CITY OF AUBURN HILLS

REGULAR CITY COUNCIL MEETING

JUNE 19, 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, Hawkins, Knight, Marzolf, and Verbeke

Absent: None

Also Present: City Manager Tanghe, Assistant City Manager Skopek, City Attorney Beckerleg, City Clerk Pierce, Deputy Police Chief McGraw, Fire Chief Massingill, Community Development Director Cohen, City Planner Keenan, Construction Coordinator Lang, Recreation and Senior Services Director Adcock, DPW Director Baldante, Manager of Fleet & Roads Hefner, Manager of Public Utilities Deman, Finance Director Schulz, Deputy Treasurer Vittone, Management Assistant Hagge, Engineer Driesenga

22 Guests

4. APPROVAL OF MINUTES

4a. City Council Regular Meeting Minutes, June 5, 2023.

Moved by Verbeke, Seconded by Knight.

RESOLVED: To approve the City Council Regular Meeting Minutes of June 5, 2023.

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

No: None

Resolution No. 23.06.063 **Motion Carried (7 - 0)**

5. APPOINTMENTS AND PRESENTATIONS

5a. 2022 Financial Statements Overview & Audit Report, presented by Michael Rolka, representative of Yeo and Yeo.

Mr. Michael Rolka of Yeo and Yeo presented the overview of the financial statements and their audit reports. The full report can be found in the agenda packet.

Moved by Knight, Seconded by Carrier.

RESOLVED: To receive the 2022 Financial Statements with supplemental information and the governance letter.

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

No: None

Resolution No. 23.06.064 **Motion Carried (7 - 0)**

5b. Motion – To confirm the reappointment of Sam Beidoun and Laura Ochs to the Planning Commission.

Moved by Hawkins, Seconded by Cionka.

RESOLVED: To confirm the reappointments of Sam Beidoun and Laura Ochs to the Planning Commission, each for an additional three-year term ending on July 31, 2026.

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

No: None

Resolution No. 23.06.065 **Motion Carried (7 - 0)**

5c. Introduction of the new Program Coordinators at the Community Center: Rebecca (Becky) Kaszyca, Lindsay Pawlik and Jordan Pitts

Ms. Adcock introduced the Program Coordinators for the Community Center. Ms. Pawlik will oversee the Support Services, Ms. Kaszyca will oversee the Fitness and Nature programs, and Mr. Pitts will oversee the Leagues, Camps, as well as the Teen Council.

6. PUBLIC COMMENT

Ms. Florence Etefia of 3035 Debra Ct. was present.

7. CONSENT AGENDA

7a. Board and Commission Minutes

7a1. Brownfield Redevelopment Authority, May 16, 2023

7a2. Public Safety Advisory Committee, May 23, 2023

7a3. Planning Commission, June 7, 2023

7a4. Tax Increment Finance Authority, June 13, 2023

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

7b. Motion – To receive and file the 2022 Retirement System Annual Report.

RESOLVED: To receive and file the 2022 Retirement System Annual Report.

7c. Motion – To accept InvoiceCloud as the new electronic billing and payment service provider.

RESOLVED: To accept InvoiceCloud as the City's new electronic billing and payment third party service provider and to authorize the City Manager to enter into the Agreement on behalf of the City.

7d. Motion – To amend the Parks Department budget increasing revenue by $100,000.

RESOLVED: To amend the General Fund department budget of the Parks Department increasing revenues by $100,000 to reflect grant proceeds for the new nature themed playground at Hawk Woods Park and Campground.

7e. Motion - To approve the resolution supporting the grant application to the MEDC.

RESOLVED: To approve the resolution supporting the grant application to the Michigan Economic Development Corporation's Revitalization and Placemaking 2.0 Grant Program. (Attachment A)

7f. Motion – To approve modifications to wayfinding signs at Oakland University.

RESOLVED: To approve of the modifications to existing wayfinding signs for Oakland University's OU Credit Union O'rena and to collect a fee of $1,360.94 from Oakland University for project costs.

7g. Motion – To approve the 2023 Parking Lot Rehabilitation bid, consulting services and budget amendments.

RESOLVED: To approve the 2023 Parking Lot Rehabilitation Partial Bid Award, Construction Engineering/ Observation and Contract Administration Services to OHM Advisors, and Material Testing Services to G2 Consulting and approve the necessary budget amendments listed within the recommendation section of this memo. (Attachment B)

7h. Motion – To approve a Change Order to the DPW Back Lot Project for the Reconstruction of the Fire Station #3 Parking Lot and City-Wide Curb Repairs.

RESOLVED: To approve the change order to the DPW back lot for the Reconstruction of the Fire Station #3 parking lot and miscellaneous city-wide curb repairs, Construction Engineering/ Observation and Contract Administration Services to OHM Advisors, and Material Testing Services to G2 Consulting and approve the necessary budget amendment listed within the recommendation section of this memo. (Attachment C)

7i. Motion – To reallocate funding for the DPW Backlot Construction Services.

RESOLVED: To reallocate $81,000 for the DPW Back Lot OHM Advisors Scope of Construction Services and G2 Material Testing from the fleet fund (661-594-972.000) to the capital fund (401-901-973.000-21BDDPWBCKLT).

7j. Motion – To approve Change Order No. 1 for the additional work requested for the 2022 Sewer Lining Project.

RESOLVED: To approve Change Order No. 1 for the 2022 Sewer Lining Project with Pipeline Management Company increasing the contract in the amount of $224,004.

Moved by Verbeke, Seconded by Cionka.

RESOLVED: To approve the Consent Agenda.

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

No: None

Resolution No. 23.06.066 **Motion Carried (7 - 0)**

8. UNFINISHED BUSINESS

9. NEW BUSINESS

9a. Public Hearing/Motion – To adopt the resolution approving the Brownfield Plan for Bill Saad Properties, LLC. in Accordance with Public Act 381.

Ms. Carroll presented the Brownfield Redevelopment plan that is to be located at Joslyn and Pacific Roads. Mr. Bill Saad Properties, LLC is proposing a new gasoline filling station and convenience store at this location.

Mayor McDaniel opened the Public Hearing at 7:30 PM.
Mr. Saad was present during this meeting.
Hearing no comment, Mayor McDaniel closed the Public Hearing at 7:31 PM.

It was discussed that this option helps to clean up the site and this resolution is a reasonable solution to the problems that are on the property.

Ms. Verbeke is opposed to developing this property until Oakland County fixes the road properly to make it safe. She shared that this is a terrible location to have a business with the roads in the condition they are in.

Moved by Carrier, Seconded by Knight.

RESOLVED: To adopt the attached resolution approving the Brownfield Plan for Bill Saad Properties, LLC. in accordance with Public Act 381. (Attachment D)

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

No: Verbeke

Resolution No. 23.06.067 **Motion Carried (6 - 1)**

Motion - To take a ten-minute recess.

Moved by Verbeke, Seconded by Hawkins.

RESOLVED: To take a ten-minute recess.

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

No: None

Resolution No. 23.06.068 **Motion Carried (7 - 0)**

9b. Public Hearing/Motion - To consider non-renewal of certain hotel licenses.
Ms. Pierce presented the two hotels that are not in compliance with the ordnance and the procedures that were followed. Knowing that Comfort Suites was in the process of a real estate transaction, the new owners were also notified of the current violations and the Public Hearing.

Mr. Toss from the Fire Department and Mr. Lang from the Community Development department presented the violations for Comfort Suites. Mr. Toss shared that the violations he saw on June 19, 2023, are the same as what he saw in March 2023. He reported that there has been no attempt to make repairs. While he shared the list of violations, the most concerning is the fire alarm system which has been out of service since June 2022 and that it needs to be brought up to the current Fire Safety Standards. Due to the issues with the alarm panel, this facility has been on a Fire Watch for over a year. It was reported that there are a number of fire doors that do not function properly and are useless. The full report of violations is in the packet.

Mr. Lang presented that there are open building permits from building alterations and demolition work that have never been finalized as well as electrical code violations. The full report of violations is in the packet.

COMFORT SUITES PUBLIC HEARING
Mayor McDaniel opened the Public Hearing for Comfort Suites at 7:56 PM

Mr. Paul Stoychoff and Lyle Russell attorneys for Comfort Suites were present along with Mr. Rob Harwood, the general contractor. Mr. Stoychoff asked for an extension until December 2024. It was shared that this facility is in the process of a real estate transaction and closing should take place in fifteen days. It was discussed that there is an understand to the severity of the violations and stated that there is progress towards alleviating these violations and that the building is safe. It was stated that the fire system works well, but it is not to the satisfaction of the Fire Inspector. Mr. Harwood stated that the current panel and parts are obsolete, and they are working to rectify the situation. He said the panel does work and it does report to a third-party monitoring company. He shared that there are 15 - 20 room smoke detectors that do not sound yet still dispatch to the monitoring desk. It was stated that this building is not a fire trap, and they are not ignoring the violations, but they need additional time to remedy the issues that have been presented. Regarding the taxes, it was stated that this oversight was noticed at the last moment but both the real and personal property taxes have been paid by mail to Oakland County.

Mayor McDaniel questioned why these gentlemen would wait until the last moment to rectify these issues, and that the owner should be more proactive about the safety of the those that are sleeping in the rooms. He said that he is not comfortable waiting until December 2024 to act on this item knowing that there are fire safety issues that have not been addressed. He commented that there has been plenty of time to rectify these concerns.

City Council discussed that the list of violations is extremely long and dangerous and should have been addressed sooner than today. Concern was shared regarding the transition to new ownership and what would transpire if this permit was revoked. Discussion took place regarding the fire alarm system and the deficiency of either the audible or visual portion of the system.

Hearing no further comment, Mayor McDaniel closed the Public Hearing at 8:19 PM

Mayor McDaniel shared that he understands there has to be due process however, he is not comfortable with allowing another 60 days until another review takes place. He stated that the 15 rooms that do not have functioning smoke detectors are to be taken out of service and that working smoke alarms will be installed within 14 days.

City Attorney Beckerleg advised that a 30-day extension be given to allow for the potential closing and recommend that the smoke detectors be fully operational within fourteen days.

Chief Massingill helped to clarify that the alarm panel is in trouble mode but does function. He also clarified that the Fire Watch has been in process for a few months and will continue until the alarm panel is functioning properly. The Fire Department would like to see all the issues addressed and would recommend that the Fire Watch remain in place until such time as the issue is reviewed.

Moved by Knight, Seconded by Verbeke.

RESOLVED: To grant Comfort Suites, 1565 N. Opdyke, a 30-day extension to allow the hotel additional time to address each violation that was stated in all of the staff reports that we heard tonight and are part of the record. Further as an additional condition, that within 14 days from today's date, all rooms shall have smoke detectors that are fully operational, the pool shall remain closed until any violations that are in the pool area are corrected, and the fire watch shall continue during the entire 30-day period.

VOTE: Yes: Carrier, Cionka, Hawkins, Knight, Marzolf, McDaniel, Verbeke
No: None

Resolution No. 23.06.069 Motion Carried (7 - 0)

EXTENDED STAY PUBLIC HEARING

Mr. Toss shared that the violations for this facility had been addressed. Mr. Lang shared that there are no glaring health and safety violations just maintenance concerns that need to be addressed. Mr. Lang commented that as a condition of approval, the plan stated there is to be a gate at the emergency access point that must remain closed. That gate is gone and must be replaced.

Mayor McDaniel opened the Public Hearing for Extended Stay at 8:43 PM
Hearing no comment, Mayor McDaniel closed the Public Hearing at 8:43 PM

Moved by Hawkins, Seconded by Carrier.

RESOLVED: To grant Extend Stay America, 3315 University, a sixty-day extension 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 August 21, 2023 City Council Meeting.

VOTE: Yes: Carrier, Cionka, Hawkins, Knight, Marzolf, McDaniel, Verbeke
No: None

Resolution No. 23.06.070 Motion Carried (7 - 0)

9c. Motion – To approve the combined PUD Step One – Qualification / Step Two – Site Plan and Tree Removal Permit / Tommy's Boats Auburn Hills.

Mr. Cohen presented the request for a 21,483 square-foot boat dealership and service building. This proposed site will hold a display tower which is taller than the ordinance requirements, requiring the PUD. It was explained that this site will have boats inside in the showroom, some displayed in specialized areas in front of the building and four stored in the tower. There will be a total of 97 spaces outside which will hold inventory or boats needing service. The inventory will be in white shrink wrap and nicely arranged. This site is not for winter storage and the remaining inventory will be kept onsite during the winter months. The public benefit for the PUD qualification includes an off-site donation of $250,000 to be earmarked to the Auburn Hills Public Square in the downtown area. At the request of the Planning Commission, the building facades have been improved upon.

Roger Rehkopf , CEO of Orion Construction, Ken Rogers Regional Operation Manager for this company, and Mr. Jim Eppink of Eppink Partners were present.

Ms. Verbeke shared her concerns regarding this site being an entrance point to the city and people seeing boats in shrink wrap as a first glance.

It was discussed that not only will there be landscaping to help with screening on the property but also an eight-foot retaining wall. Due to the site sitting low, the visibility of the boats is limited. It was explained that this location is not designed for winter storage. The only boats held on site during the winter will be remaining inventory and should only be 20-30 boats.

Moved by Hawkins, Seconded by Knight.

RESOLVED: To accept the Planning Commission's recommendation and approve the combined PUD Step One – Concept Plan and PUD Step Two – Site Plan and Tree Removal Permit for Tommy's Boats Auburn Hills subject to the conditions of the City's Administrative Review Team.

VOTE: Yes: Carrier, Cionka, Hawkins, Knight, Marzolf, McDaniel
No: Verbeke
Resolution No. 23.06.071 **Motion Carried (6 - 1)**

9d. Motion – To accept the Fourth Quarter 2022 Monitoring Network Review Summary and the 2022 Annual Monitoring Network Review Summary of the Oakland Heights Development Landfill Reports

Mr. Foerg shared that the situation at Oakland Heights is in good condition.

Mr. Robb Moore was present and introduced the new site manager, Dan Savie. Mr. Moore reported a potential closure in 2025.

Moved by Carrier, Seconded by Cionka.

RESOLVED: To accept the Fourth-Quarter 2022 Monitoring Network Review Summary and the 2022 Annual Monitoring Network Review Summary prepared by Environmental Consulting Solutions of the Oakland Heights Development Landfill Reports.

VOTE: Yes: Carrier, Cionka, Hawkins, Knight, Marzolf, McDaniel, Verbeke
No: None
Resolution No. 23.06.072 **Motion Carried (7 - 0)**

10. COMMENTS AND MOTIONS FROM COUNCIL

Ms. Verbeke – She shared her concerns for the traffic at Taylor and Giddings Roads.

Mr. Cionka – He welcomed the new Program Coordinators to the Community Center and Office Silas Bair. He is looking forward to Summerfest and scooping ice cream.

Mr. Hawkins – He shared that he is looking forward to Summerfest.

Mr. Marzolf – He questioned the opening of the Splash Pad. Mr. Skopek shared that the plan is to have it opened by Summerfest and the permit is being expedited through EGLE. He also asked for an update on the Webster building. Mr. Cohen shared the foundation plans will be submitted shortly for review. Mr. Lang shared that cursory plans have been submitted but there are several constraints that are being looked at. He also questioned the parking lanes in the downtown area. Mr. Baldante shared that it is being looking into.

Mr. Knight – He questioned the roundabout at Shimmons and Bald Mountain Roads. Mr. Hefner shared that once DTE is able to transfer service there will be lighting on the roundabout. He took time to recognize the importance of Juneteenth.

Mr. Carrier – He encouraged people to attend the Concert in the Park series that will be starting soon.

Mayor McDaniel – Mr. Keenan presented Mayor McDaniel with the trophy from Paddlepalooza. Mayor McDaniel thanked both Mr. Keenan and Ms. Adcock for all their hard work for this event.

11. CITY ATTORNEY REPORT

12. CITY MANAGER REPORT

Mr. Tanghe – He took time to share about the passing of Dave Lietch and how he was instrumental in real estate transactions for the city. He extended his thoughts and prayers to the family. He recognized the generosity of Bass Pro Shop towards the events that have taken place in the city. He also thanked Mr. Keenan for his hard work and dedication to the city. He recognized two new businesses, Lucerne International and Branex Group. He congratulated Dr. Patrick Hupperich of FEV Mobility technology event and his promotion to CEO of FEV Group.

13. ADJOURNMENT

Hearing no objections, the Mayor adjourned the meeting at 9:37 PM.

Kevin R. McDaniel, Mayor

Laura M. Pierce, City Clerk

ATTACHMENT A

CITY OF AUBURN HILLS RESOLUTION OF SUPPORT TO APPLY TO THE MICHIGAN ECONOMIC DEVELOPMENT CORPORATION'S REVITALIZATION AND PLACEMAKING 2.0 GRANT PROGRAM

WHEREAS, the City of Auburn Hills supports the submission of an application to the Michigan Economic Development Corporation's Revitalization and Placemaking 2.0 Grant Program for the proposed Public Square in downtown Auburn Hills, and

WHEREAS, the proposed Public Square will provide the community with an intimate gathering place and enhance the services of downtown merchants; and

WHEREAS, the proposed Public Square will support the continued growth and vitality of downtown Auburn Hills; and

WHEREAS, the City of Auburn Hills Tax Increment Finance Authority has made a financial commitment to the project in the amount of $200,000 in matching funds, and

NOW THEREFORE, BE IT RESOLVED that the City of Auburn Hills hereby authorizes the submission of an application to the Michigan Economic Development Corporation's Revitalization and Placemaking 2.0 Grant Program for the proposed Public Square project in downtown Auburn Hills.

AYES:	7 (Carrier, Cionka, Hawkins, Knight, Marzolf, McDaniel, Verbeke)	
NAYES:	None	
ABSENT:	None	
ABSTENTION:	None	MOTION APPROVED.

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

I, the undersigned, the duly appointed City Clerk for the City of Auburn Hills, Oakland County, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the Auburn Hills City Council held on the 19th day of June, 2023.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this 21st day of June, 2023.

Laura M. Pierce, City Clerk

ATTACHMENT B

STAFF RECOMMENDATION

Staff recommends approving the 2023 Parking Lot Rehabilitation Partial Bid Award, Construction Engineering/ Observation and Contract Administration Services to OHM Advisors, and Material Testing Services to G2 Consulting. Staff also recommends approving budget amendments in the amounts of $119,000 to account number 401-901-973.002-21BDFIRE1LOT and $50,000 to account number 584-753-973.002.

ATTACHMENT C

STAFF RECOMMENDATION

Staff recommends approving the change order to the DPW back lot for the Reconstruction of the Fire Station #3 parking lot and miscellaneous city-wide curb repairs, Construction Engineering/ Observation and Contract Administration Services to OHM Advisors, and Material Testing Services to G2 Consulting. Staff also recommends approving a budget amendment in the amounts of $520,828 to account number 401-901-973.002-21BDFIRE3LOT.

ATTACHMENT D

CITY OF AUBURN HILLS, MICHIGAN

**RESOLUTION APPROVING A BROWNFIELD PLAN
FOR BILL SAAD PROPERTIES, LLC, PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF ACT 381
OF THE PUBLIC ACTS OF THE STATE OF MICHIGAN OF 1996, AS AMENDED**

At a regular meeting of the City Council of the City of Auburn Hills held in the Council Chambers (1827 N. Squirrel Road, Auburn Hills, Michigan 48326) of said City of Auburn Hills on the 19th day of June, 2023, at 7:00 PM.

PRESENT:	Mayor McDaniel, Council Members Carrier, Cionka, Hawkins, Knight, Marzolf, and Verbeke
ABSENT:	None
MOTION BY:	Council Member Carrier
SECONDED BY:	Council Member Knight

WHEREAS, the Brownfield Redevelopment Authority (the "Authority") of the City of Auburn Hills, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has prepared and recommended for approval by the City Council, a Brownfield Plan (the "Plan") pursuant to and in accordance with Section 13 of the Act; and

WHEREAS, the Authority has, at least ten (10) days before the meeting of the City Council at which this resolution has been considered, provided notice to and fully informed all taxing jurisdictions (the "Taxing Jurisdictions") which are affected by the Plan about the fiscal and economic implications of the proposed Plan, and the City Council has previously provided to the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Financing Plan and in accordance with Sections 13(13) and 14(1) of the Act; and

WHEREAS, the City Council has made the following determinations and findings:

A. The Plan constitutes a public purpose under the Act;
B. The Plan meets all of the requirements for a Brownfield Plan set forth in Section 13 of the Act;
C. The proposed method of financing the costs of the eligible activities, as described in the Plan, is feasible and the Authority has the ability to arrange the financing;
D. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act;
E. The amount of captured taxable value estimated to result from the adoption of the Plan is reasonable; and

WHEREAS, as a result of its review of the Plan and upon consideration of the views and recommendations of the Taxing Jurisdictions, the City Council desires to proceed with approval of the Plan.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Plan Approved. Pursuant to the authority vested in the Board by the Act, and pursuant to and in accordance with the provision so Section 14 of the Act, the Plan is hereby approved in the form attached as Exhibit “A” to this resolution.
2. Severability. Should any section, clause, or phrase of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.
3. Repeals. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed:

AYES:	7 (Carrier, Cionka, Hawkins, Knight, Marzolf, McDaniel, Verbeke)	
NAYES:	None	
ABSENT:	None	
ABSTAINED:	None	RESOLUTION DECLARED ADOPTED.

CITY OF AUBURN HILLS, COUNTY OF OAKLAND, STATE OF MICHIGAN

I, the undersigned, the duly qualified and acting Clerk of the City of Auburn Hills, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a regular meeting held on the 19th day of June, 2023, the original of which resolution is on file in my office.

IT WITNESS WHEREOF, I have hereunto set my official signature, this ___ day of ________, 2023.

Laura Pierce, City of Auburn Hills