyle, Hammond, Kittle, Knight, McDaniel, McDonald, Verbeke

No: None

Motion Carried (7-0)

Resolution No. 13.10.180

Mr. Goldman thanked Council and extended his thanks to Mr. Lohmeier and Ms. Renaud for all their assistance throughout this process.

9d. Public Hearing/Motion – Request to Approve Extension of IFEC 2010-394 for Unwired Technology LLC

Mr. Lohmeier explained Unwired Technology is requesting an extension of the abatement for an additional four years, which would end December 30, 2018; a total abatement period of seven years.

Unwired Technology LLC has signed the City's Tax Abatement Agreement Extension of Exemption Period. This requires the business to reside in the City for an additional two years beyond the term of this certificate. If approved the savings to the company will be approximately \$3,410, with a City loss of tax revenue of \$1,559.

To the best of staff's knowledge there are no outstanding and/or pending appeals involving the applicant or property of this application.

Mayor McDonald opened the public hearing at 7:58 p.m.

Mr. Goldman stated he didn't have anything further to add, but will answer any questions.

Ms. Doyle asked the job classifications of employees who have recently been hired, and what type of employees will be needed in the future.

Mr. Goldman stated over the last few years the hiring has been concentrated in engineering positions; electrical, mechanical and test quality engineers. These are all high paying positions, high five figure or low six figure positions. As the company continues to expand, there will be more hiring of engineers, but also operations, administrators, and business development people.

Responding to Ms. Doyle, Mr. Goldman stated the engineers they have been hiring have been predominately very experienced automotive engineers who have pedigrees coming from other large tier one companies as well as the original equipment manufacturers (OEM's). The company will be expanding the hiring to younger people just graduating or with fewer years of experience to round out the team.

Ms. Hammond asked Mr. Goldman how involved has Unwired Technology been in the community, such as employees helping with Meals on Wheels or other activities.

Mr. Goldman stated that is a great idea, and stated a month ago the company hired a VP for human resources who will be able to get employees involved in activities.

Ms. McNally stated she is open to any outreach suggestions on how the company and employees can be more involved in the City.

Ms. Doyle stated Council has discussed the possibility of compiling a list of outreach projects for companies within the City to get involved in; the list will be helpful for anyone wanting to be involved in the community.

Mayor McDonald closed the public hearing at 8:02 p.m.

Moved by Hammond; Seconded by Knight.

RESOLVED: To approve the request for an additional four (4) years of abatement for Unwired Technology LLC and IFEC 2010-394 by adopting the attached resolution (Attachment C).

VOTE: Yes: Doyle, Hammond, Kittle, Knight, McDaniel, McDonald, Verbeke

No: None

Motion Carried (7-0)

Resolution No. 13.10.181

9e. Public Hearing/Motion – Request to Approve IFEC for Unwired Technology LLC for Real and Personal Property

Mr. Lohmeier explained an application for an Industrial Facilities Exception Certificate (IFEC) has been received for real property and personal property to be located at 2611 Superior Court. The real property cost is \$1,600,000 (excluding land) and the personal property cost is \$300,000 for a total project investment of \$1,900,000. This project will result in 40 jobs being retained, and 14 new jobs.

Unwired Technology has a lease agreement for seven years and two months, and are requesting a five year abatement.

To the best of staff's knowledge there are no outstanding and/or pending appeals involving this applicant or property. The only abatement is the transferred on from this evening.

If this abatement is granted, the tax savings over the term of the abatement is approximately \$88,332; the City tax revenue would be approximately \$24,011.

Mayor McDonald opened the public hearing at 8:06 p.m.

Mr. Kittle asked why the market shift for ear phones has gone from ear-buds to the larger headphones and how will it impact the company.

Mr. Goldman explained the headphone market has exploded over the last several years and hasn't directly affected the wireless headphones the company makes for vehicles. The wireless headphones are the larger type, not ear buds, being safer for children. Regarding technology, Unwired has patents for wireless digital audio, in the vehicle, multi-channel digital audio. Most vehicles on the road today have analog headphones, which has the quality of quality of a cassette tape as compared to a dvd. Transferring from analog to digital is much safer, since it allows the volume to be decreased because the content is clearer to hear.

Mayor McDonald closed the public hearing at 8:08 p.m.

Moved by Kittle; Seconded by Knight.

RESOLVED: To approve the request for a 5-year IFEC pertaining to new real property and personal property for Unwired Technology LLC with a total real property investment of \$1,600,000 and personal property investment of \$300,000 for a combined total investment of \$1,900,000 by adopting the attached resolution (Attachment D).

VOTE: Yes: Doyle, Hammond, Kittle, Knight, McDaniel, McDonald, Verbeke

No: None

Motion Carried (7-0)

Resolution No. 13.10.182

9f. Motion – Award of 2013 Sanitary Sewer Improvement Contract

Mr. Herczeg explained this project is referred to as the Red Ox project due to its location between North Squirrel and Walton Boulevard. The improvements include a larger diameter pipe to accommodate future flow, a maintenance pathway, improved drainage and erosion control, and rehabilitation to deteriorating structures. The bid resulted in Dan's Excavating being the lowest, qualified bidder.

Responding to Mr. Knight, Mr. Herczeg explained the project is to relocate the drainage line to the north and out of the swale. The project began, because of the difficulty in accessing the lines in the drainage ditch and can't maintain the pipe correctly. The pipeline will be moved to the north, behind Beacon Hill and Knoll wood, and create an access path for the vactor truck and camera crew.

Mr. Kittle asked why the bid prices are so wide spread.

Mr. Juidici explained this is a very unique project and has a combined application of technologies; direction drill for portions of the project as opposed to open cut. It is very difficult with high ground water table and really deep sewer. There are different ways of approaching the project, which is reflected in each companies bid resulting in the differences in price.

Moved by McDaniel; Seconded by Kittle.

RESOLVED: To approve the award of the Sanitary Sewer Improvements Project to Dan's Excavating Inc. 12955 23 Mile Rd. Macomb MI, 48315 in the amount of \$777,310.40. Engineering services in the amount of \$98,700.00 to OHM Advisors and material testing fees of \$10,000.00 to TEC. Funding provided from account number (592-535-971.000).

VOTE: Yes: Doyle, Hammond, Kittle, Knight, McDaniel, McDonald, Verbeke

No: None

Motion Carried (7-0)

Resolution No. 13.10.183

10. COMMENTS AND MOTIONS FROM COUNCIL

Mr. Knight:

- Reading in the government magazine about area wide internet and suggested the possibility of the City looking into it for the different residential areas. He asked what a Cloud is in terms of the internet.

Mr. Auger explained it is basically a server elsewhere, that everyone can store information out there rather than on your own computer.

- Asked for the building department to check on a business located on Auburn Road near General Towing that has been recycling. The site looks terrible and it stinks, with junk perpetually being hauled in. He is concerned because of its proximity to the river.
- Asked how the list was coming along with the various outreach projects for companies or individuals to volunteer for.

Mr. Auger stated there will likely be something in the quarterly City newsletter.

Ms. Doyle:

- Acknowledged Ms. Hammond's position on company's giving back to the community and would like to see the question as part of the application process. A portion of the application where the company is able to provide information regarding their participation in community affairs, functions and projects.

Mr. Kittle didn't feel it was right to ask a company of their involvement; it appears that it would be a deciding factor whether to grant an abatement or not. He would hope each company supports community involvement.

- Asked about the cable channel as mentioned by Ms. Sendegas earlier, if that was strictly an Auburn Hills channel.

Mr. Auger stated, yes, it is an Auburn Hills channel.

Ms. Doyle suggested future discussion of the channel; the related cost and programming content.

- Questioned if seeding has been done for the soccer fields on Dutton Road.
- Thanked everyone for hosting her son at the Beautification Awards who was representing her, while she was out of town.
- Noted the next Council meeting will be her last. She hopes City Council can get together informally before her last meeting.

Ms. Hammond:

- Asked if the Police Department can check Tienken Road for large truck traffic.

Mr. Kittle:

- Stated he will miss Ms. Doyle when she is no longer sitting on Council and suggested she continue attending the workshops since there are still on-going issues.
- Asked about the roll-away dumpsters on S. Squirrel across from Waukegan, next to the old Church's lumber and if there is an ordinance to remedy the situation.

Mr. Auger stated it will be investigated.

Mr. McDaniel:

- Regarding companies and community involvement, he agrees companies should be involved with the community, but he also agrees with Mr. Kittle that the question shouldn't be asked in this setting. He believes as Mr. Kittle, it has the appearance of asking something of a company before approving a request.

11. CITY ATTORNEY'S REPORT – none.

12. CITY MANAGER’S REPORT

- The earlier conversation about two Friends of the Library meeting with him, it did occur. The two felt they weren't being heard by the Library Board and they wanted to know what they could do. His advice to them was to continue talking to the Library Board, because he explained the Library Board is their own body corporate and the City Council does not have jurisdiction over them; however, if they choose to come to Council, it is well within parameters to do so and voice their displeasure.

13. EXECUTIVE SESSION – Labor Negotiations

Moved by Hammond; Seconded by Verbeke

RESOLVED: To recess to Executive Session to discuss Labor Negotiations.

VOTE: Yes: Doyle, Hammond, Kittle, Knight, McDaniel, McDonald, Verbeke

No: None

Motion Carried (7-0)

Resolution No. 13.10.184

Recessed to Executive Session at 8:31 pm.

Reconvened regular meeting at 8:50 pm.

Moved by Kittle, Seconded by Hammond.

RESOLVED: To approve the collective bargaining agreement between the City of Auburn Hills and the Auburn Hills Employees Chapter D of Local 2720, Affiliated with Michigan AFSCME, Council No. 25, as presented by Assistant City Manager Tanghe, for the period covering January 1, 2013 through December 31, 2015. Furthermore, authorize the Mayor, City Clerk, and Assistant City Manager to execute the agreement on behalf of the City.

VOTE: Yes: Doyle, Hammond, Kittle, Knight, McDaniel, McDonald, Verbeke

No: None

Motion Carried (7-0)

Resolution No. 13.10.185

14. ADJOURNMENT The meeting adjourned at 8:52 p.m.

James D. McDonald, Mayor

Terri Kowal, City Clerk

Attachment A

**RESOLUTION 13.10.179
APPROVING ADDITIONAL YEARS
FOR THE FACILITY
UNDER INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
2003-505 for BORGWARNER INC.**

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 7th day of October, 2013.

The following resolution was offered by Councilperson Knight and supported by Councilperson Doyle:

WHEREAS, the City of Auburn Hills and the State Tax Commission approved an Industrial Facility Exemption Certificate in the year 2003 for BorgWarner Inc. for a facility located at 3850 Hamlin Road, and

WHEREAS, the certificate, known as Industrial Facility Exemption Certificate 2003-505, was approved for 8 years for real property and personal property after construction, and

WHEREAS, BorgWarner Inc. completed construction of the real estate on March 7, 2005 and completed installation of personal property on March 7, 2005, and

WHEREAS, BorgWarner Inc. has requested that another certificate be granted for additional years for the facility under Industrial Facility Exemption Certificate 2003-505 as provided by Public Act 198, of 1974, Sec 16a, and

WHEREAS, the Clerk has notified in writing the Assessor of the City of Auburn Hills and the legislative body of each taxing unit which levies ad valorem property tax within the City of Auburn Hills and given notice to the general public so that they shall be afforded an opportunity to be heard at this public hearing to determine whether the extension of the Industrial Facilities Exemption Certificate shall be approved or disapproved; 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 exempted.

WHEREAS, it is hereby found and determined by the City of Auburn Hills Council that the granting of another certificate for the facility previously approved under Industrial Facility Exemption Certificate 2003-505 is reasonable and proper, and

NOW, THEREFORE, BE IT RESOLVED that the request for another certificate to extend the years approved under Industrial Facilities Exemption Certificate 2003-505 for real property and personal property for the facility located at 3850 Hamlin Road is hereby approved, and

The City Council of Auburn Hills finds and determines that 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 255 of 1978, shall not have the affect of substantially impeding the operating 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.

That another certificate be granted to extend the years approved under Industrial Facility Exemption Certificate 2003-505 for an additional two (2) years for real property and personal property, and

That BorgWarner Inc. hereby agrees to occupy and operate the facility approved for the Industrial Facility Exemption Certificate and located at 3850 Hamlin Road for an additional four (4) years beginning on 12/31/2015.

The Clerk shall send an original copy of this resolution to the State Tax Commission.

AYES: Mayor McDonald, Mayor Pro Tem Hammond, Council Members Doyle, Kittle, Knight, McDaniel, Verbeke

NAYS: None

ABSENT: None

ABSTENTIONS: None

RESOLUTION 13.10.179 APPROVED (7-0)

STATE OF MICHIGAN)

)SS

COUNTY OF OAKLAND)

I, the undersigned, the duly qualified and appointed Clerk of the City of Auburn Hills, Oakland County, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council held on the 7th day of October, 2013 the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this 8th day of October, 2013.

Terri Kowal, City Clerk

**CITY OF AUBURN HILLS
RESOLUTION 13.10.180
APPROVING A TRANSFER
OF AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
2010-394
FOR UNWIRED TECHNOLOGY LLC**

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 7th day of October 2013.

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

WHEREAS, Industrial Facility Exemption Certificate 2010-394 for personal property located at 2661 Superior Court, Auburn Hills, Michigan, 43826 was approved by the State Tax Commission for a period of 3 years with an ending date of December 30, 2014, and

WHEREAS, Unwired Technology LLC has leased the facility at 2611 Superior Court, Auburn Hills, Michigan, 48326 and has filed an application with the City of Auburn Hills approve a transfer of Industrial Facility Exemption Certificate 2010-394 from 2661 Superior Court to 2611 Superior Court, and

WHEREAS, pursuant to P.A. 198, 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on the 21st day of February, 2000, the City of Auburn Hills, established an Industrial Development District, commonly referred to as the JAR Development, LLC Industrial Development District; and

WHEREAS, Unwired Technology LLC has filed an application for transfer of Industrial Facility Exemption Certificate 2010-394 with the Clerk of the City of Auburn Hills with respect to its existing personal property within the JAR Development, LLC Industrial Development District; and

WHEREAS, the Clerk has notified in writing the Assessor of the City of Auburn Hills and the legislative body of each taxing unit which levies ad valorem property tax within the City of Auburn Hills

and given notice to the general public so that they shall be afforded an opportunity to be heard at this public hearing to determine whether the transfer of the Industrial Facilities Exemption Certificate shall be approved or disapproved; and

WHEREAS, said public hearing having been held on the 7th day of October, 2013 at a regularly scheduled meeting; and

WHEREAS, comments on the transfer of the Industrial Facilities Exemption Certificate were heard and considered; and

WHEREAS, it is hereby found and determined by the City of Auburn Hills Council that the transfer of the personal property of Industrial Facility Exemption Certificate 2010-394 to 2611 Superior Court, Auburn Hills is proper under the provisions of Public Act 198, of 1974 as amended, and the granting of the transfer considered together with the aggregate amounts of other tax abatements granted will not impair the financial soundness of the tax units, and

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

1. The application for transfer of Industrial Facilities Exemption Certificate 2010-394 will be located on real property identified as follows:
Tax parcel 02-14-02-201-001, having address along 2611 Superior Court, Auburn Hills, Michigan 48326, including Legal Description: T3N, R10E, SEC 2 OAKLAND COUNTY CONDOMINIUM PLAN NO 1319 AUBURN BUSINESS PARK CONDO UNIT 1 L 22166 P 244 1-4-01 FR 200-018
2. That the application for transfer of the personal property portion of Industrial Facilities Exemption Certificate 2010-3943 for Unwired Technology LLC is hereby approved.

AYES: Mayor McDonald, Mayor Pro Tem Hammond, Council Members Doyle, Kittle, Knight, McDaniel, Verbeke

NAYS: None

ABSENT: None

ABSTENTIONS: None

RESOLUTION 13.10.180 APPROVED (7-0)

STATE OF MICHIGAN)

) SS

COUNTY OF OAKLAND)

I, the undersigned, the duly qualified and appointed Clerk of the City of Auburn Hills, Oakland County, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council held on the 7th day of October, 2013 the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this 8th day of October, 2013.

Terri Kowal, City Clerk

**RESOLUTION 13.10.181
APPROVING ADDITIONAL YEARS
FOR THE FACILITY
UNDER INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
2010-394 for UNWIRED TECHNOLOGY LLC**

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 7th day of October, 2013.

The following resolution was offered by Councilperson Hammond and supported by Councilperson Knight:

WHEREAS, the City of Auburn Hills and the State Tax Commission approved Industrial Facility Exemption Certificate 2010-394 for personal property in the year 2011 for Unwired Technology LLC for a facility located at 2661 Superior Court, and

WHEREAS, on October 7, 2013 the City of Auburn Hills approved the transfer of Industrial Facility Exemption Certificate 2010-394 from 2661 Superior Court, Auburn Hills, Michigan 48326 to 2611 Superior Court, Auburn Hills, Michigan, 48326, and

WHEREAS, the certificate, known as Industrial Facility Exemption Certificate 2010-394 , was approved for 3 years for personal property, and

WHEREAS, Unwired Technology LLC has requested that another certificate be granted for additional years for the facility under Industrial Facility Exemption Certificate 2010-394 as provided by Public Act 198, of 1974, Sec 16a, and

WHEREAS, it is hereby found and determined by the City of Auburn Hills Council that the granting of another certificate for the facility previously approved under Industrial Facility Exemption Certificate 2010-394 is reasonable and proper, and

NOW, THEREFORE, BE IT RESOLVED that the request for another certificate to extend the years approved under Industrial Facilities Exemption Certificate 2010-394 for personal property only for the facility located at 2611 Superior Court is hereby approved, and

That another certificate be granted to extend the years approved under Industrial Facility Exemption Certificate 2010-394 for an additional four (4) years for personal property for an ending date of December 30, 2018, and

That Unwired Technology LLC hereby agrees to occupy and operate the facility approved for the Industrial Facility Exemption Certificate and located at 2611 Superior Court for an additional two (2) years beginning on 12/30/2018.

AYES: Mayor McDonald, Mayor Pro Tem Hammond, Council Members Doyle, Kittle, Knight, McDaniel, Verbeke

NAYS: None

ABSENT: None

ABSTENTIONS: None

RESOLUTION 13.10.181 APPROVED (7-0)

STATE OF MICHIGAN)

)SS

COUNTY OF OAKLAND)

I, the undersigned, the duly qualified and appointed Clerk of the City of Auburn Hills, Oakland County, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council held on the 7th day of October, 2013 the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this 8th day of October, 2013.

Terri Kowal, City Clerk

Attachment D

**CITY OF AUBURN HILLS
RESOLUTION 13.10.182
APPROVING AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
FOR UNWIRED TECHNOLOGY LLC**

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 on the 7th day of October, 2013.

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

WHEREAS, pursuant to P.A. 198, 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on the 21st day of February, 2000, the City of Auburn Hills, established an Industrial Development District, commonly referred to as the JAR Development, LLC Industrial Development District; and

WHEREAS, Unwired Technology LLC 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 and personal property within the JAR Development, LLC Industrial Development District; and

WHEREAS, before acting on said application, the City Council of Auburn Hills held a hearing on the 7th day of October, 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 29th day of August, 2013, the date of the acceptance of the application for the Industrial Facility Exemption Certificate; and

WHEREAS, completion of the real and personal property 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 JAR Development, LLC Industrial Development District; to wit;
The real property parcel the facility is located on is identified as tax parcel 02-14-02-201-001, having an address along 2611 Superior Court, Auburn Hills, MI 48326, including:
Legal Description: T3N, R10E, SEC 2 OAKLAND COUNTY CONDOMINIUM PLAN NO 1319 AUBURN BUSINESS PARK CONDO UNIT 1 L 22166 P 244 1-4-01 FR 200-018
is hereby approved for real property and personal property improvements.
3. The Industrial Facilities Exemption Certificate shall remain in force and effect for a period of five (5) years, and the starting date for the certificate is December 31, 2013 and the ending date is December 30, 2018.
4. The total project investment approved is \$1,900,000.
5. Unwired Technology LLC 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: Mayor McDonald, Mayor Pro Tem Hammond, Council Members Doyle, Kittle, Knight, McDaniel, Verbeke

NAYS: None

ABSENT: None

ABSTENTIONS: None

RESOLUTION 13.10.182 APPROVED (7-0)

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 7th day of October, 2013.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this 8th day of October, 2013.

Terri Kowal, City Clerk