



# The City of Auburn Hills

## City Council Meeting

### Minutes

August 25, 2014

**CALL TO ORDER:** by Mayor McDaniel at 7:00 p.m.  
**LOCATION:** City Council Chamber, 1827 N. Squirrel Road, Auburn Hills, MI 48326  
**Present:** Mayor McDaniel, Council Members Burmeister, Hammond, Knight, Mitchell, Verbeke  
**Absent:** Mayor Pro Tem Kittle  
**Also Present:** Acting Assistant City Manager Grice, Director Olko, Deputy Director Manning, City Clerk Kowal, Community Development Director Cohen, DPW Supervisor Brisson, Finance Director Barnes, DPW Deputy Director Herczeg, City Attorney Beckerleg, City Engineer Juidici, Manager Intern Mariuz  
43 Guests

#### 4. APPROVAL OF MINUTES

4a. Regular City Council – August 11, 2014

**Moved by Mitchell; Seconded by Hammond.**

**RESOLVED: To approve the August 11, 2014 City Council meeting minutes.**

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

**No: None**

**Motion Carried (6-0)**

**Resolution No. 14.08.157**

#### 5. APPOINTMENTS AND PRESENTATIONS

5a. Presentation – Retirement of Paid on Call Fire Personnel - Lieutenant James Klempert and Captain Timothy Farrell

Deputy Director/Fire Manning noted Lieutenant James (Mike) Klempert is retiring with 19 years of service and more than 24 years of service for Captain Timothy Farrell. Over the course of the years, an enormous amount of training has been achieved.

Deputy Director/Fire Manning presented plaques to Lt. Klempert and Captain Farrell, with his thanks for their many years of dedicated service to the City.

Mayor McDaniel thanked Lt. Klempert and Captain Farrell for their many years of service, on behalf of the City Council and residents of Auburn Hills.

Mr. Burmeister stated some of his fondest memories are of Lt. Klempert at a fire at Dutton and Squirrel Roads, where he was his ace in the hole; and Captain Farrell with the large incident at the Chrysler building and a hazmat incident in which Captain Farrell took control of the hazmat team very admirably and was very much appreciated.

#### 6. PUBLIC COMMENT - none

#### 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.

*Mr. Knight requested Item 7b., be removed from the Consent Agenda.*

7a. Board and Commission Minutes

7a.1. Board of Review – July 22, 2014

7a.2. Tax Incentive Review Committee – August 11, 2014

7a.3. Tax Increment Finance Authority – August 12, 2014

**Moved by Burmeister; Seconded by Verbeke.**

**RESOLVED: To Accept Consent Agenda Item 7a.**

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

**No: None**

**Motion Carried (6-0)**

**Resolution No. 14.08.158**

7b. Resolution in Support of Repealing the Fireworks Safety Act of 2011

Mr. Knight questioned why this item is on the Consent Agenda and if it is necessary to change this law; he would like to have some discussion.

Ms. Kowal explained a request was received from a senator asking for City support for the legislation that will amend the Act. She spoke with Mr. Tanghe and Director Olko about putting this on the agenda.

Continuing, Ms. Kowal stated the Fireworks Safety Act of 2011 is the Act that allows any size fireworks to be sold in the State, shot off at any time, sold in any area of a community including next to residential areas. From what she has heard, police and fire departments throughout the State would like to see this Act repealed, and returned to the previous law with a limit on the size and type of fireworks and restrictions on where fireworks can be sold.

Director Olko explained originally when the Fireworks Safety Act was passed, there was a tremendous number of people complaining and objecting to the 24 hour continuous lighting of the fireworks. In Michigan, the aerial explosives had never been permitted. The State allowed communities to limit times and days for the lighting of fireworks, through local ordinances, which is now approximately 30 days within the year. Even with the limitations, there are still complaints about the fireworks.

Mr. Knight believes the City ordinance has the firework issue under control; he isn't sure how he wants to vote on this resolution, since he represents all the City residents. He is pleased with the explanation for the proposed resolution and why it has come about.

**Moved by Hammond; Seconded by Verbeke.**

**RESOLVED: To approve the resolution requesting the Michigan Legislature repeal Public Act 256 and direct the City Clerk to distribute copies to the Governor, Senator Marleau, State Representative Greimel, and other Oakland County communities.**

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

**No: None**

**Motion Carried (6-0)**

**Resolution No. 14.08.159**

## **8. OLD BUSINESS - none**

## **9. NEW BUSINESS**

### **9a. Motion – Accepting First and Second Quarter 2014 Monitoring Network Review Summaries of the Oakland Heights Development Landfill Report**

**Andy Foerg**, Environmental Consulting Solutions President, noted there aren't many issues. One issue that has been dragging is MW-33R, which sits in a low area, with infiltrating surface water. Grading has been done to remedy the problem, however, it isn't an immediate fix, but will slowly improve the quality. Action Flow Rates for Cell F were exceeded and several leachate indicator parameters and VOCs were detected; however it is believed that this too, is surface water infiltration. Repairs have been completed and flow rates are decreasing; continued monitoring of Cell F is warranted.

MW-31SR has shown a pattern of increasing concentrations. He had a long discussion with the operators of Oakland Heights Landfill, Republic Services, and Brown & Caldwell, who have also been watching well MW-31SR. The rationale is the water that specific well is monitoring may be connecting with the surface water in the sediment pond. From a hydrological point, it does make some sense, but it is difficult to confirm. All have agreed to keep watching and to track water level gauges in the water sediment pond.

Mr. Knight asked what Board or Commission from the City reviews and keeps track of the landfill.

Mayor McDaniel stated Mr. Foerg monitors the landfill and generates the reports.

Mr. Foerg stated in the past, there was an Environmental Review Board that he presented his reports to, and in turn that Board would forward the report and recommendation to City Council.

Mr. Knight suggested another group, possibly the Brownfield Review Authority, to keep an eye on the landfill issues.

**Moved by Knight; Seconded by Burmeister.**

**RESOLVED: To accept the First and Second Quarter Y2014 Monitoring Network Review Summaries prepared by Environmental Consulting Solutions for the Oakland Heights Development Landfill.**

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

**No: None**

**Motion Carried (6-0)**

**Resolution No. 14.08.160**

### **9b. Motion – Investment Performance Report-Cutwater Asset Management & Ambassador Capital Management**

Mr. Barnes explained both investment managers are providing a positive return. Cutwater has earned \$160,234.01; a 1% return and Ambassador has earned \$48,415.25; a .33% return, as of July 31, 2014. Both accounts are considerably ahead of last year. Last year the City took a sizable hit on the fixed income when the Federal Reserve indicated they might raise interest rates. Each of the Managers has a different style, Ambassador has a maturity of one year and Cutwater has a two year maturity.

Ms. Verbeke asked if Mr. Barnes is comfortable with the percentage of investment with each of the Managers.

Mr. Barnes stated he was comfortable, noting George Vitta of Asset Strategies will review the investment managers and may make a recommendation to change managers or percentages in the investments. That review will take place later in the year.

Continuing, Mr. Barnes stated the City has been investing in the two Managers since 2009. Cutwater invests in government securities almost exclusively, who have a 100% backing of the federal government. The majority of Ambassador's investments are in government securities, but they also invest in municipalities securities. He believes it is coming to a point of possible redistribution of funds.

Mr. Knight stated if this was his money he would never have it invested in this manner. Neither manager has made much profit; he would redistribute funds from one to the other. He will vote to accept the report, but believes there should be investment changes made.

**Moved by Verbeke; Seconded by Knight.**

**RESOLVED: To accept the Investment Performance report for Cutwater and Ambassador for the year to date activity through July 31, 2014.**

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

**No: None**

**Motion Carried (6-0)**

**Resolution No. 14.08.161**

9c. Motion – Prepay Oakland-Macomb Interceptor Drain (OMID) Segment 4

Mr. Barnes explained this project began in 2010. The County is approaching the project in segments, of which this is Segment 4. The first segment was 2010: OMID 2010A, \$793,912; OMID 2010B, \$200,172; OMID 2011A, \$1,036,225, and OMID 2013A, \$2,261,189.

The federal government gave \$16 million in 2010 towards the project for both counties. In 2010, Auburn Hills is paying 55% of the interest rate; the interest rate for 2010A, 2010B and 2011A is 2.5% and 2013A is 2%. All are fixed rates for the entire 20 year maturity.

The 2014 segment contains two contracts; the initial contract is for \$8 million and unlike the previous projects, this is not through the State Financing Authority or supported by the federal government. It will be a public offering. The interest rates will be whatever the market dictates; as of now, the interest rate is 3.2%. The project total for this segment is \$264,472 and the interest over 20 years is \$96,879.16. The Water and Sewer Fund has sufficient funds to pay the amount in full and save paying the interest.

**Moved by Verbeke; Seconded by Hammond.**

**RESOLVED: To approve a resolution to prepay the OMID Bond Series 2014A in the amount of \$264,472 and to authorize the Acting City Manager to satisfy the prepay filing requirements set forth by the Water Resource Commission**

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

**No: None**

**Motion Carried (6-0)**

**Resolution No. 14.08.162**

9d. Motion – Approve 2014 Street Marking Program

Mr. Herczeg explained this is the Major Street and Local Street pavement marking program. Part of this program includes the Downtown striping and DPW is requesting a consensus from Council on the parking and striping options. He displayed maps of the downtown and explained the rationale behind the proposed marking. The Rivers Edge project has been put on hold, but the proposed angle parking and curb bump out that were previously approved by TIF, is still planned as part of the new markings. Two parallel parking spaces have been removed in front of Elwell's, which results in a net loss of two spaces. The right turn from southbound Squirrel Road to westbound Auburn Road has been hashed and clearly defined in the revised markings, providing better funneling into the single westbound lane.

East of Squirrel Road, angle parking continues in front of the old Pepsi Building with hashing and lane tapering that funnels traffic into the single eastbound lane on Auburn Road.

Mr. Brisson met with the owner of the ice cream shop where there are currently two ingresses into the parking lot. Discussion has taken place in trying to determine what the best parking options are for the store owner and the City. The parking in front of the ice cream store defines single lane travel until just before Juniper, and then the lane transitions to the proposed left turn lane. The suggested left turn lane addresses some site distance issues at the Juniper and Auburn Road intersection as well as some of the left turn problems from Auburn Road to south Juniper and Cherryland. With potential development to the immediate north on Auburn, the left turn lane would also aid traffic flow. If the proposed left turn lane goes in, it would eliminate about 10 parallel parking spaces in front of the funeral home. The parking on the north side of Auburn Road, east of Juniper would not be altered, but Mr. Herczeg suggested if development came in, it would be appropriate to do the same type of curb bump outs and angled parking proposed at Squirrel Court.

Mr. Herczeg requested direction from Council, noting this striping project should begin in September.

Mr. Knight questioned the eastbound lane of Squirrel Court at Squirrel Road, if the roadway is narrow enough to prohibit two vehicles from being in the through/right hand turn lane.

Mr. Juidici explained for the parking in front of the Rivers Edge development, the curb lines will be moved out further to provide protection behind the angle parking spaces so there will only be enough room for one vehicle in the lane to go straight through or to turn right.

Mr. Knight strongly supports the left turn lane because of all of the proposed development that is expected, as well as supporting the current neighborhood and the traffic flow.

Ms. Verbeke noted west of Sweet's on the north side of Auburn Road, there isn't any parking indicated and asked why.

Mr. Herczeg stated because of a fire hydrant.

Mayor McDaniel asked Mr. Juidici if it is OHM's recommendation to include the left turn lane now, before there is development.

Mr. Juidici stated there is no right or wrong, it is at Council's discretion.

Mayor McDaniel is concerned if the change it isn't sufficient to accommodate the new developments, then another change will be needed. There will be continual changes and people will have difficulty getting used to the area. He would feel more comfortable with left turn lane traffic counts to determine if the change is necessary.

Mr. Knight just thought with the anticipated density, it would be wise to include the left turn lane now and not make another change in another year or two.

Ms. Hammond stated she agrees with Mr. Knight, she travels that direction frequently and cars continue traveling in the parking lane. If the change is done now, people would get use to the change. She is concerned with the striping paint being used; currently the paint doesn't seem to last very long for good viewing.

Mr. Brisson explained the intersection marking and long line marking is the same material that PK Contracting uses in the rest of the City. The parking lot line marking is the same oil based paint that is used in other parking lots. White paint on concrete generally always needs to be restriped annually. PK Contractors could use a thermal paint, costing approximately \$10,000 to \$11,000. The striping done in-house with traffic paint is a few hundred dollars. The striping can be done as necessary; traditionally striping is done annually but there are some parking lots striping isn't done but every two or three years.

Mayor McDaniel asked about a reflecting paint.

Mr. Brisson stated glass beads can be mixed with the paint giving some reflection, but will not last any longer than just paint.

Mr. Burmeister asked what configuration would deter traffic from using Juniper or Cherryland; there is concern among the residents with the amount of traffic traveling through the neighborhood.

Mr. Juidici doesn't believe the center turn lane will have any bearing on which direction the traffic will head. The left turn lane will not impede traffic, but he doesn't believe it will have any impact on more traffic in the neighborhood.

Mr. Burmeister explained the concern is when traffic is backed-up on Auburn Road; traffic cuts through the subdivision, from Cherryland, to Slocum and then Grey Road at a fast speed.

Mr. Herczeg confirmed for Mayor McDaniel the two options before Council for direction is to create a left turn lane at Juniper and the road and parking space striping or no left turn lane included in the striping.

Mayor McDaniel stated he is comfortable with including the left turn lane, since one will eventually be needed.

Ms. Verbeke is also comfortable including the left turn lane, as is Mr. Burmeister.

Ms. Mitchell isn't opposed to the center turn lane, but is concerned with losing some of the on-street parking because of the lane, though there is ample parking in the garage. She is concerned with residents being upset with another change in that area and believes the paint issue isn't unique to Auburn Hills, suggesting there must be other types of paint that can be more easily seen.

Mr. Herczeg suggested with all the development being proposed, that using the current marking paint for the striping and to repaint lines as necessary, then research the possibility of more expensive alternatives. The road marking plan may need to be changed once the additional developments are completed and until the permanent striping is decided, we should continue with the less expensive road paint.

Ms. Mitchell is satisfied, providing the painting is done as necessary to maintain the quality expected.

Mr. Knight asked if the parking will remain on the south side of the street but lose the parallel parking on the north side of the street with the addition of the center turn lane.

Mr. Herczeg noted that is correct, ten parallel parking spaces will be lost.

City Council unanimously agreed to proceed with a left turn lane.

Mr. Knight asked with the addition of a left turn lane, if there are sufficient funds in the motion to support the additional marking.

Mr. Brisson stated he believed this should be sufficient.

**Moved by Knight; Seconded by Mitchell.**

**RESOLVED: To approve PK Contracting, 1965 Barrett, Troy, Michigan 48084 to perform Street marking Services for the not-to-exceed cost of \$60,000.00. Funding is provided from Major Streets (202-452-935.100) and Local Streets (203-453-935.100).**

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

**No: None**

**Motion Carried (6-0)**

**Resolution No. 14.08.163**

**9e. Motion – Approve Forestry Aerial Lift Body Bid**

Mr. Herczeg explained this is to replace a 2000 GMC forestry aerial lift truck. This request is for a 60 foot lift truck and chipper box to be put on a chassis that was purchased through the Rochester Hills bid collaboration, saving approximately \$10,000. The Forestry Division is fortunate to have an employee, Tom Watson, who has 4 ½ years of experience in private sector forestry. Mr. Watson has used all three of the bidder's lift vehicles as an employee of one of the largest forestry companies in Michigan. The Dueco product, in his opinion, would provide superior equipment and extended service life.

Mr. Knight asked if the purchase price of the new truck includes the trade-in value of the old truck.

Mr. Herczeg explained there is a trade-in value included and the final price from each bidder includes the trade-in; however, the City has reserved the right to sell the truck out-right, if the value exceeds the \$15,000 trade-in value.

Mr. Knight asked if the truck would be worth more than \$15,000 to keep as a backup truck.

Mr. Herczeg explained it would be necessary to invest more money in keeping the truck in good shape and it is old, so it could become quite expensive. The department has other lift vehicles if needed.

**Moved by Verbeke; Seconded by Burmeister.**

**RESOLVED: To approve the purchase of a Freightliner chassis, with 60 foot insulated aerial lift body and forestry chipper box from Dueco, Inc, N4W22610 Bluemound Road, Waukesha, Wisconsin, 53186 for \$149,329.00. Funding is provided from the Fleet Machinery & Equipment account (661-442-977.000).**

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

**No: None**

**Motion Carried (6-0)**

**Resolution No. 14.08.164**

**10. COMMENTS AND MOTIONS FROM COUNCIL**

Ms. Verbeke:

- Thanked Director Olko and the Department for hosting a car seat check and asked how the check is publicized and if it is an annual event.

Director Olko explained current car seat checks are done by appointment and the Department hopes to have another car seat check event later in the year, but a date has not yet been determined. Between Police and Fire Departments there are four or five personnel trained to conduct the inspections. To maintain certification there is a specific number of checks that each must be conducted and on various types of car seats in a specific amount of time. The event is publicized through the City's social media. She isn't sure of the number of participants, but it was well attended.

Mr. Burmeister:

- Asked if the work being done in the Bloomfield Orchards will include the sidewalk connector between South Hampton and Opdyke Road.

Mr. Herczeg confirmed the work includes the connector.

- Questioned when the work on the Golf Dome will begin; the netting looks awful.

Mr. Cohen explained the process is moving along, and expects within the next couple of days the poles and netting will be down. A tree cutter has been hired to take down the poles, and Jeff Spencer, Building Official, will be meeting with the tree cutter tomorrow. There was a meeting held with City Officials, Sheffield Estates residents, including Ms. Sendegas, and the Golf Dome owners who presented their well received plan. The new dome is anticipated to be up and ready in October.

- Asked how the Dollar Store is progressing, it seems to be in a stalled position.

Mr. Cohen stated he isn't sure of the status, but will find out and report back.

Ms. Mitchell:

- Last week at the Planning Commission meeting the annual report was discussed and will be forwarded to City Council. Thanked all Boards and Commissions for their hard work, but appreciates how active the Planning Commission is and it is reflected in the annual report.
- She loves the new blog site, Inside Auburn Hills, and appreciates all the work Staff has been doing in keeping the community updated with everything going on within the City. All the social media sites are doing a great job of advertising the programming and classes the City has to offer.
- Last week the Morning Optimist Club did back to school shopping with the Avondale Youth Assistance, which was a lot of fun, and helping out 11 students.
- She has heard concerns from residents regarding the vegetation at Squirrel Court and Squirrel Road; the height makes it difficult to see oncoming traffic for some vehicles.

Mayor McDaniel:

- Last week was the end of the Riverside Music Series, which was very well attended and The Bluegrass Festival is coming up very soon. Thanks to all of the Staff that make these enjoyable family events possible.

**11. CITY ATTORNEY'S REPORT** - none

**12. CITY MANAGER'S REPORT**

- Thanked Mayor McDaniel, City Council and Mr. Tanghe for allowing Mr. Macias and himself (Acting City Manager Don Grice), to attend the Lead Training Program at the University of Virginia. It is an outstanding program with many long days, but highly recommends the program to others.

**13. ADJOURNMENT**

Hearing no objection the meeting adjourned at 8:14 p.m.

---

Kevin R. McDaniel, Mayor

---

Terri Kowal, City Clerk