



**CITY OF AUBURN HILLS**  
**REGULAR CITY COUNCIL MEETING**  
Minutes

OCTOBER 16, 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, Chief of Police Gagnon, Fire Chief Massingill, DPW Director Baldante, Mgr of Public Utilities Deman, Community Development Director Cohen, Construction Coordinator Lang, Director of Recreation and Senior Services Adcock, Asst Director of Recreation and Senior Services Beckett, Park Supervisor Torres, Program Coordinator Reis, Management Assistant Hagge, Engineer Driesenga

4 Guests

**4. APPROVAL OF MINUTES**

4a. City Council Workshop Minutes, October 2, 2023.

**Moved by Knight, Seconded by Verbeke.**

**RESOLVED:** To approve the City Council Workshop Minutes of October 2, 2023.

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

No: None

**Resolution No. 23.10.113**

**Motion Carried (7 - 0)**

4b. City Council Regular Meeting Minutes, October 2, 2023.

**Moved by Hawkins, Seconded by Carrier.**

**RESOLVED:** To approve the City Council Regular Meeting Minutes of October 2, 2023.

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

No: None

**Resolution No. 23.10.114**

**Motion Carried (7 - 0)**

**5. APPOINTMENTS AND PRESENTATIONS**

5a. Introduction of Renee Reis, new Program Coordinator / Support Services

Ms. Adcock announced the promotion of Renee Reis to Program Coordinator/Support Services.

5b. Motion – To confirm the reappointment of Cortney Casey to the Downtown Development Authority.

**Moved by Knight, Seconded by Verbeke.**

**RESOLVED:** To confirm the reappointment of Cortney Casey to the Downtown Development Authority for a term ending 2027.

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

No: None

**Resolution No. 23.10.115**

**Motion Carried (7 - 0)**

**6. PUBLIC COMMENT**

There was no public comment.

**7. CONSENT AGENDA**

Ms. Verbeke requested Item 7c (2024 Fee Schedule) be removed from the Consent Agenda.

7a. Board and Commission Minutes

7a1. Tax Increment Finance Authority, September 12, 2023

7a2. Downtown Development Authority, September 18, 2023

7a3. Election Commission, October 9, 2023

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

7b. Motion – To approve the emergency repair of the I-75/Harmon Rd Hill.

**RESOLVED: To approve the bid of Superior Excavating, Inc. for an emergency repair with a total cost of \$37,600.00 to be paid from 401-901-973.000-21BDHARMONRD for the repair to the I-75/Harmon Rd Hill.**

7d. Motion – To approve the installation of sound reduction panels at the Community Center.

**RESOLVED: To authorize the installation of sound reduction panels at the Community Center.**

**Moved by Verbeke, Seconded by Hawkins.**

**RESOLVED: To approve the Consent Agenda.**

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

**No: None**

**Resolution No. 23.10.116**

**Motion Carried (7 - 0)**

7c. Motion – To approve the 2024 Fee Schedule.

Ms. Verbeke asked that the 2024 Fee Schedule be removed from the Consent Agenda to discuss the Day Camp that is organized through the Parks and Recreation Department. Her concerns are that the fees have doubled.

Ms. Adcock commented that a work group investigated surrounding communities and reported that other Day Camp Schedules are more costly. Auburn Hills Day Camp fees are still less, even with the increase. The former fees, currently being changed, do not cover the cost of the camp. The City was subsidizing the programs in the amount of \$12,000 – \$16,000.

It was discussed that there are no longer half-day options, only full day options and that 10% of the attendees are not residents.

**Moved by Verbeke, Seconded by Cionka.**

**RESOLVED: To adopt the 2024 City of Auburn Hills Fee Schedule as submitted.**

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

**No: None**

**Resolution No. 23.10.117**

**Motion Carried (7 - 0)**

**8. UNFINISHED BUSINESS**

**9. NEW BUSINESS**

**9a. Public Hearing/Motion – To approve the Community Development Block Grant Funding Allocation for Program Year 2024.**

Ms. Adcock presented the CDBG program and explained that the income levels are set by HUD. It is HUD that provides funds annually to counties and communities that benefit low-income households and persons with special needs. Oakland County receives these funds and distributes them based on population and the low to moderate income residents in the community. The City chooses to use the allocated finances to the first national objective benefit which is for lower/moderate income persons and households by funding minor repair, yard services for seniors or disabled residents, battered and abused spouses, youth assistance programs, emergency services, and rent assistance and transportation. For the 2024 year, the allocations have been cut from 30% to 15% for Public Services. Once the finances have been received for 2024, projects and services will go out for bid.

Mayor McDaniel opened the Public Hearing at 7:18 PM.

Kim Ronan, Director of Fund Development with Neighborhood House, explained that while she understands that there have been cuts to the CDBG grants, they would like the City to consider \$7,000 being pulled from another area of the funding to help with transportation services which is heavily utilized by the members of the community.

Hearing no further comment, Mayor McDaniel closed the Public Hearing at 7:19 PM

Mr. Hawkins sought clarification between the Public Service Project and Minor Home Repair. It was explained that the Minor Home Repair is a category under the HUD program that includes different categories and receives more than 75% of the funding. The Public Service Project is a service that is provided directly to the resident such as lawn mowing, snow plowing, transportation, Haven, Youth Assistance and is receiving 15% of the funding.

It was clarified that the City is not legally able to make a donation from the General Fund but if the City is utilizing services from an organization, it is able to make payment.

**Moved by Verbeke, Seconded by Hawkins.**

**RESOLVED: To accept the Conflict-of-Interest Certification as part of the CDBG application and to authorize the City Mayor to sign the application and staff to submit documents to Oakland County.**

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

**No: None**

**Resolution No. 23.10.118**

**Motion Carried (7 - 0)**

**Moved by Carrier, Seconded by Cionka.**

**RESOLVED: To accept the Community Development Block Grant (CDBG) application budget line item: Minor Home Repair in the amount of \$67,232 as part of the approximate amount of \$79,096**

and authorize the City Mayor to sign the application and staff to submit the documents to Oakland County.

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

**No: None**

**Resolution No. 23.10.119**

**Motion Carried (7 - 0)**

**Moved by Cionka, Seconded by Carrier.**

**RESOLVED: To accept the Community Development Block Grant (CDBG) application budget line item: Yard Services in the amount of \$11,864 as part of the approximate amount of \$79,096 and authorize the City Mayor to sign the application and staff to submit the documents to Oakland County.**

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

**No: None**

**Resolution No. 23.10.120**

**Motion Carried (7 - 0)**

9b. Public Hearing/Motion – To adopt an ordinance amendment to Article II, Section 74-108 and Article IV, Section 74-143, Collection of Rates and Charges.

Mr. Deman presented the proposed adjustment to lower the penalty on late payments on water and sewer utility bills from 6% to 3% compound interest. Lowering the compounding rate is a sufficient change to offer and should allow people to catch up and make their account current. The penalty revenue will be affected by roughly 50%.

Mayor McDaniel opened the Public Hearing at 7:27 PM

Hearing no comment Mayor McDaniel closed the Public Hearing at 7:28 PM

Mr. Knight shared that this is a prudent move and shows that the City is being sensitive to what is going on with the residents.

**Moved by Cionka, Seconded by Hawkins.**

**RESOLVED: To adopt an Ordinance to amend Chapter 74 - UTILITIES of the Auburn Hills City Code, which allows for the reduction in Late Penalty from a 6% to 3% compounding rate. (Attachment A)**

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

**No: None**

**Resolution No. 23.10.121**

**Motion Carried (7 - 0)**

9c. Motion – To establish the Early Voting polling location and to approve a budget amendment for the purchase of election equipment.

Ms. Pierce provided history to the changes of the new voting laws that were approved in 2022. These new laws require an Early Voting polling location to be established for the registered voters to use, nine days straight. After several sites had been considered, it was decided the best location for the residents of Auburn Hills is the Community Room in the Public Safety Building. This location provides the greatest security for the election equipment, ballots and a room that can accommodate a large number of voters. The Election Commission has already approved this location. It is required that the City Council set the voting location.

The City has opted to conduct Early Voting independently to allow the voters the convenience of staying in Auburn Hills to vote as opposed to driving to a location outside the city. The Early Voting hours will be held from 8:30AM – 4:30PM except on Thursday which will be noon-8:00PM. These hours do mirror the surrounding communities to avoid confusion to the voters. Ms. Pierce clarified that the election law does not require Early Voting for elections that are not State or Federal. Due to a smaller turnout for Local Elections, it is recommended that Early Voting occurs 3 days for Local Elections as opposed to nine days for State and Federal Elections. Election Law requires that a notice be provided to all voters with the Early Voting information including the hours and location.

To comply with the election law changes, the City will need to purchase additional election equipment and supplies. Staff recommends a budget amendment increasing the Clerks department budget \$25,769.03 for the purchase of Early Voting equipment and supplies and for the cost to print and mail postcards to every voter.

Mr. Hawkins commended the decision to conduct the Early Voting independently and allowing the residents to vote locally rather than to travel to another community.

Ms. Verbeke thanked Ms. Pierce for all her hard work and for representing the city well in following the law and commented that there will be a need for more workers.

Mayor McDaniel also appreciated the decision to keep the Early Voting location local and commented that it will be easier and more successful for our residents.

**Moved by Carrier, Seconded by Verbeke.**

**RESOLVED:** To set the polling location for Early Voting in the Community Room at the Public Safety Building, 1899 N. Squirrel Rd starting in 2024; to conduct Early Voting in all elections that are not a statewide or federal election, starting in 2024, as presented in the memo; and to approve an increase in appropriations of \$25,769.03 to the General Fund Clerks Department for the purchase of election equipment and supplies for Early Voting as indicated above. (Attachment B)

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

No: None

**Resolution No. 23.10.122**

**Motion Carried (7 - 0)**

**10. COMMENTS AND MOTIONS FROM COUNCIL**

Mr. Knight shared that the pathway on Adams Road is repaired, and the contractor followed through performing a good job.

Mr. Carrier shared that the Taste of Auburn Hills event is Thursday October 19, 2023.

**11. CITY ATTORNEY REPORT**

**12. CITY MANAGER REPORT**

**13. CLOSED SESSION**

**13a. City Manager's Annual Performance Review**

**Moved by Carrier, Seconded by Cionka.**

**RESOLVED:** To meet in closed session for the City Manager's Performance Evaluation pursuant to MCL 15.268(1)(a) of the Open Meetings Act.

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

**No:** None

**Resolution No. 23.10.123**

**Motion Carried (7 - 0)**

City Council recessed to Closed Session at 7:41 PM

Mayor McDaniel reconvened in Open Session at 9:33 PM

**Moved by Knight, Seconded by Cionka.**

**RESOLVED:** To approve an increase to City Manager Tom Tanghe's base salary to \$193,000 effective January 1, 2024 and to pay to City Manager Tom Tanghe a bonus in the amount of \$9,000 to be paid by the first pay period in January, 2024, with Tom to have the discretion to receive the bonus in a check or as a payment to either his 401K or 457 Plan and to approve the Extension of Employment Agreement effective January 1, 2024.

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

**No:** None

**Resolution No. 23.10.124**

**Motion Carried (7 - 0)**

**14. ADJOURNMENT**

Hearing no objections, the Mayor adjourned the meeting at 9:35 PM.

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Kevin R. McDaniel, Mayor

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Laura M. Pierce, City Clerk

## ATTACHMENT A

### CITY OF AUBURN HILLS ORDINANCE NO. 23-936

AN ORDINANCE TO AMEND SECTION 74, ARTICLE II, SEWAGE AND WASTEWATER DISPOSAL SYSTEMS, SEC. 74-108, SEWER OPERATIONS AND PROCEDURES, AND SECTION 74, ARTICLE IV, WATER DISTRIBUTION SYSTEM, SEC. 74-143, COLLECTION OF RATES AND CHARGES OF THE AUBURN HILLS CITY CODE TO ALLOW A 3% COMPOUNDING INTEREST TO BE CHARGED ON PAST DUE UTILITY BILLS. THIS ORDINANCE AMENDMENT SHALL BE EFFECTIVE JANUARY 1, 2024.

THE CITY OF AUBURN HILLS ORDAINS:

#### ARTICLE II. - SEWAGE AND WASTEWATER DISPOSAL SYSTEMS

Section 74-108. - Collection of rates and charges.

- (a) Rates and charges shall be billed and collected quarterly or more often as determined by resolution of the council. Failure to receive a bill shall not excuse failure to pay the bill when due. Bills shall be due and payable without discount, at such times as the council shall determine, but not more than 30 days after rendered, and such due date shall be indicated on the face of each bill. If any bill is not paid when due, then a compounding penalty of ~~six~~three percent shall be added thereto.

#### ARTICLE IV. - WATER DISTRIBUTION SYSTEM

Section 74-143. - Collection of rates and charges.

- (a) Rates and charges shall be billed and collected quarterly or more often as determined by resolution of the council. Failure to receive a bill shall not excuse failure to pay the bill when due. Bills shall be due and payable without discount at such times as the council shall determine, but not more than 30 days after rendered, and such due date shall be indicated on the face of each bill. If any bill is not paid when due, then a compounding penalty of ~~six~~three percent shall be added thereto.

This ordinance amendment shall be effective January 1, 2024.

AYES: 7 (Carrier, Cionka, Hawkins, Knight, Marzolf, McDaniel, Verbeke)  
NAYS: None  
ABSTENTION: None  
ABSENT: None

STATE OF MICHIGAN )  
) ss.  
COUNTY OF OAKLAND)

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. 23-936 adopted by the Auburn Hills City Council on the 16<sup>th</sup> day of October, 2023, the original of which is in my office.

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Kevin R. McDaniel, Mayor

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Laura Pierce, City Clerk

## ATTACHMENT B



## CITY OF AUBURN HILLS CITY COUNCIL AGENDA

MEETING DATE: OCTOBER 16, 2023

AGENDA ITEM NO 9C  
CITY CLERK'S OFFICE

**To:** Mayor and City Council  
**From:** Thomas A. Tanghe, City Manager; Laura M. Pierce, City Clerk  
**Submitted:** October 4, 2023  
**Subject:** Motion – To establish the early voting polling location and to approve a budget amendment for the purchase of election equipment.

### INTRODUCTION AND HISTORY

In November, 2022, the voters approved Proposal 22-02 which made several significant changes to election law. One of these changes is to require a minimum of nine consecutive days of early voting prior to every state and federal election. Early voting allows the voter to mark their ballot and place it directly into the tabulator before Election Day.

Below is a summary of the highlights:

The legislative body sets the location of the early voting site. MCL 168.662(1) and MCL 168.720e(2) requires the legislative body to designate the early voting site and requires that the location be a publicly owned or controlled building.

- Several facilities were considered while reviewing potential locations for the early voting site: Public Safety Building, Community Center, City Hall, and the Library. While each site has advantages and disadvantages, the Community Room in the Public Safety Building is recommended as it offers the greatest security for the election equipment and ballots during the nine days of early voting and a large room to accommodate a significant number of voters. The Election Commission met on August 28<sup>th</sup> and has recommended the early voting site be located in the Community Room at the Public Safety Building, 1899 N. Squirrel Rd.

Notice must be provided to all electors with the early voting site information. MCL 168.662(8)&(10) requires that a notice be provided to each registered elector, no later than 45 days before an election, specifying the location of the early voting site and hours of operation for each day of early voting.

- A postcard will be sent to all voters notifying them of the required information. It is anticipated the mailing will be sent at the end of this year. Once the initial mailing is done, the City Clerk's Office will continue to send the early voting postcard to new voters as they register to vote.

Municipalities are allowed to partner with another community or the county to conduct early voting or opt to conduct early voting independently. MCL 168.720(e) requires that the clerk of a municipality that does not enter into an agreement with another municipality or county for conducting early voting is responsible for administering early voting in their municipality.

- The City has opted to conduct early voting independently. This will allow our voters the convenience of staying in Auburn Hills to vote as opposed to having to drive to a location outside of the City. Our trusted experienced election inspectors will be running the early voting site each day. The City Clerk's Office staff will be working each day early voting will be held. It is important to note that, as an independent community, only Auburn Hills voters will be allowed to vote at our early voting site and our voters will not be allowed to vote at early voting sites in other communities.



Early voting must be provided for at least nine consecutive days for federal and statewide elections. MCL 168.720b requires that early voting be provided for a minimum of nine consecutive days beginning on the second Saturday before the election and ending on the Sunday before the election. It also requires that early voting be provided for at least eight hours each day. This requirement is not mandatory for non-statewide and non-federal elections.

- The City will provide early voting for federal and statewide elections from 8:30 AM – 4:30 PM each day, except for the Thursday before the election which will be from noon – 8:00 PM.
- In 2026, election law will allow for early voting to be held on the Monday before the election. Once that occurs that Monday will be added to the City's early voting days. The hours on that Monday will be 8:30 AM – 4:00 PM.

Early voting is not required for non-statewide and non-federal elections, such as a City election or a school election. MCL 168.720e(6) requires that the legislative body may adopt a resolution to conduct early voting in an election held that is not a statewide or federal election.

- Local elections generally have a very small voter turnout (avg 16%). Considering the low voter turnout, the City will not be conducting early voting for the November, 2023 City Election. However, staff recommends that starting in 2024, early voting be held for all local elections going forward, in addition to the required state and federal elections. The 2024 Presidential Election year will draw more voters. Once voters are used to the early voting concept, it is anticipated that early voting will be second nature to the voters and will become part of the voter's election routine, and voters will expect the early voting site to be open.
- The City will provide three days of early voting for non-statewide and non-federal elections beginning on the Friday before the election and ending on the Sunday before the election from 8:30 AM – 4:30 PM each day.
- In 2026, election law will allow for early voting to be held on the Monday before the election. Once that occurs that Monday will be added to the City's early voting days. The hours on that Monday will be 8:30 AM – 4:00 PM.
- In order for the City to conduct early voting for local elections, City Council must adopt a resolution and the election must be conducted under the requirements set in Michigan Election Law. (MCL 168.720e(6))

To comply with the election law changes, the City will need to purchase additional election equipment. The Bureau of Elections has indicated that, at a minimum, they will provide funding for the early voting tabulators needed for each jurisdiction. Beyond that, the amount of money each site receives will be determined based on the total number of early voting sites and the cost estimates provided in the early voting grant applications. The greater the amount of coordination in establishing shared early voting sites statewide, the higher amount of funding will be available for each site. In addition, the funding will be proportional to the number of registered voters.

The County will be responsible for dispersing the grant funds. It is possible that the City could receive at least a 40% grant for the additional costs, beyond the purchase of the tabulator.

Below is a breakdown of the additional items needed to conduct early voting. Hart Intercivic (Hart) is the sole-source provider of the election tabulation equipment for municipalities in Oakland County. Staff recommends a budget amendment increasing the Clerks department budget \$25,769.03 in the following accounts:

|  |             |                          |
|--|-------------|--------------------------|
| Election Equipment<br>(Hart Verity Scan, Touch Writer, 2 Ballot Print systems) | \$21,965.00 | Account #101-215-977.000 |
| Supplies<br>(Laptop, Ballot Bags, Misc Precinct Supplies)                      | \$2,629.03  | Account #101-215-728.000 |

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|  |                    |                          |
|--|--------------------|--------------------------|
| Printing/Mailing<br>(Postcard & Mailing to Voters) | \$1,175.00         | Account #101-215-729.000 |
| <b>Total</b>                                       | <b>\$25,769.03</b> |                          |

**STAFF RECOMMENDATION**

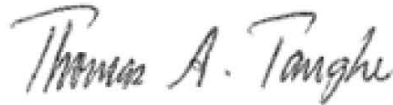
City Council will need to take action on several items described above:

- Approve the early voting site – MCL 168.662(1) & MCL 168.720e(2)
- Approve conducting early voting for elections that are not statewide or federal elections - MCL 168.720e(6), MCL 168.720f(9), MCL 168.720g(10)
- Approve a budget amendment for the purchase of election equipment and supplies for early voting

**MOTION**

**Move to set the polling location for early voting in the Community Room at the Public Safety Building, 1899 N. Squirrel Rd starting in 2024; to conduct early voting in all elections that are not a statewide or federal election, starting in 2024, as presented in the memo; and to approve an increase in appropriations of \$25,769.03 to the General Fund Clerks Department for the purchase of election equipment and supplies for early voting as indicated above.**

I CONCUR:



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THOMAS A. TANGHE, CITY MANAGER