



CITY OF AUBURN HILLS
REGULAR CITY COUNCIL MEETING
MINUTES

SEPTEMBER 9, 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, McDaniel, and Verbeke

Absent: None

Also Present: City Manager Tanghe, Assistant City Manager Skopek, City Attorney Beckerleg, Deputy Klassen, Chief of Police Gagnon, Director Cohen, Asst to Dir./Construction Coord. Lang, Economic Developer Carroll, Appraiser of Commercial Properties Griffin, DPW Director Baldante, Mgr of Fieldstone Hierlihy, Mgr of Municipal Properties Wisser, Assistant to the Manager Hagge, Engineer Juidici, Engineer Driesenga

18 Guests

4. APPROVAL OF MINUTES

4a. City Council Workshop Minutes, August 26, 2024.

Moved by Knight, Seconded by Ferguson.

RESOLVED: To approve the City Council Workshop Minutes of August 12, 2024.

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

No: None

Resolution No. 24.09.133

Motion Carried (7 - 0)

5. APPOINTMENTS AND PRESENTATIONS

5a. Motion – To approve the appointment to the Board of Review – Ms. Ruth Sadler

Moved by Hawkins, Seconded by Fletcher.

RESOLVED: To approve the appointment of Ruth Sadler to the Board of Review for a term ending December 31, 2028.

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

No: None

Resolution No. 24.09.134

Motion Carried (7 - 0)

5b. Appointment to the Brownfield Redevelopment Authority – Mr. Richard Schindler

Moved by Verbeke, Seconded by Knight.

RESOLVED: To approve the appointment of Richard Schindler to the Brownfield Redevelopment Authority for a term ending December 31, 2025.

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

No: None

Resolution No. 24.09.135

Motion Carried (7 - 0)

6. PUBLIC COMMENT

Judge Polizzi shared that she was newly appointed to the bench and is pleased to serve the area.

K. Cooley shared her concerns with the parking on Henrydale Street.

Barbara Edmondson shared her concerns with the high water bills she has been receiving.

Bill Kokenos of 3321 Grove Lane shared his concerns with the decisions that have been made with Shimmons Road and that he would like to be involved in future decisions.

Kevin Blair, an attorney from the Lansing area, discussed his concerns with the cannabis policy.

7. CONSENT AGENDA

7a. Board and Commission Minutes

7a1. Tax Increment Finance Authority, August 13, 2024

7a2. Downtown Development Authority, August 19, 2024

7a3. Brownfield Redevelopment Authority, August 20, 2024

7a4. Public Safety Advisory Committee, August 27, 2024

RESOLVED: To receive and file the Board and Commission Minutes

7b. Motion – Approval to Purchase In-Building Radio Speakers

RESOLVED: To approve the purchase and installation of in-building radio speakers and accessories to Division 27 of Sandusky, MI, for the amount not to exceed \$27,914.81.

7c. Motion – Approval to Purchase Property/Evidence Lockers

RESOLVED: To approve the purchase of evidence lockers from Shelving + Rack Systems for the amount not to exceed \$28,583.57 for the property evidence room.

Moved by Verbeke, Seconded by Fletcher.

RESOLVED: To approve the Consent Agenda.

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

No: None

Resolution No. 24.09.136

Motion Carried (7 - 0)

8. UNFINISHED BUSINESS

8a. Motion – To extend the Revised PUD Step Two - Site Plan and Tree Removal Permit Approval / The Avant at Five Points

Mr. Cohen presented the request for an extension for the Avant at Five Points Drive which was originally approved five years ago. He commented that three months ago this project was to have the first floor completed as part of conditions of the approval. Mr. Cohen provided that they have worked with a number of timelines and set the timelines based on a discussion that took place in May. Those timelines were not met. He shared that there has to be some movement on their part to get more resources into the site. There is a lot of work to be completed, and they need to accelerate their progress.

Council voiced their concerns about the delays in the project and that they have not met the deadlines that have been requested of them. Council stated that they are understanding of delays due to Covid, but at this time there needs to be more progress. Mayor Marzolf stated that in the time this project has been going on, many other projects have been designed and occupied.

Mr. Hadid of OYK Engineering & Construction and the Project Manager, Jim Tack were present. They stated that the reason for the delays were based on the approval of the permits, water/rain issues and complex construction that is a logistical issue. It was also shared that they could not move forward until the detention system was 100% complete.

Mr. Tanghe mentioned that the city is a development friendly community and is attentive to both the residents and businesses within the community. He commented that he did not appreciate the city being blamed for the delays. He stated that the initial installation was done incorrectly and that it had to be torn out and then installed correctly.

Mr. McDaniel asked Mr. Hadid if he felt this project could fulfill the recommendations of the first floor going vertical by December 9th ~~and if is this realistic.~~ and if this is realistic.

Mr. Hadid commented that they are moving forward on a continuous basis and that as soon as the foundation is installed, then everything will be put in place.

Mr. Tack commented that it is a stringent request and requested clarification as to what was needed by the December 9th deadline.

Mr. Lang provided clarification stating that first floor construction, meaning the parking deck, is to be done and the issue that is currently going on in the structural set between what is the first floor, and the parking deck division is resolved. He stated that currently they are waiting on revisions from DesighHaus for OYK. He reiterated that the roof of the parking deck needs to be done, and the first floor needs to be going up.

Mr. McDaniel questioned Mr. Hadid if these conditions could be met by the December 9th deadline and if not, what would be completed at that time.

Mr. Hadid stated that he did not think that he could make that deadline and stated that according to his schedule, the first-floor installation would be March 2025. He shared that the issues are more than the progress, there is a lot of structural steel in the lower level that is all tied in the joist, the bar joist, the decking, and the floor pours. There are two stair towers that go all the way to the basement and the elevator shaft, balancing all of this. The logistics of the site will affect everything around it.

Attorney Beckerleg stated that the applicant has basically asked for no deadlines, and that is unworkable when a project has gone on this long. He shared that Mr. Hadid has not stated that he won't meet the deadline, he did not state that they cannot meet the deadlines. There is a distinction between the two.

Mr. McDaniel stated that it is not in the best interest of the city to vacate the project and leave the material there. He understands that steel has been ordered. He commented directly to Mr. Hadid that if the deadlines were not met, he will not need to come back before this board that he has already signed that he will vacate the project.

Mr. Hadid stated that the contract says so. He commented that this project has had a lot of challenges. He is hopeful to have the Certificate of Occupancy in February 2026 and that in March of 2025 is when they plan to go vertical.

Ms. Verbeke stated that she is not in favor of voting for something that is going to fail.

Moved by Knight, Seconded by Hawkins.

RESOLVED: To selection Option A

OPTION A

To extend the Revised PUD Step Two – Site Plan and Tree Removal Permit approval for The Avant at Five Points from July 1, 2024 to March 30, 2026, subject to the following conditions:

- 1. The City Attorney shall update the First Amendment to the Development Agreement by revising the conditions of this extension approval. If OYK fails to sign and return the updated agreement to the City by noon on September 23, 2024, then the applicant will voluntarily terminate the Planned Unit Development approval.**
- 2. If OYK meets the completion deadline for Item #1 but fails to begin the vertical construction of the first floor in accordance with the City-approved Building Permit by December 9, 2024, then the applicant will voluntarily terminate the Planned Unit Development approval.**
- 3. If OYK meets the completion deadline for Item #2 but fails to completely erect and enclose the entire building (including roof, windows, and doors) in accordance with the City-approved Building Permit by June 1, 2025, then OYK will voluntarily terminate the Planned Unit Development approval.**
- 4. OYK shall complete all site improvements and landscaping per the approved Site Plan by November 15, 2025.**
- 5. OYK shall complete the development and obtain a final Certificate of Occupancy Permit from the City by March 30, 2026.**
- 6. If the Planned Unit Development approval is terminated, then OYK 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 OYK fails to restore the site as directed, then the City Manager and/or his 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 OYK fails to complete and place a lien against the property in the OYK does not pay such costs incurred by the City.**

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

No: Verbeke

Resolution No. 24.09.137

Motion Carried (6 - 1)

9. NEW BUSINESS

9a. Motion/Public Hearing and request to approve request for four (4) year IFEC for Penske Vehicle Services Inc.

Mr. Griffin presented the request to approve the request for a IFEC for Penske Vehicle Services. Under the current abatement policy, Penske Vehicle Services qualifies for a four-year abatement.

Mayor Marzolf opened the Public Hearing at 8:08PM.

Hearing no comments the Mayor closed the Public Hearing at 8:10PM

Mr. David Brown, Financial VP for the company, shared that they are looking forward to growing this business in Auburn Hills.

Moved by Verbeke, Seconded by Knight.

RESOLVED: To approve the request for a 4-year IFEC for Penske Vehicle Services Inc, by adopting the attached resolution.

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

No: None

Resolution No. 24.09.138

Motion Carried (7 - 0)

9b. Motion – To award a contract for Shimmons Road Water Main Relocation

Mr. Baldante shared that with the Shimmons Road curve realignment there is a portion of the water main which lies in a portion of the vacated right of way and needs to be relocated. He shared that currently, FH Paschen has fallen behind on the timeline and cannot keep the required timeline to keep the project moving forward. The city has reached out the preferred excavators that Oakland Christian Schools is using, Superior Excavating, and they were able to provide a lower cost for the water main relocation along Shimmons Road and can complete the project within the timeline.

Moved by Fletcher, Seconded by Hawkins.

RESOLVED: To authorize and award a contract to Superior Excavating for the relocation of water main associated with the Shimmons Road curve realignment. In addition, a budget amendment for \$180,630.00 to account #592-536-971.002 will be needed to fund the project.

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

No: None

Resolution No. 24.09.139

Motion Carried (7 - 0)

9c. Motion – To award the 2024 Fieldstone Golf Club cart path paving and drainage improvements to Titan Pavement

Mr. Wisser presented the improvements that need to take place at the Fieldstone Golf Club cart path at hole 15. This project will replace deteriorating asphalt, extending the path by 200 feet, resolve persistent drainage problems and complete the cart path at Fieldstone for all 18 holes. This project is already accounted for in the 2024 Fieldstone Golf Club budget.

Moved by Ferguson, Seconded by Fletcher.

RESOLVED: To award the 2024 Cart Path Paving and Drainage Improvements bid award to Titan Pavement in an amount not to exceed \$43,750.00.

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

No: None

Resolution No. 24.09.140

Motion Carried (7 - 0)

10. COMMENTS AND MOTIONS FROM COUNCIL

Mr. Knight commented on the issue the resident brought forward with the water bill.

Mr. McDaniel shared that while the Avant project has not been ideal, he hopes it will be successful. He appreciates the work that staff has done with this project.

Dr. Fletcher commented that she is pleased with the Simmons curve project. She also commented on an accident that took place at Giddings and Taylor Roads and questioned if there had ever been thoughts of a traffic light being installed at this location. Mr. Tanghe commented that there are competing priorities and understands that this area can be challenging.

Mr. Ferguson shared that he was not pleased with the way the Avant representatives referred to the staff, it was not within the character he knows of them.

Mr. Hawkins commented that he is hopeful that the Avant will be successful like Primary Place.

Mayor Marzolf recognized the efforts of the workers effected by the Rite Aid closures. He congratulated the 100 Beautification Award winners.

11. CITY ATTORNEY REPORT

12. CITY MANAGER REPORT

Mr. Tanghe commented that he will not listen to people blame the employees for something that they are not at fault for.

ADJOURNMENT

Moved by Knight, Seconded by Hawkins.

RESOLVED: To adjourn the meeting.

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

No: None

Resolution No. 24.09.141

Motion Carried (7 - 0)

The meeting was adjourned at 8:27 PM.

Brain W. Marzolf, Mayor

Kristine Klassen, Deputy Clerk