



CITY OF AUBURN HILLS
REGULAR CITY COUNCIL MEETING
MINUTES

MARCH 20, 2023

CALL TO ORDER: Mayor McDaniel at 7:00 PM.

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

Present: Mayor McDaniel, Council Members Carrier, Cionka, Knight, Marzolf, Verbeke

Absent: Council Member Hawkins

Also Present: City Manager Tanghe, Assistant City Manager Skopek, City Attorney Ballantyne, City Clerk Pierce, Police Chief Gagnon, Fire Chief Massingill, DPW Director Baldante, Mgr of Fleet & Roads Hefner, Mgr of Municipal Properties Wisser, Mgr. of Public Utilities Deman, Community Development Director Cohen, City Planner Keenan, Construction Coord Lang, Management Assistant Hagge, Engineers Juidici & Driesenga

13 Guests

4. APPROVAL OF MINUTES

4a. City Council Workshop Minutes, March 6, 2023.

Moved by Verbeke, Seconded by Carrier.

RESOLVED: To approve the City Council Workshop Minutes of March 6, 2023.

VOTE: Yes: Carrier, Cionka, Knight, Marzolf, McDaniel, Verbeke

No: None

Resolution No. 23.03.029

Motion Carried (6- 0)

4b. City Council Regular Meeting Minutes, March 6, 2023.

Moved by Verbeke, Seconded by Cionka.

RESOLVED: To approve the City Council Regular Meeting Minutes of March 6, 2023.

VOTE: Yes: Carrier, Cionka, Knight, Marzolf, McDaniel, Verbeke

No: None

Resolution No. 23.03.030

Motion Carried (6- 0)

5. APPOINTMENTS AND PRESENTATIONS

6. PUBLIC COMMENT

There was no public comment.

7. CONSENT AGENDA

7a. Board and Commission Minutes

7a1. Public Safety Advisory Committee, February 28, 2023

7a2. Planning Commission, March 8, 2023

RESOLVED: To receive and file the Board and Commission Minutes.

7b. Motion – To approve the purchase of Mobile Vehicle Mitigation Barriers.

RESOLVED: To approve the purchase of Archer 1200 barriers and trailer system from Meridian Rapid Defense Group in an amount not to exceed \$157,662.88 and the City Manager to convey acceptance by purchase order.

7c. Motion - To approve the MDOT Public Act 51 Mapping Updates.

RESOLVED: To approve resolution 23-01 through resolution 23-05 to add Hamlet Ct, Old Salem Ct, Old Salem Rd, Southampton Ct, and St. Marys Alley to the MDOT ACT 51 Map. (Attachment A)

7d. Motion – To authorize the City Manager to order and purchase road salt for the 2023/24 season.

RESOLVED: To authorize the City Manager to submit a road salt order of 2,500 tons to the State of Michigan for the 2023/24 season to participate in the MiDEAL bid process.

7e. Motion – To approve the 2023 HIDTA Sub-Recipient Agreement with Oakland County.

RESOLVED: To approve the 2023 HIDTA Agreement between Oakland County and the City of Auburn Hills and authorize the Chief of Police to sign the agreement on behalf of the City.

7f. Motion - To approve the Auburn Hills 2023 Painting Services Bid to Northstar Painting

RESOLVED: To award the Auburn Hills Painting Services 2023 bid to Northstar Painting, authorizing exterior painting services at Fieldstone Golf Course for \$27,625.00 and the DPW Brine Storage Area for \$2,200.00. Complete bid award is contingent upon funding approval from the respective Tax Increment Finance Authority budget line items. Budget funding was approved by the City Council as part of the 2023 Adopted Annual Budget depicted in the table below.

General Ledger Number	Amount
101-265-931.000	\$2,200.00
584-753-808.000	\$27,625.00
251-735-800.199	\$26,500
253-737-800.199	\$135,450

Moved by Carrier, Seconded by Knight.

RESOLVED: To approve the Consent Agenda.

VOTE: Yes: Carrier, Cionka, Knight, Marzolf, McDaniel, Verbeke

No: None

Resolution No. 23.03.031

Motion Carried (6- 0)

8. OLD BUSINESS

9. NEW BUSINESS

9a. Motion – To approve the Revised PUD Step Two – Site Plan and Tree Removal Permit / The Avant at Five Points.

Mr. Cohen presented the revisions for The Avant at Five Points PUD project and shared that this project was originally approved by City Council on November 18, 2019. He stated that the developer is wanting to change the interior units from 61 units to 68 units, removing the option for three-bedroom dwellings. These will be rental units per the original agreement. He stated that the physical structure will not be changing, only the interior designs. These changes will require seventeen additional parking spaces. He explained that there have been two main issues causing concerns from residents in the area: landscaping and excess water.

Mr. Hadid, owner of OYK Engineering and Construction was present.

Mr. Juidici explained that the existing water issues are due to the high-water table. He stated that swales will be installed to manage the different elevations allowing water to exit into the Hobart Drain and the storm water system, which at this time is only partially installed. It was also explained that there will be trees installed on the property to help with landscaping issues.

Patty Hassett, 2471 Joswick, addressed her concerns regarding the excess water and the workmanship of the project.

Mario DiBartolomeo, 2401 Joswick, spoke to the concerns regarding the craftsmanship and the elevation of the building.

Mayor McDaniel shared that he understands the concerns of the residents. However, he believes the engineering firm will make sure the developer follows the Development Agreement, or they do not get an occupancy permit. He also stated that the engineers have confirmed that what has been proposed will help the current water situation. Staff will handle any concerns with the wall through Code Enforcement. He reminded City Council that this area is zoned for B-2, which could allow for another type of establishment to be developed here.

Mr. Cohen reported that this land is zoned as B-2 but with a PUD overlay. He stated the PUD will address concerns with the wall. He stated that the wall, that was being referenced, did not display proper workmanship, so it was torn down and rebuilt and now displays a high level of workmanship.

Mr. Marzolf stated that he appreciates all the efforts that have been made. He stated that he has a fundamental problem with developing a wetland area. He also questioned the harmonious relationship with the development and the neighborhood, and this may have a detrimental effect on the natural characteristics of the parcel. He feels that there is too much of a development for too small of an area and expressed concern with water issues in the future that will be difficult to remedy.

Ms. Verbeke also shared her concerns regarding this development and is not in favor of developments where there are wetlands. She stated that Council has a responsibility to make sure the PUD is in the best interest of the community. She commented that if she lived in this area, she would have problems with the excess water as well. However, she stated she also understands the situation from the developer's point of view and his struggles with trying to complete a project through difficulties which have delayed the project.

Moved by Cionka, Seconded by Knight.

RESOLVED: To accept the Planning Commission's recommendation and approve the Revised PUD Step Two – Site Plan and Tree Removal Permit for The Avant at Five Points to construct a multiple-family residential development, subject to the conditions of the City's Administrative Review Team. The revised project, including all site improvements, shall be completed by July 1, 2024.

VOTE: Yes: Carrier, Cionka, Knight, McDaniel, Verbeke

No: Marzolf

Resolution No. 23.03.032

Motion Carried (5- 1)

9b. Public Hearing/Motion – To consider renewal of the remaining 2023 Liquor Licenses.

Ms. Pierce reported that Sonesta Select had paid their outstanding balance and recommended that the Public Hearing be cancelled for them and their liquor license be renewed.

Ms. Pierce reported that GotWings also paid their outstanding balances however, recommended that the Public Hearing still be held so that City Council could hear from the representative of Got Wings and ask any questions they may have as to why they were working without proper permits. She recommends that the liquor license be renewed.

Ms. Pierce reported that Rochester Mills Brewery and Tap Room has outstanding balances. She stated that they are not able to enter into a repayment schedule with Oakland County until they are in a foreclosure situation. Rochester Mills Brewery has been successful in paying some of their outstanding balance and they have submitted a letter addressing their plan for paying their past due bills. She is recommending the Public Hearing continue. She recommends their liquor license be renewed.

Mayor McDaniel opened the Public Hearing at 7:55 PM.

Got Wings owner, Ravi Ikkurthy was present and explained that he was trying to make improvements to the establishment and was not aware that permits were needed. Currently there is an architect working on a new design for this location and he is hoping to have it become a Sports Bar. All outstanding balances have been paid.

Rochester Mills Brewery and Tap Room Vice President, Eric Briggeman was present. He explained that he has submitted a repayment schedule to the City Clerk's Office. He clarified that this establishment is not being sold but in 2019 it was acquired by Two Roots Brewery, a parent company in Nevada.

The Mayor closed the Public Hearing at 8:00 PM.

Moved by Verbeke, Seconded by Carrier.

RESOLVED: To cancel the Public Hearing and to recommend approval of the annual liquor license renewal for Sonesta Select.

VOTE: Yes: Carrier, Cionka, Knight, Marzolf, McDaniel, Verbeke

No: None

Resolution No. 23.03.033

Motion Carried (6- 0)

Moved by Carrier, Seconded by Cionka.

RESOLVED: To recommend approval of the annual liquor license renewal for GotWings.

VOTE: Yes: Carrier, Cionka, Knight, Marzolf, McDaniel, Verbeke

No: None

Resolution No. 23.03.034

Motion Carried (6- 0)

Moved by Verbeke, Seconded by Cionka.

RESOLVED: To recommend approval of the annual liquor license renewal for Rochester Mills Brewery & Tap Room with the agreement that they will pay their financial obligation on the three dates as stated in the payment plan.

VOTE: Yes: Carrier, Cionka, Knight, Marzolf, McDaniel, Verbeke

No: None

Resolution No. 23.03.035

Motion Carried (6- 0)

9c. Motion – To accept the First Reading of an Ordinance to amend Chapter 74 to repeal existing Article I – Stormwater Discharge and adopt a new Article I – Stormwater Management and to set a Public Hearing for Second Reading / Adoption at the Meeting of April 17, 2023.

Mr. Keenan presented the first reading to amend Chapter 74, repealing Article 1 and adopting a new Article 1 for Stormwater Management. The new article will include three divisions that are required by EGLE under the City's NPDES Municipal Storm Sewer System permit. This will bring permit requirements into compliance.

Moved by Carrier, Seconded by Knight.

RESOLVED: To accept the First Reading of the Ordinance to amend Chapter 74 – Utilities of the Auburn Hills Code of Ordinances, as amended, to repeal existing Article I – Stormwater Discharge and adopt a new Article I – Stormwater Management, to comply with EGLE's Municipal Separate Storm Sewer System permit requirements and to set for Public Hearing and Second Reading / Adoption at the meeting of April 17, 2023.

VOTE: Yes: Carrier, Cionka, Knight, Marzolf, McDaniel, Verbeke

No: None

Resolution No. 23.03.036

Motion Carried (6- 0)

9d. Motion – To approve the resolution to file Chapter 20 Petition for the Clinton River Water Resource Recovery Facility Optimization Project.

Mr. Deman explained that the improvements will help to bring the Clinton River Water Resource Recovery Facility into compliance. The project and improvements will ensure this facility will operate for the good of the area and surrounding communities.

Moved by Cionka, Seconded by Verbeke.

RESOLVED: To approve the resolution to file Chapter 20 Petition for the Clinton River Water Resource Recovery Facility Optimization Project. (Attachment B)

VOTE: Yes: Carrier, Cionka, Knight, Marzolf, McDaniel, Verbeke

No: None

Resolution No. 23.03.037

Motion Carried (6- 0)

10. COMMENTS AND MOTIONS FROM COUNCIL

Ms. Verbeke – She commented that she appreciated the Roberts Rules of Order session that was provided to Board and Commission members. She asked to be updated on the railroad tracks at Joslyn and Brown Roads.

Mr. Knight – He shared that he has only missed five meetings in his 27 years of service and was sorry he missed the Roberts Rules of Order session. He contacted Chief Massingill and informed him of his support for the purchase of the new engine.

Mr. Carrier – He wished everyone a Happy Spring.

Mayor McDaniel – He stated that the Council's thoughts and prayers go out to Mr. and Mrs. Hawkins as they grieve the loss of Mrs. Hawkins mother.

11. CITY ATTORNEY REPORT

12. CITY MANAGER REPORT

Mr. Tanghe – He wished Mr. Knight a Happy 92nd Birthday.

13. ADJOURNMENT

Hearing no objections, the Mayor adjourned the meeting at 8:17 PM.

Kevin R. McDaniel, Mayor

Laura M. Pierce, City Clerk

ATTACHMENT A

RESOLUTION NO. 23-01

ACCEPTANCE OF HAMLET COURT FROM HAMLET ROAD TO ROADS END

At a regular meeting of the City Council of the City of Auburn Hills, Michigan, held at the City Hall on March 20, 2023, the following resolution was offered by Council Member Carrier, and supported by Council Member Knight:

Whereas the City of Auburn Hills did acquire title to Hamlet Court.

And whereas it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW THEREFORE IT IS RESOLVED:

1. That the centerline of said street as described:

CENTERLINE OF HAMLET COURT (60 FT. WIDE)
(BETWEEN HAMLET ROAD & ROADS END)

A centerline of road being situated in the South 1/2 of Section 35, Town 3 North, Range 10 East, City of Auburn Hills, Oakland County, Michigan, described as follows:
Commencing at the W 1/4 corner of said Section 35; thence S 00°04'13" E 362.53 feet along the West line of said Section 35; thence N 77°00'09" E 2392.25 feet; thence S 12°59'51" E 206.0 feet; thence N 77°00'09" E 16.86 feet; thence S 12°59'51" E 60.0 feet; thence S 10°41'30" E 324.0 feet; thence N 79°18'30" E 120.0 feet; thence S 10°41'30" E 880.02 feet to a point on the South right of way line of Hamlet Road (60 ft. wide); thence along said South line 135.0 feet along a curve to the right, radius 180.0 feet, delta 42°58'24", chord bears N 79°12'27" W 131.86 feet; thence N 47°59'07" W 60.88 feet to a point on the centerline of Hamlet Court (60 ft. wide), also being the Point of Beginning; thence along said centerline: S 51°45'05" W 127.98 feet to the Point of Ending.

2. That said street is located within a City right-of-way and under the control of the City of Auburn Hills.

3. That said street is a public street and is for public street purposes.

4. That said street is accepted into the municipal street system and is open to the public for public use on or before December 31, 2022.

AYES: 6 (Carrier, Cionka, Knight, Marzolf, McDaniel, Verbeke)

NAYES: None

ABSENT: 1 (Hawkins)

ABSTENTIONS: None

Resolution Adopted

STATE OF MICHIGAN)

COUNTY OF OAKLAND)

I, Laura M. Pierce, the duly qualified and appointed City 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 Auburn Hills City Council held on the 20th day of March, 2023, the original of which is on file in my office.

In witness whereof, I have hereunto affixed my official signature on this ____ day of _____, 2023.

Laura M. Pierce

City Clerk

RESOLUTION NO. 23-02
ACCEPTANCE OF OLD SALEM COURT FROM OLD SALEM ROAD TO ROADS END

At a regular meeting of the City Council of the City of Auburn Hills, Michigan, held at the City Hall on March 20, 2023, the following resolution was offered by Council Member Carrier, and supported by Council Member Knight:

Whereas the City of Auburn Hills did acquire title to Old Salem Court.

And whereas it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW THEREFORE IT IS RESOLVED:

1. That the centerline of said street as described:

CENTERLINE OF OLD SALEM COURT (60 FT. WIDE)
(BETWEEN OLD SALEM ROAD & ROADS END)

A centerline of road being situated in the South 1/2 of Section 35, Town 3 North, Range 10 East, City of Auburn Hills, Oakland County, Michigan, described as follows:

Commencing at the W 1/4 corner of said Section 35; thence S 00°04'13" E 362.53 feet along the West line of said Section 35; thence N 77°00'09" E 890.0 feet; thence S 10°25'07" E 221.91 feet; thence S 14°53'56" E 64.45 feet; thence S 39°35'57" E 112.40 feet; thence S 27°23'59" W 75.21 feet; thence S 12°59'51" E 62.10 feet; thence S 07°29'45" W 63.98 feet; thence S 11°05'10" E 79.06 feet; thence S 01°52'30" E 41.85 feet; thence N 77°00'09" E 685.36 feet; thence S 12°59'51" E 120.0 feet to a point on the Northerly right of way line of Old Salem Road (60 ft. wide); thence along said Northerly line S 77°00'09" W 260.26 feet and 165.05 feet along a curve to the left, radius 315.0 feet, delta 30°01'16", chord bears S 61°59'31" W 163.17 feet; thence S 41°29'28" W 60.28 feet to a point on the centerline of Old Salem Court (60 ft. wide), also being the Point of Beginning; thence along said centerline of Old Salem Court N 54°00'00" W 105.0 feet to the Point of Ending.

2. That said street is located within a City right-of-way and under the control of the City of Auburn Hills.

3. That said street is a public street and is for public street purposes.

4. That said street is accepted into the municipal street system and is open to the public for public use on or before December 31, 2022.

AYES: 6 (Carrier, Cionka, Knight, Marzolf, McDaniel, Verbeke)

NAYES: None

ABSENT: 1 (Hawkins)

ABSTENTIONS: None

Resolution Adopted

STATE OF MICHIGAN)

COUNTY OF OAKLAND)

I, Laura M. Pierce, the duly qualified and appointed City 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 Auburn Hills City Council held on the 20th day of March, 2023, the original of which is on file in my office.

In witness whereof, I have hereunto affixed my official signature on this ____ day of _____, 2023.

Laura M. Pierce
City Clerk

RESOLUTION NO. 23-03
ACCEPTANCE OF OLD SALEM ROAD FROM JAMESTOWN ROAD TO ROADS END

At a regular meeting of the City Council of the City of Auburn Hills, Michigan, held at the City Hall on March 20, 2023, the following resolution was offered by Council Member Carrier, and supported by Council Member Knight:

Whereas the City of Auburn Hills did acquire title to Old Salem Road.

And whereas it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW THEREFORE IT IS RESOLVED:

1. That the centerline of said street as described:

CENTERLINE OF OLD SALEM ROAD (60 FT. WIDE)
(BETWEEN JAMESTOWN & ROADS END)

A centerline of road being situated in the South 1/2 of Section 35, Town 3 North, Range 10 East, City of Auburn Hills, Oakland County, Michigan, described as follows:
Commencing at the W 1/4 corner of said Section 35; thence S 00°04'13" E 362.53 feet along the West line of said Section 35; thence N 77°00'09" E 890.0 feet; thence S 10°25'07" E 221.91 feet; thence S 14°53'56" E 64.45 feet; thence S 39°35'57" E 112.40 feet; thence S 27°23'59" W 75.21 feet; thence S 12°59'51" E 62.10 feet; thence S 07°29'45" W 63.98 feet; thence S 11°05'10" E 79.06 feet; thence S 01°52'30" E 41.85 feet; thence N 77°00'09" E 685.36 feet; thence S 12°59'51" E 150.0 feet to a point on the centerline of Old Salem Road (60 ft. wide), also being the Point of Beginning; thence along said centerline of Old Salem Road S 77°00'09" W 111.25 feet to a point on the centerline of Old Salem Road and the extended Westerly line of Jamestown Road, also being the Point of Ending.

2. That said street is located within a City right-of-way and under the control of the City of Auburn Hills.

3. That said street is a public street and is for public street purposes.

4. That said street is accepted into the municipal street system and is open to the public for public use on or before December 31, 2022.

AYES: 6 (Carrier, Cionka, Knight, Marzolf, McDaniel, Verbeke)
NAYES: None
ABSENT: 1 (Hawkins)
ABSTENTIONS: None

Resolution Adopted

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

I, Laura M. Pierce, the duly qualified and appointed City 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 Auburn Hills City Council held on the 20th day of March, 2023, the original of which is on file in my office.

In witness whereof, I have hereunto affixed my official signature on this ____ day of _____, 2023.

Laura M. Pierce
City Clerk

RESOLUTION NO. 23-04
ACCEPTANCE OF SOUTHAMPTON COURT FROM SOUTHAMPTON ROAD TO ROADS END

At a regular meeting of the City Council of the City of Auburn Hills, Michigan, held at the City Hall on March 20, 2023, the following resolution was offered by Council Member Carrier, and supported by Council Member Knight:

Whereas the City of Auburn Hills did acquire title to Southampton Court.

And whereas it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW THEREFORE IT IS RESOLVED:

1. That the centerline of said street as described:

CENTERLINE OF SOUTHAMPTON COURT (60 FT. WIDE)
(BETWEEN SOUTHAMPTON ROAD & ROADS END)

A centerline of road being situated in the South 1/2 of Section 35, Town 3 North, Range 10 East, City of Auburn Hills, Oakland County, Michigan, described as follows:
Commencing at the S 1/4 corner of said Section 35; thence S 89°39'29" W 878.40 feet along the South line of said Section 35; thence N 00°20'31" W 60.0 feet; thence N 89°39'29" E 20.0 feet; thence N 00°20'31" W 153.0 feet; thence S 89°39'29" W 20.0 feet; thence N 00°20'31" W 64.44 feet; thence N 60°30'12" W 24.51 feet; thence N 29°29'48" E 140.0 feet; thence N 38°57'15" E 60.82 feet; thence N 29°29'48" E 110.0 feet; thence N 33°56'24" W 54.04 feet; thence N 79°55'00" W 79.73 feet to a point on the Northerly right of way line of Southampton Road (60 ft. wide); thence along said Northerly line 106.01 feet along a curve to the right, radius 360.0 feet, delta 16°52'17", chord bears N 55°11'52" E 105.62 feet; thence N 68°25'53" E 60.22 feet to a point on the centerline of Southampton Court (60 ft. wide), also being the Point of Beginning; thence along said centerline of said Southampton Court N 16°39'01" W 149.88 feet to the Point of Ending.

2. That said street is located within a City right-of-way and under the control of the City of Auburn Hills.

3. That said street is a public street and is for public street purposes.

4. That said street is accepted into the municipal street system and is open to the public for public use on or before December 31, 2022.

AYES: 6 (Carrier, Cionka, Knight, Marzolf, McDaniel, Verbeke)

NAYES: None

ABSENT: 1 (Hawkins)

ABSTENTIONS: None

Resolution Adopted

STATE OF MICHIGAN)

COUNTY OF OAKLAND)

I, Laura M. Pierce, the duly qualified and appointed City 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 Auburn Hills City Council held on the 20th day of March, 2023, the original of which is on file in my office.

In witness whereof, I have hereunto affixed my official signature on this ____ day of _____, 2023.

Laura M. Pierce
City Clerk

RESOLUTION NO. 23-05
ACCEPTANCE OF ST MARYS ALLEY FROM ST. MARYS STREET TO ROADS END

At a regular meeting of the City Council of the City of Auburn Hills, Michigan, held at the City Hall on March 20, 2023, the following resolution was offered by Council Member Carrier, and supported by Council Member Knight:

Whereas the City of Auburn Hills did acquire title to St. Marys Alley.

And whereas it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW THEREFORE IT IS RESOLVED:

1. That the centerline of said street as described:

CENTERLINE OF ST. MARYS ALLEY (20 FT. WIDE)
(BETWEEN ST. MARYS STREET & ROADS END)

A centerline of alley being situated in the E 1/2 of the SW 1/4 of Section 5, Town 3 North, Range 10 East, City of Auburn Hills, Oakland County, Michigan, described as follows:

Commencing at the S 1/4 corner of said Section 5; thence S 87°06'42" W 1182.80 feet along the South line of said Section 5; thence N 13°09'25" W 405.48 feet along the Easterly right of way line of Baldwin Road; thence N 86°08'49" E 110.82 feet to a point on the centerline of St. Mary's Alley (20 ft. wide), also being the Point of Beginning; thence N 03°51'11" W 538.0 feet along said centerline to the Point of Ending.

2. That said street is located within a City right-of-way and under the control of the City of Auburn Hills.
3. That said street is a public street and is for public street purposes.
4. That said street is accepted into the municipal street system and is open to the public for public use on or before December 31, 2022.

AYES: 6 (Carrier, Cionka, Knight, Marzolf, McDaniel, Verbeke)

NAYES: None

ABSENT: 1 (Hawkins)

ABSTENTIONS: None

Resolution Adopted

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

I, Laura M. Pierce, the duly qualified and appointed City 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 Auburn Hills City Council held on the 20th day of March, 2023, the original of which is on file in my office.

In witness whereof, I have hereunto affixed my official signature on this ____ day of _____, 2023.

Laura M. Pierce
City Clerk

ATTACHMENT B

At a public meeting of the Council of the City of Auburn Hills, Oakland County, Michigan held on March 20, 2023.

PRESENT: Council Members Carrier, Cionka, Knight, Marzolf, McDaniel, Verbeke

ABSENT: Council Member Hawkins

The following resolution was offered by Council Member Cionka and seconded by Council Member Verbeke :

Whereas: The Clinton River Water Resource Recovery Facility (the “Facility”) contributes to the safety of the public health and environment by providing for surface water quality in the area served by the Facility, including the *City of Auburn Hills*; and

Whereas: Certain equipment at the Facility that is necessary to provide such surface water quality is aging and obsolete; and

Whereas: A Consent Judgment ordered by the Ingham County Circuit Court on July 24, 2009 (the “Judgment”), between the City of Pontiac and the Michigan Department of Environmental Quality (subsequently renamed as the Michigan Department of Environment, Great Lakes, and Energy) with respect to the Facility, requires completion of actions specified in the Judgment, pursuant to Part 31 of Michigan’s Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended, to bring the Facility into compliance with the Michigan Department of Environment, Great Lakes, and Energy’s 2002 sanitary sewer overflow policy and clarification statement.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AUBURN HILLS, OAKLAND COUNTY, MICHIGAN, as follows:

1. That the *City of Auburn Hills* make and cause to be filed a petition in form substantially as follows:

PETITION

**TO THE DRAINAGE BOARD FOR THE HEREINAFTER DESCRIBED
OAKLAND COUNTY, MICHIGAN CLINTON RIVER WATER RESOURCE
RECOVERY FACILITY DRAIN PROJECT**

The undersigned public corporation hereby petitions for the location, establishment study, design and construction of an intra-county drain project consisting of improving the Clinton River Water Resource Recovery Facility, an intra-county drain for the treatment of sanitary sewage located in the City of Pontiac, and all improvements necessary to bring the Clinton River Water Resource Recovery Facility into compliance with the Consent Judgment ordered by the Ingham County Circuit Court on July 24, 2009, between the City of Pontiac and the Michigan Department of Environmental Quality (subsequently renamed as the Michigan Department of Environment, Great Lakes, and Energy) with respect to the Clinton River Water Resource Recovery Facility, which improvements shall include, without limitation, one or more of the following:

1. At the Auburn Resource Recovery Facility:
 - a. Additions to and/or refurbishments of the facility's peak flow storage capacity along with additions and modifications to the secondary clarifier processes that satisfactorily meet the requirements of the State of Michigan Department of Environmental, Great Lakes and Energy, as well as all work, rights of way, easements, sitework, equipment and appurtenances necessary or incidental thereto;
 - b. Improvements to pump stations and appurtenances related to the sewage treatment process, and the addition of new secondary clarifiers including all sludge conveyance related channels and pipes;
 - c. Installation of new piping, electrical, controls and modifications to the existing blower system including building modifications;
 - d. Improvements to electrical system, backup generators and cogeneration units to centralize the power supply; and installation of new switchgear, primary and secondary power lines, low & medium voltage, related electrical gear; and the removal and replacement of obsolete generators, electrical wiring, conduit, poles and equipment to optimize the plant power supply from DTE Energy to all buildings and components of the facilities along with related control work;
 - e. Biogas cleaning and scrubbing equipment and related infrastructure additions and improvements to maximize and optimize plant operations and efficiencies relating to the sludge digestion processes including digester modifications and the thermal and microbial hydrolysis treatment trains;
 - f. All work, rights of way, easements, sitework, electrical and mechanical improvements, equipment and appurtenances necessary or incidental thereto.

- 2. At the East Boulevard Recovery Facility: installation of new switchgear, primary and secondary power lines and gear; and removal and replacement of obsolete generators, electrical wiring, conduit, poles and equipment to optimize the plant power supply from DTE Energy to all buildings and components of the facilities along with related control work;

Said drain project is necessary for the public health, and will serve property located entirely within the limits of the City of Auburn Hills, the Charter Township of Independence, the City of Lake Angelus, the Village of Lake Orion, the Charter Township of Oakland, the Charter Township of Orion, the Charter Township of Oxford, the City of Pontiac, the City of Rochester, the City of Rochester Hills, the Charter Township of Waterford and the Charter Township of West Bloomfield (collectively, the “Communities”). The Clinton River Water Resource Recovery Facility receives, treats and discharges sanitary wastewater originating in the County of Oakland only.

This petition is filed pursuant to the provisions of Chapter 20 of Act No. 40 of the Public Acts of Michigan of 1956, as amended.

It is understood and agreed that the entire cost of the drain project, including litigation costs and the amount of any judgment, arbitration award or settlement, to the extent such costs are payable by the proposed drainage district, is to be assessed against this petitioner and all other public corporations that benefit from the drain project and contribute to the conditions that make the drain project necessary.

A certified copy of the resolution of the governing body of *the City of Auburn Hills* authorizing execution of this petition is attached hereto.

CITY OF AUBURN HILLS

By: _____
Mayor

By: _____
Clerk

2. That the *Mayor* and *City Clerk* are authorized and directed to execute the petition for and on behalf of the *City of Auburn Hills* and to file the same with the Water Resources Commissioner of the County of Oakland.

3. That the *City Council* hereby consents to the assessment of its share of the entire cost of the drain project against the *City*.

4. That the *City* agrees that it will pay its share of the costs incurred by the Oakland County Water Resources Commissioner or by the drainage district contemplated herein in the event the drain or any portion thereof, for any reason, is not constructed.

5. The *City* acknowledges that the County of Oakland, its Board of Commissioners, and the Oakland County Water Resources Commissioner will not contribute to the cost of the drain project or its operation and maintenance except to the extent that the County of Oakland may be assessed for the cost of the drain project or may agree to contribute to the cost of the drain project in accordance with the provisions of Chapter 20 of Act No. 40 of the Public Acts of Michigan of 1956, as amended.

6. That all prior resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

ADOPTED: Yeas - 6 (Carrier, Cionka, Knight, Marzolf, McDaniel, Verbeke) _____

Nays - None _____

STATE OF MICHIGAN)
) SS

COUNTY OF OAKLAND)

I hereby certify that that foregoing is a true and complete copy of a resolution adopted by the *Council* of the *City of Auburn Hills*, Oakland County, Michigan, at a *public* meeting held on *March 20, 2023*, the original of which is on file in my office. I certify further that notice of the meeting was given and such meeting was conducted in accordance with the Open Meetings Act.

City Clerk

City of Auburn Hills