



The City of Auburn Hills

City Council Meeting

Minutes

December 16, 2013

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

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

Present: Mayor McDaniel, Council Members Burmeister, Knight, Mitchell, Verbeke

Absent: Mayor Pro Tem Kittle, Council Member Hammond

Also Present: City Manager Auger, Assistant City Manager Tanghe, Director Olko, Community Development Director Cohen, City Assessor Lohmeier, Finance Director Barnes, City Clerk Kowal, Senior Services Director Adcock, Recreation Director Marzolf, City Treasurer Buschmohle, Deputy Treasurer Kaiser, Deputy DPW Director Grice, City Attorney Beckerleg, and City Engineer Stevens.

46 Guests

Mayor McDaniel noted there is no Executive Session this evening as indicated on the agenda.

4. APPROVAL OF MINUTES

4a. City Council Meeting & Workshop – December 2, 2013

Mr. Knight noted a correction on the regular meeting minutes, page 7, a comment made by Mr. Beckerleg; 'It is Mr. Beckerleg's opinion that he doesn't believe Auburn Hills ~~does not have~~ has the option to exclude all gas and oil drilling in the City, as Ann Arbor did.'

Moved by Knight; Seconded by Mitchell.

RESOLVED: To approve the December 2, 2013 City Council regular meeting minutes and workshop minutes.

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

No: None

Motion Carried (5-0)

Resolution No. 13.12.227

5. APPOINTMENTS AND PRESENTATIONS

5a. Presentation from the Oakland University Football Team

Mr. Marzolf introduced members of the Oakland University football team, mentioning this if the first year for a club football team; the team used the City's athletic field to play their games.

David Broski, Team President, presented to the Mayor and City Council a signed football from the first home game of Oakland University. Mr. Broski continued, thanking the City for the use of the athletic field facility and for making history with the team.

Mayor McDaniel thanked the team for the football and asked where it will be displayed.

Mr. Marzolf stated the football will be displayed at the Community Center in the display case. He also noted, the team had 5 wins and 2 losses this season, and everyone was well behaved. He welcomed the team to use the field again next year.

6. PUBLIC COMMENT

Mayor McDaniel noted familiar faces in the audience who are concerned with the oil and gas drilling, stating there will be a Council Workshop and public forum on the topic. The corporation that has a pending MDEQ permit will be invited to attend as well.

Mayor McDaniel stated there will be a two minute time limit to those wishing to speak.

David Lonier read a report on why smart meters should be prohibited and spoke to other types of energy available to everyone. He requested Council draft a resolution against corporate monopolies.

Brandon Hanna, Student Body President at Oakland University, thanked the City for allowing the football club to use the City's athletic field. He noted many O.U. students frequent the hookah lounges and they are upset with the early closing hour of midnight, since many of them visit later in the evening and staying until 1:00 or 2:00 a.m. He asked that the hours be changed back to 2:00 a.m., the same as West Bloomfield Township.

Pauline Holeyton, Shelby Township resident, presented Council with a packet of information that indicates smart meters will cost the people much more, because they run on electricity. The meters will also cause issues for those with medical conditions.

John Holeyton, 2392 Barclay Avenue, Shelby Township, presented Council with information from Martha Herbert, Ph.D., M.D. from Harvard Medical School regarding children and the harmful effects of Electromagnetic Frequencies and Radiofrequency Radiation and the association with neuro-developmental disorders, particularly autism. He also presented a study of wi-fi in schools and the effects on young girls.

Glenna Long, 1842 Commonwealth, noted the smart meter associations with health and cost not only affects the residents of Auburn Hills, but City Council as well. She reminded Council of the residents who voted for them, knowing those residents depend on Council to make the right decisions.

Philip Clampitt, a Tienken Road resident, presented a letter to Council concerning the reconstructing of Squirrel Road. He has lived in his home for more than 17 years and asked what the planned changes for the Tienken/Squirrel Road intersection are; will Squirrel Road be widened to four or more lanes; asked the status of the black walnut tree, recognized by the Michigan Botanical Club as a 'Michigan Big Tree'; and is there a priority of making Auburn Hills a attractive and healthy community or to facilitate speed and convenience for those traveling through the City. He asked if a viable compromise can be made.

Mayor McDaniel asked Mr. Clampitt to leave contact information so staff may contact him with some answers to his concerns.

Don Hughes, a Bald Mountain Road resident stated at the last meeting the City understood that the oil and gas drilling company was in no hurry to begin developing the site; however, most all of the residents in this area received that same week of the meeting, lease offers seeking oil and mineral rights. Along with the leases was a cover letter that he believes are misleading statements.

Mayor McDaniel stated Council will be holding a workshop in January on this topic and there will be more time for questions and answers.

Ms. Verbeke asked Mr. Hughes if he could please forward a copy of the letter the residents received to the City.

Mr. Hughes stated he would e-mail the letter.

Nancy Brennan, 3559 Leyland Ct., thanked Council for having a public forum meeting in January to address the oil and gas drilling, hoping pros and cons can be learned and discussed.

Italia Millan, an Auburn Hills resident asked both sides to be represented at the workshop meeting and possibly invite Oakland County's Water Resource Commissioner.

Jim Przybylo, 3778 Tienken Road, is opposed to any oil or gas drilling or fracking within the City limits.

Dawn Debrose, a Detroit resident has been visiting Auburn Hills for 10 years and she doesn't want to see fracking in the City and the damage it creates. She noted three movies referencing fracking; Promised Land, Gas Land and Gas Land II.

Remi Hilmiz, owner of Exhale Hookah Lounge and his partner noted since the new ordinance has been in effect, their sales are down 40%. That last two hours has made a big impact on their business and is seeking Council's help in changing the ordinance. They have hired a security guard to make sure no minors are in the lounge and making sure there are no parking lot violations. Police Officers are at the lounge daily and are allowed to check out the facility. They would like the two hours back, allowing the hookah lounge to be opened until 2:00 a.m.

The other owner stated they are willing to cooperate with the City and to do whatever it takes to keep the lounge open until 2:00 a.m.

Sylvia Buchnavich, 3711 Crestwood Drive, is concerned with the value of her home and neighborhood; already there is the asphalt company and the landfill in close proximity to her property, and now the proposed drilling site at the apostolic church. There is the safety concern associated with drilling as well as additional traffic and noise.

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. Planning Commission – November 26, 2013

7a.2. Tax Increment Finance Authority – December 16, 2013

7b. Motion – Performance Resolution for Government Agencies

RESOLVED: To approve the "Performance Resolution for Governmental Agencies" as required by MDOT for the purposes of receiving the 2014 annual permit for miscellaneous operations within the State Highway right of way, and to assign designees of the City the authority to apply for necessary permits to work within the State Highway right of way.

Moved by Verbeke; Seconded by Burmeister.

RESOLVED: To approve the Consent Agenda Items 7a. & 7b.

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

No: None

Motion Carried (5-0)

Resolution No. 13.12.228

8. OLD BUSINESS

8a. Motion – Approve Amending the Resolution for Unwired Technology LLC for its IFEC 2010-394 Extension Application
Mr. Lohmeier explained City Council approved a request for a transfer and extension of the IFEC Certificate on October 7, 2013. The extension pertained to personal property being moved from 2661 Superior Court to 2611 Superior Court and for an additional four years after its current one year remaining on the certificate. On December 5, 2013 the City was notified by the State of Michigan that the resolution needed to be revised and the following statement needed to be included:

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.

This is similar to the resolution that was revised and approved by the City Council at its December 2, 2013 meeting regarding Unwired's resolution approving the transfer of its personal property. This language is to be included in all resolutions regarding abatements, regardless if new, amended, transferred and/or extended.

Moved by Verbeke; Seconded by Knight.

RESOLVED: To approve the State of Michigan's request for adding the additional language to the resolution by adopting the attached resolution (Attachment A).

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

No: None

Motion Carried (5-0)

Resolution No. 13.12.229

8b. Motion – Approval of Renewal of Risk Management Insurance

Mr. Barnes explained the City has received its annual insurance policy renewal with the related premium quotation for its 2014 calendar year from the Michigan Township Participating Plan (MTPP). The total annual premium quotation for the 2014 is \$324,117 which is \$34,119 or 9.5% lower than the City's premium in the 2013 calendar year.

Moved by Verbeke; Seconded by Knight.

RESOLVED: To approve the 2014 policy renewal for Liability and Property Insurance with MTPP in accordance with the specifications contained in the Coverage Summary in the amount of \$324,117, and authorize Mr. Huttenlocher to convey acceptance on behalf of the City and for the City Manager to sign the necessary documents related to binding coverage.

Mr. Knight noted Huttenlocker is a group that seeks insurance in a competitive market place; making this the lowest competitive premium.

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

No: None

Motion Carried (5-0)

Resolution No. 13.12.230

9. NEW BUSINESS

9a. Public Hearing - Motion CDBG Funds

Ms. Adcock explained the Community Development Block Grant Program (CDBG) is a U.S. Department of Housing and Urban Development (HUD) program that provides funds annually to counties and communities. Oakland County receives CDBG funds as the agent and distributes the funds based on the total population and the number of low/moderate-income residents in the community; there are 52 participating communities.

Continuing, Ms. Adcock explained a program year is the year the service and funding is provided; it has always been from May 1st to April 30th. Next year the period will be changed to July 1st through June 30th.

The funding can be used for housing, public facilities, public services that benefits low- or moderate- income persons or households. The funding discussed this evening is for 2014, and the City should receive those funds by July 2014.

The amount of funding has fluctuated over the years, with last year receiving a little bit more. Out of the total allocation, only 30% can be for funding public services, such as yard services - snow plowing and lawn mowing; HAVEN; and Youth Assistance. The public services must be bid out, with the exception of HAVEN, because they are a sole source provider.

Providing snow removal services is a higher priority than lawn services, not wanting a senior to slip and fall in the snow and ice.

Minor home repairs can be done with the CDBG funds and can be coordinated with the Oakland County's home improvement loans, which has zero interest and up to \$18,000 can be borrowed; this is a program for low income residents.

Ms. Verbeke asked how the funding amounts are determined for each community.

Ms. Adcock explained it is a formula based on income and population.

Ms. Mitchell asked if review of the CDBG is typically done at the end of the year.

Ms. Adcock explained the review is generally done prior to the budget; but because the County has changed filing the application date until January instead of November, it will be coming to Council in December.

Mary Stewart, representing Pontiac Youth Assistance thanked the Council for their continued support. She noted there is now a website that can be viewed to see how the funding is being used; the website is pontiacyouthassistance.org.

Mike Kazyak, representing Avondale Youth Assistance, and also works with Pontiac Youth Assistance, thanked the City for all of the support. He provided a statement of how the money was used, noting all the allocated money has been used and it has been necessary to take \$1,200 from the Avondale Youth Assistance general fund to support some of the programs.

Ms. Stewart introduced Regan, who works with both Pontiac and Avondale Youth Assistance programs, since cutting staff. She works for Pontiac Youth Assistance two days per week.

Casey Dietrich, HAVEN representative, distributed information to Council and thanked Auburn Hills for all the past support, noting they are the non-profit agency in Oakland County working with the survivors of domestic violence and sexual assault.

All of the services HAVEN provides are free of charge to the survivor who is seeking them. The counseling services extend to family members of the survivor.

Ms. Verbeke noted there were 35 children helped throughout the community and asked Mr. Kazyak if all the children were Avondale school district children.

Mr. Kazyak stated the report Ms. Verbeke is reviewing, is only for Avondale students that are Auburn Hills residents.

Ms. Verbeke asked if there is a list for Pontiac students.

Ms. Stewart stated there isn't a list breaking down the students by district. There aren't many students aware of the program, though flyers have been sent to the schools. She believes there are approximately 10 to 12 students being helped with tutoring, summer camp, and quite a few memberships to the YMCA. Pontiac doesn't have many resources, so the YMCA is convenient to many of the schools. There have also been some students sent to the martial arts facility located on Auburn Road.

Mayor McDaniel opened the public hearing at 7:53 p.m.; hearing no comment, closed the public hearing at 7:54 p.m.

Ms. Adcock explained only one Youth Assistance can be supported for each municipality, as stipulated by the County, so it is the choice of Council. It is possible to do a two year contract, proposing \$5,000, with two years to spend the money and next year, fund the second Youth Assistance program with \$5,000 to spend in the following two years.

Ms. Adcock confirmed for Ms. Mitchell these are the same organizations that have been supported since the beginning of Auburn Hills' participation in the CDBG funding.

Ms. Mitchell asked how it is determined which agencies the City will support.

Ms. Adcock explained there is a public notice published in the newspaper - the Suburban Life Styles, the web site, and at the Community Center and the agencies that have been funded in the past she has contacted by phone.

Mr. Knight explained in the past, both Youth Assistance programs were being supported and HAVEN came to a public hearing and requested they too receive some of the funding. As a result HAVEN is now receiving funds.

Ms. Adcock explained if the Council wanted to fund a clothes closet such as the Rochester House, there would have to be a bidding process, because they are not the only clothes closet - a sole source provider in the area.

Mayor McDaniel noted in the past some of the agencies had not used all of the funds allocated to them, and asked if that is still the case.

Ms. Adcock noted Avondale Youth Assistance has used all of their funds and Pontiac Youth Assistance still has funds available.

Mayor McDaniel asked Ms. Stewart why Pontiac Youth Assistance has trouble spending all of their funding.

Ms. Stewart explained there aren't many individuals taking advantage of the program. She failed to mention earlier, they do assist some students with the 'Pay to Play' school sports, as well as after school activities.

Ms. Adcock explained there could be a two year service agreement for the Youth Assistant programs, the first would have \$5,000 and a two year contract, meaning they would have two years to spend the money; next year, 2014, which is 2015 money, the other Youth Assistance program could receive \$5,000 in funding to spend over two years. One would be funded in 2014 and the other in 2015 and each would have two years to spend the money.

Ms. Adcock confirmed this is a County mandate for one school district at a time and gave no reason for the change.

Mr. Knight explained because he is the treasurer for the Avondale Youth Assistance, he cannot vote on which district receives the funding. He is prepared to make a motion later to grant \$2,500 to the district that does not receive the CDBG funding, to fill the temporary gap.

Mr. Beckerleg confirmed for Mayor McDaniel that Mr. Knight's suggestion would be appropriate.

Mayor McDaniel asked Mr. Auger if the \$2,500 would come from the general fund.

Mr. Auger stated it balances out with each getting \$5,000 a year apart.

Mr. Knight emphasized one of the programs will not get any money next year.

MOTION #1:

Moved by Verbeke; Seconded by Burmeister.

RESOLVED: To accept the Conflict of Interest Resolution as part of the CDBG application and to authorize the City Mayor to sign the application and submit documents to Oakland County.

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

No: None

Motion Carried (5-0)

Resolution No. 13.12.231

MOTION #2:

Moved by Knight; Seconded by Mitchell.

RESOLVED: To accept the Program Year 2014 Community Development Block Grant (CDBG) Sub-recipient Agreement Between the County of Oakland and the City of Auburn Hills as part of the CDBG application and to authorize the City Mayor to sign the application and submit documents to Oakland County.

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

No: None

Motion Carried (5-0)

Resolution No. 13.12.232

MOTION #3:

Moved by Mitchell; Seconded by Verbeke.

RESOLVED: To accept the Community Development Block Grant (CDBG) application budget line item Minor Home Repair in the amount of \$40,208 as part of the approximate amount of \$57,440 and authorize the City Mayor to sign the application and submit the documents to Oakland County.

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

No: None

Motion Carried (5-0)

Resolution No. 13.12.233

MOTION #4:

Moved by Burmeister; Seconded by Knight.

RESOLVED: To accept the Community Development Block Grant (CDBG) application budget line item Yard, in the amount of \$9,232 as part of the approximate amount of \$57,440 and authorize the City Mayor to sign the application and submit the documents to Oakland County.

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

No: None

Motion Carried (5-0)

Resolution No. 13.12.234

MOTION #5:

Moved by Verbeke; Seconded by Burmeister.

RESOLVED: To accept the Community Development Block Grant (CDBG) application budget line item Avondale Youth Assistance in the amount of \$5,000 as part of the approximate amount of \$57,440 and authorize the City Mayor to sign the application and submit the documents to Oakland County.

Mr. Knight asked to abstain from voting on this motion since he is the treasurer of the Avondale Youth Assistance. He isn't pleased with this new condition that the County put on the funding and to not recognize that many communities in Oakland County has more than one Youth Assistance district.

Moved by Verbeke; Seconded by Mitchell.

RESOLVED: To allow Council Member Henry Knight to abstain from voting on Motion #5.

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

No: None

Motion Carried (5-0)

Resolution No. 13.12.235

Back to the Motion on the floor.

RESOLVED: To accept the Community Development Block Grant (CDBG) application budget line item Avondale Youth Assistance in the amount of \$5,000 as part of the approximate amount of \$57,440 and authorize the City Mayor to sign the application and submit the documents to Oakland County.

VOTE: Yes: Burmeister, McDaniel, Mitchell, Verbeke

No: None

Abstain: Knight

Motion Carried (4-0-1)

Resolution No. 13.12.236

Mayor McDaniel also wants to send a message to Oakland County that there are many communities with multiple school districts and hopes changes to the policy will be made. He suggested e-mails be sent to Mr. Patterson.

MOTION #6:

Moved by Mitchell; Seconded by Verbeke.

RESOLVED: To accept the Community Development Block Grant (CDBG) application budget line item Haven in the amount of \$3,000 as part of the approximate amount of \$57,440 and authorize the City Mayor to sign the application and submit the documents to Oakland County.

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

No: None

Motion Carried (5-0)

Resolution No. 13.12.237

Mr. Burmeister asked if Rochester Hills contributed CDBG funds to Avondale Youth Assistance.

Mr. Kazyak stated Rochester Hills contributes \$2,500 and Bloomfield Township contributes \$2,700. The city of Troy does not contribute at all.

Mr. Knight noted Troy has been unable to fund for the last several years, it is part of their police budget.

Responding to Mr. Burmeister, Mr. Knight stated he isn't sure if Pontiac contributes or not. Continuing, Mr. Knight stated in Auburn Hills approved budget, \$13,000 is given to Avondale and to Pontiac Youth Assistance for general support. The CDBG money is additional money and must meet specific criteria.

9b. Motion – Approval of Revised Site Plan / the Shoppes at Baldwin Square

Mr. Cohen explained this is a request for approval to add a new driveway from the Shoppes at Baldwin Square retail center to Alberta. The driveway is being proposed because there have been a number of complaints over the years about excessive amounts of motorists using residential driveways on Alberta to turn around. One resident counted as many as 200 cars using in her driveway in a single day. Many residents used buckets and chains to block their driveways in an effort to protect their privacy.

After traffic analysis was conducted in August, the Planning Commission agreed to allow new driveways to be installed at the strip malls on both sides of Alberta. However, it was found only the driveway to the south retail center was feasible. The owner Jim Allen agreed to add the curb cut at an estimated cost of \$25,000.

A courtesy letter was sent to area residents in October informing them of the decision and soon found that there were some concerns with the City's plan of action. These concerns were discussed in detail at the December 10th Planning Commission meeting.

Some of the concerns were the new driveway would inconvenience the residents with additional traffic from the retail center creating a delay for motorists on Alberta entering onto Baldwin Road; shoppers leaving the strip mall would have trouble entering Baldwin Road in attempts to go north because of stacking in the Michigan turn around at the traffic light; and hesitations would cause cars to back up on Alberta and into the neighborhood.

Continuing, Mr. Cohen explained Steve Dearing, Head Traffic Engineer with OHM, explained this condition does occur for a brief time at peak periods (like 12 noon), but traffic along Baldwin moves in platoons set by the traffic lights. Thus, sufficient gaps are created to allow people to leave Alberta.

Two additional alternatives were considered due to the residents' concerns, the first, to allow no driveway at all and provide additional landscaping along Alberta so people don't think there is an entrance.

The Planning Commission felt this could help, but would not solve the problem, and the businesses need to be seen from Baldwin Road to succeed and heavy landscaping would block the building and signs.

Another alternative is to design and restrict the new driveway to be "entrance only." This would allow people to enter from Alberta, but force them to leave via Baldwin Road.

The Planning Commission and Emergency Services Department found that this type of restriction would be very difficult to enforce since vehicles seek the path of least resistance. Not allowing "out" movements to Alberta would be an inconvenience to the shopping public, as well as the residents wishing to head west into the Canadian Neighborhood.

Lastly, the property owner did not want to build a restricted driveway due to its cost and fact that the traffic study shows a limited impact.

The Planning Commission unanimously recommended building the two-way driveway as proposed, citing it is the best solution, though it may cause some inconveniences to area residents having to wait a little longer to enter Baldwin Road.

Ms. Verbeke noted there is another turn-around lane not too much further down Baldwin Road that can also be used. She appreciates the strip mall owner for his willingness to make the changes.

Ms. Mitchell noted the large turnout of residents for the Planning Commission meeting and understood the problems with one-way traffic driveway and appreciated the explanation from the Police Chief. She believes this is a minor

inconvenience for the neighborhood as opposed to numerous cars in the neighborhood disrupting the quality of life for those residents.

Moved by Burmeister; Seconded by Verbeke.

RESOLVED: To accept the Planning Commission's recommendation and approve the Revised Site Plan for The Shoppes at Baldwin Square subject to staff and consultant conditions.

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

No: None

Motion Carried (5-0)

Resolution No. 13.12.238

Mr. Cohen confirmed that construction will not begin until spring, waiting for better weather.

9c. Motion - Adoption of 2014 Non Union Benefits Resolution

Mr. Tanghe explained the resolution includes the removal of language that is no longer applicable to the employees and other minor adjustments that make the benefit levels equal to the collectively bargained groups of the City.

Ms. Verbeke asked Mr. Tanghe to review the 401k portion.

Mr. Tanghe explained there are two different retirement plans one is the defined benefit pension plan and the other is the 401k plan. Years ago, those in the defined benefit pension plan also received a supplemental 401k plan in which the employer and employee contributed to the plan. That was discontinued at the end of 2010, but the language remained in the resolution. The language removes the employer from making contributions, but employees may still continue to make contributions.

Mayor McDaniel noted he is pleased to see the college tuition reimbursement increase, making it easier for employees to continue their education.

Moved by Verbeke; Seconded by Knight.

RESOLVED: To adopt the 2014 Benefits Resolution for Non-Union Personnel, as amended, with an effective date of January 1, 2014 through December 31, 2014.

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

No: None

Motion Carried (5-0)

Resolution No. 13.12.239

9d. Motion – Annual Review of Depositories

Ms. Buschmohle explained according to the City Charter (Section 4.23), the City Council shall select annually one or more depositories in which funds of the City shall be deposited. It is very important for the City to have several institutions on the approved list, so competitive bids can be sought when investing City money. The listing of banks and credit unions in and around this area for investing City funds are the same as 2012, with the addition of Michigan Schools and Government Credit Union. These institutions are rated using Bankrate.com and by the City's investment managers, Ambassador Capital and Cutwater Asset Management. All information provided is as of the third and fourth quarters of 2012, and the first and second quarters of 2013. Highlighted banks on the spread sheet, meet Council's past recommendations, having a rating of 20 or higher, be rated a B or better, or be strong in two out of the three rating categories.

Moved by Knight; Seconded by Verbeke.

RESOLVED: To adopt the attached resolution (Attachment B) approving the list of authorized depositories for City funds.

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

No: None

Motion Carried (5-0)

Resolution No. 13.12.240

9e. Motion – Annual Review of Brokers

Ms. Buschmohle explained according to the City Investment Policy adopted on September 21, 2009, Section 7.0 requires a list of broker/dealers used by the City for investments be approved annually by resolution of the City Council. The broker/dealers used for the City are those used by the City's two investment managers, Ambassador Capital and Cutwater Asset Management and each broker/dealer has signed an agreement to abide by Public Act 20. The listing of broker/dealers used by the City's two Investment Managers, and were approved in 2012.

Ms. Buschmohle confirmed, there is no change to the list.

Moved by Verbeke; Seconded by Knight.

RESOLVED: To adopt the attached resolution (Attachment C) approving the list of authorized broker/dealers used by the Investment Managers on behalf of the City of Auburn Hills.

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

No: None

Motion Carried (5-0)

Resolution No. 13.12.241

10. COMMENTS AND MOTIONS FROM COUNCIL

Mr. Knight:

- He's pleased there will be a gas and oil drilling meeting and stated people need to know there is a difference between fracking and drilling a well.

He asked Mr. Beckerleg if in a residential area, if there could be a condition that a well could not be drilled within 500 feet of a property line.

Mr. Beckerleg stated that is possible, but make it 450 feet from a property line, the same as the DEQ for populations of 70,000 or more.

- Regarding hookah lounges, he understands the sensitivity of the issue and the impact the closing time is having on the owners; however, it was at the recommendation of the Police Department to change the closing time and the owners should talk with the Police.
- He would like to consider a motion this evening or at the next Council meeting to grant a \$2,500 grant to the Pontiac Youth Assistance from the general fund, using Block Grant standards for disbursement.

Ms. Verbeke asked Ms. Adcock how Mr. Knight's suggestion could be done.

Ms. Adcock stated this has been done in the past, and the same guidelines applied, the only difference is where the funds come from.

Mayor McDaniel reiterated what Mr. Auger had explained earlier, that each district received \$2,500 as a budgeted item, and with the agreement Ms. Adcock mentioned regarding two years, Pontiac Youth Assistance will receive the same amount next year. Neither district is out any money, it is just being distributed differently.

Ms. Adcock stated Pontiac has money for this year that was recently disbursed; this will allow them to plan how to wisely spend the money. The funding discussed this evening is for 2014.

Mayor McDaniel stated in the future if the Council wants to grant funds, it should be done at budget time, and included in the budget.

Mr. Knight wants a motion to give Pontiac Youth Assistance for \$2,500 for next year, because there will be no money next year to draw on. After next year, the back and forth between the two will no longer be an issue.

Ms. Verbeke:

- Asked if there is a scheduled date for the oil and gas drilling workshop meeting.

Mr. Auger stated the workshops are the first meeting of the month, so that will be January 6th. The City will be inviting the gas companies to participate. With the number of residents attending the meeting, the meeting will be held in the Council Chamber.

Mr. Burmeister asked if the hour and a half would be enough time for the discussion.

Mayor McDaniel stated if needed the workshop can be continued on another day.

Mr. Auger stated only one side of the story has been heard thus far, and with the workshop, the other side of the story can be heard, making it easier for Council to give staff direction on how to proceed.

- Asked if there is any information on the DEQ permit that the gas company has submitted.

Mr. Auger stated not that he has heard of.

- Wished everyone a Merry Christmas.

Mr. Burmeister:

- Wished everyone a Merry Christmas.

- Asked Director Olko if there was an incident at one of the hookah lounges, something he read about underage drinking.

Director Olko stated there has been recurring incidents all summer, and she isn't sure which incident is being referred to.

Mr. Auger stated the most recent was a female minor drinking alcohol in the parking lot, but isn't sure which lounge it was.

- Wished the Helping Hands good luck with all their sorting and holiday preparations.

Ms. Mitchell:

- She would appreciate any information that can be sent to Council in advance of the oil and gas drilling workshop to be better prepared to ask questions.
- Feliz Navidad to all.
- She is in support of Mr. Knight's suggestion of designating some funds to the Pontiac Youth Assistance program to fill that one year gap, providing the same CDBG guidelines are followed.

Mr. Knight stated a previous Council indicated to both Youth Assistance groups, they would make available extra funds if the all the CDBG money was spent.

Mayor McDaniel asked Ms. Adcock to contact Ms. Stewart and get the actual balance of current funds, should Council decide to move forward with this suggestion.

Ms. Adcock stated she can gather the information for Council.

Ms. Verbeke asked for a report, similar to the Avondale report that shows the number of Auburn Hills' students being assisted.

Mayor McDaniel:

- Ms. Mitchell had made a suggestion regarding scheduled workshops, noting March, June, September, and December have five Monday's in those months and the possibility of adding workshops to those extra Monday's. Those extra days would allow more discussion time if needed for any of the topics.
- There are a few appointments that will be need to be made to Boards and Commissions and asked if anyone knows of a resident that is willing to serve, to please have that person submit an application to the Clerk's Office.
- Merry Christmas to everyone, and wishing a great New Year.

11. CITY ATTORNEY'S REPORT

- Happy Holidays to everyone.

12. CITY MANAGER'S REPORT

- Merry Christmas.

13. ADJOURNMENT

The meeting adjourned at 8:40 pm.

Kevin R. McDaniel, Mayor

Terri Kowal, City Clerk

Attachment A

**RESOLUTION 13.12.229
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 **16th day of December, 2013**.

The following resolution was offered by Councilperson Verbeke 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 **December 2, 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, 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 and of the SEV of the unit, plus the SEV of personal and real property thus exempted; 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 extension 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 granting of another certificate for the facility previously approved under Industrial Facility Exemption Certificate **2010-394** is reasonable and proper,

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

1. 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
2. The City of Auburn Hills finds and determines that the granting of the extension of additional years of the Industrial Facilities Exemption Certificate 2010-394 considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Auburn Hills, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Auburn Hills.
3. 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.

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

AYES: Mayor McDaniel, Council Members Burmeister, Knight, Mitchell, Verbeke

NAYS: None

ABSENT: Mayor Pro Tem Kittle, Council Member Hammond

ABSTENTIONS: None

RESOLUTION 13.12.229 APPROVED (5-0)

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 **16th day of December, 2013** the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this **18th day of December, 2013**.

Terri Kowal, City Clerk

Resolution 13.12.240

RESOLUTION TO APPROVE LIST OF AUTHORIZED DEPOSITORIES FOR THE CITY OF AUBURN HILLS

WHEREAS, Section 4.23 of the Auburn Hills Charter states that “The City Council shall select annually one or more depositories in which funds of the City shall be deposited” and

WHEREAS, Section 7.0 of the City of Auburn Hills Investment Policy states that “The City Treasurer shall maintain a listing of financial institutions and brokers/dealers authorized to provide investment services,” approved annually by City Council for investment and depository purposes, and

WHEREAS, the currently approved list of legal depositories has expired,

NOW THEREFORE BE IT RESOLVED, that the Auburn Hills City Council approve the following financial institutions as legal depositories for all public monies effective to December 31st, 2014

- Bank of America
- First Merit
- Comerica Bank
- Fifth Third (5/3) Bank
- Flagstar
- Huntington National (Bancshares)
- JPMorgan Chase
- Level One Bank
- Mercantile
- PNC Financial Services
- Talmer
- The Private Bank
- Wolverine
- Cornerstone Community Financial Credit Union
- Credit Union One
- Genisys Credit Union
- InTouch Credit Union
- Alliance Catholic Credit Union
- Michigan Schools & Government Credit Union
- Michigan State University Credit Union
- Parada Federal Credit Union

AYES: Mayor McDaniel, Council Members Burmeister, Knight, Mitchell, Verbeke

NAYS: None

ABSENT: Mayor Pro Tem Kittle, Council Member Hammond

RESOLUTION 13.12.240 APPROVED (5-0)

STATE OF MICHIGAN)

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COUNTY OF OAKLAND)

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IN WITNESS WHEREOF, I have hereunto affixed my official signature on this **18th day of December, 2013.**

Terri Kowal, City Clerk

Resolution 13.12.241

RESOLUTION TO APPROVE LIST OF AUTHORIZED BROKERS / DEALERS FOR THE CITY OF AUBURN HILLS

WHEREAS, Section 7.0 of the City of Auburn Hills Investment Policy states that “The City Treasurer shall maintain a listing of financial institutions and broker/dealers authorized to provide investment services,” approved annually by City Council for investment and depository purposes,

NOW THEREFORE BE IT RESOLVED, that the Auburn Hills City Council approve the following brokers/dealers as legal pass-thru agents for all public monies effective to December 31st, 2014

- Bank of America / Merrill Lynch
- Citigroup
- Comerica
- Fifth Third
- Jeffries Group
- JP Morgan Chase
- Merrill Lynch & Co.
- Mizuho Corporate Bank
- Morgan Stanley
- Raymond James Morgan Keegan
- Royal Bank of Canada
- TCF Bank
- UBS AG
- Wells Fargo & Co.

AYES: Mayor McDaniel, Council Members Burmeister, Knight, Mitchell, Verbeke

NAYS: None

ABSENT: Mayor Pro Tem Kittle, Council Member Hammond

RESOLUTION 13.12.241 APPROVED (5-0)

STATE OF MICHIGAN)

)SS

COUNTY OF OAKLAND)

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Terri Kowal, City Clerk