



CITY OF AUBURN HILLS

REGULAR CITY COUNCIL MEETING

MINUTES

JUNE 17, 2024

CALL TO ORDER & Mayor Marzolf at 7:00 PM.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL: Present: Council Members Ferguson, Fletcher, Hawkins, Knight, Marzolf, and Verbeke

Absent: Council Member McDaniel

Also Present: City Manager Tanghe, Assistant City Manager Skopek, City Attorney Beckerleg, Deputy City Clerk Klassen, Chief of Police Gagnon, Fire Chief Massingill, Finance Director Schulz, DPW Director Baldante, Mgr. of Public Utilities Demand, Director of Community Development Cohen, Asst to Dir./ Construction Coord Lang, Assistant to the Manager Hagge, OHM Advisor Juidici & Driesenga

20 Guests

4. APPROVAL OF MINUTES

4a. City Council Regular Meeting Minutes, June 3, 2024.

Moved by Knight, Seconded by Verbeke.

RESOLVED: To approve the City Council Regular Meeting Minutes of June 3, 2024.

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, Verbeke

No: None

Resolution No. 24.06.89

Motion Carried (6 - 0)

5. APPOINTMENTS AND PRESENTATIONS

5a. Motion - To confirm the reappointment of Greg Ouellette to the Planning Commission

Moved by Hawkins, Seconded by Ferguson.

RESOLVED: To approve the reappointment of Greg Ouellette to the Planning Commission.

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, Verbeke

No: None

Resolution No. 24.06.90

Motion Carried (6 - 0)

5b. Motion - To confirm the reappointment of Raymond Saelens to the Planning Commission

Moved by Knight, Seconded by Fletcher.

RESOLVED: To approve the reappointment of Raymond Saelens to the Planning Commission

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, Verbeke

No: None

Resolution No. 24.06.91

Motion Carried (6 - 0)

5c. Motion – Receive and accept the 2023 Financial Statements with Supplemental information and the Governance letter

Moved by Knight, Seconded by Ferguson.

RESOLVED: To receive and accept the 2023 Financial Statements with Supplemental information and the Governance letter

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, Verbeke

No: None

Resolution No. 24.06.92

Motion Carried (6 - 0)

6. PUBLIC COMMENT

There was no public comment.

7. CONSENT AGENDA

7a. Board and Commission Minutes

7a1. Planning Commission, June 5, 2024

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

7b. Motion – To award contract for Woodlands Consultant Services / Site Specific, Inc.

RESOLVED: To award the contract for professional services for Woodland Consultant Services to Site Specific, Inc. and authorize the City Manager to execute the Agreement on behalf of the City. In addition, the City Clerk is authorized to amend the woodland review fees in the City's 2024 Fee Schedule effective June 21, 2024, in accordance with the new contract.

7c. Motion – To receive and file the 2023 Retirement System Annual Report.

RESOLVED: To receive and file the 2023 Retirement System Annual Report.

7d. Motion – To receive and file the encumbrance 2024 budget amendment increasing the 2024 budget for encumbered goods or services not yet received as of 12/31/2023.

RESOLVED: To receive and file the encumbrance 2024 budget amendment increasing the 2024 budget for encumbered goods or services not yet received as of 12/31/2023.

7e. Motion – To approve the MDOT Contract and Resolution for Lapeer Road Improvements.

RESOLVED: To accept the MDOT Contract and Resolution for Lapeer Road Improvements. (Attachment A)

Moved by Fletcher, Seconded by Ferguson.

RESOLVED: To approve the Consent Agenda.

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, Verbeke

No: None

Resolution No. 24.06.93

Motion Carried (6 - 0)

8. UNFINISHED BUSINESS

9. NEW BUSINESS

9a. Motion – To approve Special Land Use Permit, Site Plan, and Tree Removal Permit / The Learning Experience

Mr. Cohen presented the Special Land Use Permit and Tree Removal Permit for The Learning Experience, a 10,000 square-foot childcare facility located on the Five Points Community Church property. He reported that the site for this project is challenging and therefore retaining walls will be installed. He shared that traffic safety was the key concern at the Planning Commission meeting.

Mr. Juidici shared that a traffic study was conducted, and the driveway would be located to the south side of the site since the north end of the site would conflict with other driveways. He shared that the traffic plan will function appropriately when the childcare facility is operational. Approximately 55 vehicles will make the trip to and from the site during peak hours.

Mr. Lorenzo Cavaliere of Cavaliere Companies/Triangle LLC was present.

City Council Members shared that they are concerned that people would have to turn left onto Squirrel Road to enter this property and that a deceleration lane should be installed due to the speed of the traffic on southbound Squirrel Road.

Mr. Juidici shared that based on the speed limit being posted at 35mph, a deceleration lane could confuse drivers. There will be a driveway taper to help people traveling into the site.

City Council Members expressed concern about the traffic configuration and the sight limitations in this area.

Moved by Ferguson moved to accept the Planning Commission’s recommendation and approve the Special Land Use Permit, Site Plan, and Tree Removal Permit approval for The Learning Experience subject to the conditions of the City’s Administrative Review Team.

The Motion failed due to lack of support.

Moved by Hawkins, Seconded by Verbeke.

RESOLVED: To postpone until future notice.

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, Verbeke

No: None

Resolution No. 24.06.94

Motion Carried (6 - 0)

9b. Motion – To approve the Third Amendment to the November 2, 1994 Host Community Agreement and Development Plan / Oakland Heights Development Landfill.

Mr. Cohen presented the third amendment to the November 2, 1994 Host Community Agreement and Development Plan with Oakland Heights Development Landfill. He shared that this agreement was drafted in preparation for the closure of this development. The agreement stated that Oakland Heights Development Landfill was to install a walking trail, plantings and berms but, due to landfill gas, leachate collection and other hazardous conditions, they will compensate the city in the amount of \$582,025.00 to replace the walking trail.

City Council Members shared their concerns about the landfill being unsightly and that they would like to see wildflowers, trees or something planted in the area to make it look good.

Mr. Moore stated that he is not able to plant any vegetation on the property due to the State requirements for monitoring the landfill. He explained that once closed, the landfill can still generate gas for 20-30 years. They are required by the State to report gas levels on the landfill. He also stated that the trees they have planted are not surviving due to the plastic layer that has been laid down for the capping process. They will plant grass and will maintain the appearance.

Moved by Hawkins, Seconded by Knight.

RESOLVED: To accept the agreement between the City of Auburn Hills and Republic Services under the name of Oakland Heights Development, Inc., as expressed in the document titled Third Amendment to the November 2, 1994 Host Community Agreement and Development Plan.

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, Verbeke

No: None

Resolution No. 24.06.95

Motion Carried (6 - 0)

9c. Motion – To approve text amendment to Zoning Ordinance / Article IX-A. D, Downtown Districts; Section 1805. Off-Street Parking Space Layout, Standards, Construction, and Maintenance; and Section 1830. Planned Unit Development Option

Mr. Cohen presented the text amendment to the Zoning Ordinance that will address Parking Structure Standards, Off-Street Parking for New Residential Dwelling Units and an Expiration Date for PUD Projects.

Mayor Marzolf shared that this will help with any parking concerns in the downtown area.

Moved by Verbeke, Seconded by Ferguson

RESOLVED: To accept the Planning Commission's recommendation and to approve the enclosed text amendment, amending Article IX-A. D, Downtown Districts; Section 1805. Off-Street Parking Space Layout, Standards, Construction, and Maintenance; and Section 1830. Planned Unit Development Option of the Zoning Ordinance. It shall be referenced as Ordinance No. 24-939. (Attachment B)

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, Verbeke

No: None

Resolution No. 24.06.96

Motion Carried (6 - 0)

9d. Public Hearing/Motion to consider non-renewal of the hotel license for Hyatt Place, 1545 N. Opdyke Road.

Ms. Klassen presented Hyatt Place for non-renewal based on their lack of compliance with the City Ordinance.

Mayor Marzolf opened the Public Hearing at 8:12 PM.

Representatives of the hotel were present and shared the camera installation was scheduled within the next two days.

Chief Gagnon confirmed that the Police Department has been working with the hotels and confirmed the statement of the representatives that were present.

Mayor Marzolf closed the Public Hearing at 8:14 PM.

Moved by Verbeke, Seconded by Fletcher.

RESOLVED: To grant a thirty-day extension to Hyatt Place, 1545 N. Opdyke Road, to allow the hotel additional time to address each violation as stated in the staff reports. Further, if the violations have not been fully addressed, the hotel representative is required to report back to City Council at the July 15, 2024 City Council Meeting.

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, Verbeke

No: None

Resolution No. 24.06.97

Motion Carried (6 - 0)

9e. Public Hearing/Motion to consider non-renewal of the hotel license for Sonesta ES Suites, 2050 Featherstone Road.

Ms. Klassen presented Sonesta ES Suites for non-renewal based on their lack of compliance with the City Ordinance.

Mayor Marzolf opened the Public Hearing at 8:16 PM.

Michael Brown, Attorney with Carlin Edwards Brown PLLC and Michele Tomaszewski shared that they have been working on the installation of the cameras. They have experienced a delay for the outdoor cameras that required outdoor trenching and had to wait on Miss Dig. The outdoor installation should be operational tomorrow.

Chief Gagnon confirmed that the Police Department has been working with the hotels, and confirmed the statement of the representative that was present.

Mayor Marzolf closed the Public Hearing at 8:18 PM.

Moved by Verbeke, Seconded by Knight.

RESOLVED: To grant a thirty-day extension to Sonesta ES Suites, 2050 Featherstone Road, to allow the hotel additional time to address each violation as stated in the staff reports. Further, if the violations have not been fully addressed, the hotel representative is required to report back to City Council at the July 15, 2024 City Council Meeting.

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, Verbeke

No: None

Resolution No. 24.06.98

Motion Carried (6 - 0)

9f. Public Hearing/Motion to consider non-renewal of the hotel license for Embassy Suites, 2300 Featherstone Road.

Ms. Klassen presented Embassy Suites for non-renewal based on their lack of compliance with the City Ordinance.

Mayor Marzolf opened the Public Hearing at 8:19 PM.

Jerry Gleason and Rodney Jackson stated that there was work still needing to be done and that they would prefer a ninety-day extension. Mr. Gleason shared that they are expecting a date in July for delivery. They are in the process, of reviewing the invoice to ensure they are receiving what is needed.

Ms. Verbeke asked if the materials had been ordered and what is the expected timeframe.

Chief Gagnon confirmed that the Police Department has been working with the hotel and confirmed the statement of the representatives that were present. He stated that when operational, the front desk clerk

needs to be able to visibly see the monitors. Embassy Suites has addressed the other issues, other than the cameras, and they have been cooperative.

Mayor Marzolf closed the Public Hearing at 8:23 PM.

Moved by Verbeke, Seconded by Fletcher.

RESOLVED: To grant a ninety-day extension to Embassy Suites, 2300 Featherstone Road, to allow the hotel additional time to address each violation as stated in the staff reports. Further, if the violations have not been fully addressed, the hotel representative is required to report back to City Council at the September 23, 2024 City Council Meeting.

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, Verbeke

No: None

Resolution No. 24.06.99

Motion Carried (6 - 0)

9g. Motion – To approve GFL Environmental USA, Inc.’s Sale of Assets to Priority Waste LLC.

Mr. Tanghe shared that GFL Environmental USA is in the process of selling their residential assets to Priority Waste. The current agreement with GFL states that they are not able to violate the contract and that City Council must grant a resolution and sign off to transfer any assets. The agreement letter has been modified to include the signature of Priority Waste to accept the agreements of the original contract between GFL and the city.

Don Barretta of GFL and Dan Venet of Priority Waste were present.

Mr. Venet shared that all the details of the current contract will be observed, and any process changes will be beneficial to the residents. He shared that the residents will not have to change what they are currently using as trash bins. On July 1, 2024 Priority Waste will begin collecting trash. He stated that the pick-up days will not change, and the services provided through GFL will not change. He stated that everything in the current contract will be honored. The residential information will be shared between GFL and Priority Waste, but the financial portion will not. Residents will be able to pay online, with a check or credit card.

Moved by Verbeke, Seconded by Knight.

RESOLVED: To approve and accept GFL Environmental USA, Inc.’s sale of assets to Priority Waste LLC subject to Priority Waste LLC signing an Agreement to assume all obligations and requirement of the December 17, 2021 contract between GFL Environmental Services, Inc. and the City of Auburn Hills with Priority Waste LLC agreeing to be bound by and comply with all of the terms and conditions of said contract. Furthermore, authorize the City Manager to execute the letter on behalf of the City upon receiving the authorized signature from Priority Waste LLC.

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, Verbeke

No: None

Resolution No. 24.06.100

Motion Carried (6 - 0)

9h. Motion – To approve bid award for South Blvd Water Main

Mr. Deman presented the bid award for the construction project taking place for the South Blvd water main. This installation will give the city a strong infrastructure in the south end of the city. He commented that the

largest and most challenging part of this job will be the new water main connection installed under I75. He stated that any pathway that is disturbed will be replaced.

Moved by Knight, Seconded by Verbeke.

RESOLVED: To award the contracts to DVM Utilities for \$4.9M, OHM Advisors for \$320K, and G2 Consulting for \$90K. Additionally, to increase the budget in GL 592.536.971.002-SOUTHBLVDWM by \$824K to fully fund the project.

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, Verbeke

No: None

Resolution No. 24.06.101

Motion Carried (6 - 0)

10. COMMENTS AND MOTIONS FROM COUNCIL

Mr. Knight shared that he is pleased with the concerts in the park.

Mr. Hawkins shared that he took people downtown and they were very impressed with the downtown area.

Mayor Marzolf shared that thoughts and prayers are going out to those that were affected by the incident at the Rochester Hills Splash pad.

11. CITY ATTORNEY REPORT

12. CITY MANAGER REPORT

Mr. Tanghe shared that he is pleased to be a part of the Oakland County Mutual Aid program and the communities that serve one another in a time of need.

13. ADJOURNMENT

Moved by Verbeke, Seconded by Hawkins.

RESOLVED: To adjourn the meeting.

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, Verbeke

No: None

Resolution No. 24.06.102

Motion Carried (6 - 0)

The meeting adjourned at 8:58 PM.

Brain W. Marzolf, Mayor

Kristine Klassen, Deputy Clerk

(ATTACHMENT A)

Resolution

Be it resolved that

Contract No. 24-5229, Control Section EDA 63112, Job Number 220938CON

With Location M-24

By and between the

Michigan Department of Transportation

and the

City of Auburn Hills

Is hereby accepted.

The following Officials are authorized to sign the said contract:

Thomas A. Tanghe, City Manager

Stephen Baldante, DPW Director

Moved by: Council Member Fletcher

Supported by: Council Member Ferguson

ADOPTED: AYES: 6 (Ferguson, Fletcher, Hawkins, Knight, Marzolf, Verbeke)

NAYES: None

Absent: 1 (McDaniel)

I hereby certify that the foregoing is a true and correct copy of the resolution made and adopted at a regular meeting of the Auburn Hills City Council, on the 17th day of June 2024.

Signed: _

Laura Pierce, City Clerk, City of Auburn Hills

(ATTACHMENT B)

CITY OF AUBURN HILLS ORDINANCE NO. 24-939

TEXT AMENDMENT TO ZONING ORDINANCE

AN ORDINANCE TO AMEND ARTICLE IX-A. D, DOWNTOWN DISTRICTS AND ARTICLE XVIII. GENERAL PROVISIONS OF THE AUBURN HILLS ZONING ORDINANCE NO. 372 ADDRESSING OFF-STREET PARKING REQUIREMENTS AND PLANNED UNIT DEVELOPMENT OPTION PLAN APPROVAL TIME FRAMES AND AMENDMENT PROCESS

THE CITY OF AUBURN HILLS ORDAINS

Section 1.

Section 907. Requirements For All Uses of Article IX-A. D, Downtown Districts, of Auburn Hills Zoning Ordinance No. 372, as amended, amend Subsection 6 to read as follows:

6. Off-Street Parking Requirements: Off-street parking shall not be required for uses other than residential units. Residential units shall provide off-street parking per the following requirements:
 - A. Studio and one-bedroom units – One (1) parking space per dwelling unit.
 - B. Two-bedroom units – One and one-half (1.5) parking spaces per dwelling unit.
 - C. Three or more-bedroom units – Two (2) parking spaces per dwelling unit.

If off-street parking is provided, it shall meet the applicable requirements of Sections 1804 and 1805. Off-street parking shall be located in the rear of the building unless the City Council, after the Planning Commission's review and recommendation, approves other locations. Municipal parking structures shall be subject to Section 905 and the provisions of Section 1805, Item 10.

Section 2.

Section 1805. Off-Street Parking Space Layout, Standards, Construction, and Maintenance of Article XVIII. General Provisions, of Auburn Hills Zoning Ordinance No. 372, as amended, amend Subsection 10 to read as follows:

10. Parking Structure. Parking decks and/or structures may be permitted to satisfy off-street parking regulations under the purview of Section 1818, Special Land Uses Permitted, with the exception that municipal parking structures shall be allowed as Principal Uses Permitted in the D, Downtown District. Parking decks and/or structures are subject to the following provisions:
 - A. The parking structure shall not exceed the maximum height of structures permitted by the zoning district in Article XVII. Schedule of Regulations, with the exception that

municipal parking structures in the D, Downtown District shall be allowed to be constructed up to four (4) stories or fifty (50) feet in height.

- B. The parking structure shall have a minimum setback from the common lot line a distance equal to the height of the structure, with the exception that municipal parking structures in the D, Downtown District may utilize a minimum front, side, and rear setback of up to zero (0) feet (zero lot line). Municipal parking structures in the D, Downtown District shall not be subject to frontage greenbelt and landscape requirements.
- C. All sides of the structure shall have a finished appearance and comply with the City's Architectural Design Policy.
- D. Lighting fixtures and equipment for a parking deck or structure shall be designed to not cause glare or illuminate adjoining properties.
- E. The parking layout (e.g., space size, maneuvering lane width, handicapped space allocation, etc.) shall meet the requirements of this Section.

Section 3.

Section 1830. Planned Unit Development Option of Article XVIII. General Provisions, of Auburn Hills Zoning Ordinance No. 372, as amended to remove the existing Subsection 7A.4d and amend the existing Subsection 7A.4e and renumber Subsection 7A.4e as Subsection 7A.4d, to read as follows:

- d. The applicant shall obtain PUD Step Two approval from the City Council within one (1) year from the date of PUD Step One approval by the City Council, or the PUD Plan approval shall expire and be null and void. However, the City Council may grant an extension for a specified period upon good cause shown if such a request is made to the City Council before the expiration of the initial period.

Section 4.

Section 1830. Planned Unit Development Option of Article XVIII. General Provisions, of Auburn Hills Zoning Ordinance No. 372, as amended, amend Subsection 7B.3 to read as follows:

- 3. Construction shall commence within one (1) year from the date of PUD Step Two approval by the City Council and shall proceed substantially in conformance with the construction schedule set forth by the applicant and approved by the City Council in the Development Agreement. If construction has not commenced within one (1) year from the date of PUD Step Two approval by the City Council, approval of the PUD Plan shall expire and be null and void. However, an extension for a specified period may be granted by the City Council upon good cause shown if such a request is made to the City Council before the expiration of the initial period.

The applicant shall have eighteen (18) months from the commencement of construction to complete the overall development proposed within the PUD Plan. The City Council may authorize a greater time period than eighteen (18) months to complete a PUD Plan at its discretion upon request of the applicant at the time of PUD Step Two approval, as documented in the Development Agreement. The City Council may consider the project's scale, construction complexity, or other contributing factors when authorizing a construction time

period greater than eighteen (18) months in length. If the PUD Plan is not completed within eighteen (18) months or the extended time frame authorized by the City Council, the City Council may terminate the PUD Plan approval after a public hearing. However, an extension for a specified period may be granted by the City Council upon good cause shown if such a request is made to the City Council prior to the expiration of the initial period.

If the City Council terminates the PUD Plan approval after construction commences, then the applicant shall, at its own cost, remove all incomplete structures and foundations from the site and restore the site as directed by staff in accordance with City Ordinances. If the applicant fails to restore the site as directed, then the City Manager or their designee shall be authorized to take any reasonable action to enforce the City Council's order, including but not limited to legal action, invoicing the applicant for work performed by the City that the applicant fails to complete and to place a lien against the property if the applicant does not pay such costs incurred by the City.

Section 5.

Section 1830. Planned Unit Development Option of Article XVIII. General Provisions, of Auburn Hills Zoning Ordinance No. 372, as amended, amend Subsection 10 to read as follows:

10. Amendments to the City-Approved PUD Plan.

The applicant may request modifications to the City-Approved PUD plan as follows:

- a. The Director of Community Development may approve minor modifications to the City-Approved PUD Plan that do not:
 - i. materially change the parking layout or;
 - ii. materially increase the total square footage or density of the proposed buildings.
- b. The minor modifications proposed by the applicant pursuant to this subsection shall be consistent with the City-Approved PUD Plan and Approval Requirements and shall not adversely affect the character or quality of the development.
- c. Modifications to the City-Approved PUD Plan that the Director of Community Development, in their sole discretion, deems material shall be reviewed for approval by the City Council.

Section 6. Repealer.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 7. Severability.

If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 8. Savings.

The proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 9. Effective Date.

The provisions of this Ordinance are hereby ordered to take effect upon publication in the manner prescribed by the Charter of the City of Auburn Hills.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Auburn Hills at a meeting thereof duly called and held on the 18th day of March and ordered to be given publication in a manner prescribed by the Charter of the City of Auburn Hills.

ABSENT: None

I, the undersigned, the duly qualified Clerk of the City of Auburn Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 24-939 adopted by the Auburn Hills City Council on the 17th day of June, 2024 the original of which is in my office.

Laura M. Pierce, City Clerk