



The City of Auburn Hills
City Council Meeting
Minutes

July 25, 2016

CALL TO ORDER: Mayor McDaniel at 7:00 p.m.
LOCATION: City Council Chamber, 1827 N. Squirrel Road, Auburn Hills, MI 48326
Present: Mayor McDaniel, Mayor Pro Tem Mitchell, Council Members Burmeister, Hammond, Kittle, Knight, Verbeke
Also Present: City Manager Tanghe, Assistant City Manager Grice, Police Chief Olko, City Clerk Kowal, Fire Chief Manning, City Assessor Lohmeier, Community Development Director Cohen, Manager of Roads & Fleet Brisson, City Engineer Juidici, City Attorney Beckerleg
21 Guests

4. EXECUTIVE SESSION – Billboards

Moved by Verbeke; Seconded by Mitchell.

RESOLVED: To adjourn to Executive Session

VOTE: Yes: Burmeister, Hammond, Kittle, Knight, McDaniel, Mitchell, Verbeke

No: None

Resolution No. 16.07.121

Motion Carried (7–0)

Regular City Council meeting adjourned at 7:03 p.m. and resumed at 7:17 p.m.

5. APPROVAL OF MINUTES

5a. Regular City Council – July 11, 2016

Moved by Knight; Seconded by Verbeke.

RESOLVED: To approve the July 11, 2016 City Council meeting minutes.

VOTE: Yes: Burmeister, Hammond, Kittle, Knight, McDaniel, Mitchell, Verbeke

No: None

Resolution No. 16.07.122

Motion Carried (7–0)

5b. City Council Workshop – July 11, 2016

Moved by Burmeister; Seconded by Mitchell.

RESOLVED: To approve the July 11, 2016 City Council Workshop minutes.

VOTE: Yes: Burmeister, Hammond, Kittle, Knight, McDaniel, Mitchell, Verbeke

No: None

Resolution No. 16.07.123

Motion Carried (7–0)

6. APPOINTMENTS AND PRESENTATIONS

6a. Presentation – Award Helping Hands Scholarships

Firefighter Dan Wahl presented the Auburn Hills Helping Hands \$1,000 scholarships to high school seniors from Oakland Christian and Avondale High School. The recipients are Nicholas Lasher an Oakland Christian School graduate, receiving the Chief Arthur Petersen scholarship and Tyler Ahee, an Avondale High School graduate, receiving the Dennis E. Dearing, Jr., scholarship.

6b. Motion – Approve Reappointment of Bob Pierce to Planning Commission

Moved by Verbeke; Seconded by Knight.

RESOLVED: To confirm the reappointment of Bob Pierce to the Planning Commission for a term ending July 31, 2019.

VOTE: Yes: Burmeister, Hammond, Kittle, Knight, McDaniel, Mitchell, Verbeke

No: None

Resolution No. 16.07.124

Motion Carried (7–0)

6c. Motion – Approve Reappointment of Carolyn Shearer to Planning Commission

Moved by Burmeister; Seconded by Mitchell.

RESOLVED: To confirm the reappointment of Carolyn Shearer to the Planning Commission for a term ending July 31, 2019.

VOTE: Yes: Burmeister, Hammond, Kittle, Knight, McDaniel, Mitchell, Verbeke

No: None

Resolution No. 16.07.125

Motion Carried (7–0)

7. PUBLIC COMMENT - None

8. CONSENT AGENDA

8a. Board and Commission Minutes

8a.1. Beautification Advisory Commission – June 15, 2016

8a.2. Tax Increment Finance Authority – June 14, 2016

8a.3. Tax Incentive Review Committee – July 11, 2016

8a.4. Planning Commission – July 13, 2016

8b. Motion – Approve the Oakland County Law Enforcement Mutual Aid Agreement

RESOLVED: To approve the 2016 Oakland County Law Enforcement Mutual Aid Agreement and authorize the Chief of Police to sign the agreement on behalf of the City

8c. Motion – Approve Purchase Replacement of an Administrative Vehicle

RESOLVED: To approve the cost to purchase one Jeep Cherokee from Rochester Hills Chrysler Jeep, Inc., 1301 Rochester Road, Rochester Hills, Michigan 48307 in the amount of \$ 31,612.00. Funding is provided from Fleet Vehicles account 661-442-981.000 and the sale of the outgoing unit will debit account 661-442-693.000, Gain on Assets Sold.

Moved by Verbeke; Seconded by Hammond.

RESOLVED: To approve the Consent Agenda.

VOTE: Yes: Burmeister, Hammond, Kittle, Knight, McDaniel, Mitchell, Verbeke

No: None

Resolution No. 16.07.126

Motion Carried (7-0)

9. OLD BUSINESS - none

10. NEW BUSINESS

10a. Motion – Approve Combined PUD Step One – Qualification / Step Two – Site Plan / Lamar Advertising Company - Digital LED Billboard

Mr. Cohen explained this is a request from Lamar Advertising Company (Lamar) to construct a digital LED billboard on the Simply Self Storage property located at 1096 Doris Road. A PUD application has been submitted since the billboard does not meet the spacing, height, or setback requirements of the zoning ordinance.

Joseph Shopshear on behalf of Lamar Advertising Company, **Robert Zuver**, Lamar Advertising Company lease manager, and **Adam Behrendt**, Lamar Advertising Company attorney, introduced themselves.

Mr. Shopshear is requesting approval for steps one and two of the PUD process and is ready to answer any questions.

Randy Orom, President of International Outdoor, Inc., Farmington Hills, Michigan, recently learned the Lamar Advertising request is the same piece of property he has under contact and has since 2009. Mr. Orom explained his company is a small, Michigan based company who is keeping all aspects of the company local. He is asking for Council to postpone a decision on this item until it can be determined who has the rights to this property for constructing a billboard. He believes the property owner has given both companies the rights to the property. He has a current, valid lease on this property. Another complication is he used the same law firm as Lamar is using for this request.

Responding to Ms. Mitchell, Mr. Orom explained he just learned of this proposal on Friday afternoon and sent his son to the City to gather the information. He started investigating the issue on Friday, once he had the information in hand and has continued various discussions throughout this afternoon.

Mr. Beckerleg stated with this turn of events, he is recommending City Council postpone any action until the August 22, 2016 meeting, allowing both parties to work through these issues.

Mr. Shopshear stated his lease is valid with the landlord's permission to construct a billboard. He explained Lamar has permits from the State of Michigan for billboard construction on this site. He doesn't believe this request should be postponed based on Mr. Orom's claim.

Mr. Zuver explained he was in the process of negotiating this lease for almost two years and has not heard of any other parties involved in this site, other than Lamar and Simply Self Storage.

Mr. Shopshear believes this is a civil matter, if Mr. Orom believes he has a valid lease, there is no reason for City Council to postpone action on this item. The validity of the lease should be determined through the legal process within the courts.

Moved by Kittle; Seconded by Knight.

RESOLVED: To postpone PUD Steps One and Two – Site Plan for Lamar Advertising Company – Digital LED Billboard, until August 22, 2016.

Mr. Knight explained City Council makes the best decisions for the City as a whole, and it wouldn't be prudent to make a decision before the issue is resolved.

Mayor McDaniel explained he is comfortable with the suggestion of the City Attorney, to postpone action on this item until there is a resolution.

VOTE: Yes: Burmeister, Hammond, Kittle, Knight, McDaniel, Mitchell, Verbeke

No: None

Resolution No. 16.07.127

Motion Carried (7 - 0)

10b. Public Hearing/Motion – Request Revocation of IFEC 2013-285 for Ralco Industries Inc./Personal Property Component Only

Mr. Lohmeier explained this revocation request is for the personal property component only. A 12 year abatement was approved in 2013. Ralco Industries began construction, received an extension for a third year, but has since sold the property. The certificate was approved for a real property investment amount of \$8,752,265 and personal property investment amount of \$3,584,850.

Mayor McDaniel opened the public hearing at 7:44 p.m. Hearing no comment, Mayor McDaniel closed the public hearing at 7:45 p.m.

Moved by Knight; Seconded by Burmeister.

RESOLVED: To approve the revocation of the personal property component of IFEC 2013-285 by adopting the attached resolution (Attachment A).

VOTE: Yes: Burmeister, Hammond, Kittle, Knight, McDaniel, Mitchell, Verbeke

No: None

Resolution No. 16.07.128

Motion Carried (7 - 0)

10c. Public Hearing/Motion – Request for Transfer IFEC 2013-285 from Ralco Industries, Inc. to and for Louca Mold & Aerospace Machining Inc. for Real Property Component Only

Mr. Lohmeier explained Louca bought the property from Ralco, and Louca is seeking a transfer of the real property component of the IFEC. The same amount of capital will be invested into the building and will finish the building as originally proposed. There is nine years left on this abatement and there are no delinquencies or appeals on this property, nor any appeals by this applicant.

John Gaber, Louca Mold and Aerospace attorney, explained Louca currently has two other facilities in the City and plans to finish this facility as previously approved and use it for manufacturing and production.

Mr. Knight asked how long before construction is completed.

Randy Bellestri, company owner, stated plans are to have the building completed by November 2016. Responding to Mr. Burmeister, he stated Louca Mold has been located in Auburn Hills for about 20 years.

Mr. Kittle asked if there will be any consolidation of the three facilities.

Mr. Bellestri state he will maintain all three facilities, this new facility will allow for expansion and the hiring of 60 or 70 employees as well as 40 employees transferring from the Pacific location.

Mayor McDaniel opened the public hearing at 7:50 p.m. Hearing no comment, Mayor McDaniel closed the public hearing at 7:50 p.m.

Moved by Verbeke; Seconded by Knight.

RESOLVED: To approve the request for transfer of IFEC 2013-285 to Louca Mold & Aerospace Machining, Inc., by adopting the attached resolution (Attachment B).

VOTE: Yes: Burmeister, Hammond, Kittle, Knight, McDaniel, Mitchell, Verbeke

No: None

Resolution No. 16.07.129

Motion Carried (7 - 0)

10d. Public Hearing/Motion – Request for New IFEC for Louca Mold & Aerospace Machining Inc. /Personal Property

Mr. Lohmeier explained this request is for new personal property, a \$560,000 investment, located at 1925 Taylor Road. An eight year abatement is being sought and the two additional years of business residence after the certificate expires has been signed.

If this eight year abatement is granted the potential personal property tax savings for the applicant will be approximately \$17,300. The applicant will receive tax savings of approximately \$3,300 in the first tax year.

Additional tax revenue for the City will be approximately \$7,100. The City will receive an increase in revenue of approximately \$1,300 in the first tax year.

There are new personal property tax laws pertaining to machinery and equipment that is eligible for manufacturing, so this will be exempt as long as manufacturing status is maintained. There are still some applicants applying for abatements because the laws are new and there is still some uncertainty about interpretations.

There are no tax delinquencies or tax appeals related to this applicant.

Mr. Knight believed personal property tax abatements were done and no more would be issued.

Mr. Lohmeier explained not all personal property is exempt, the personal property must be eligible manufacturing personal property. This is a new process that began in 2016, with the exemption.

Mr. Kittle asked for clarification, noting the tax savings will be \$17,300, just over \$2,000 per year; the City will receive \$7,100 so it seems unbalanced.

Mr. Lohmeier explained the City is only collecting 5 mills on the total millage rate; if the millage rate is 50, the City will still only collect 25, with the difference being 20. The difference is what the City is charging and all the other taxing units, so it won't be an equal share of savings and costs to the company.

Mr. Kittle isn't in favor of this abatement for personal property with the laws that are currently in place, with the personal property tax being eliminated.

John Gaber, Louca Mold and Aerospace attorney, respects comments made by Mr. Kittle and Mr. Knight, but Louca is asking for less than the amount of personal property Ralco had asked for and they have been advised by tax advisors to move forward with the personal property IFEC, because of the uncertainty of the phase out.

Mr. Kittle understands the uncertainty of the phase out and noted the burden of losing personal property taxes and yet not decreasing City services.

Mayor McDaniel opened the public hearing at 7:59 p.m. Hearing no comment, Mayor McDaniel closed the public hearing at 7:59 p.m.

Moved by Knight; Seconded by Mitchell.

RESOLVED: To approve the request for an 8-year IFEC pertaining to new personal property for Louca Mold & Aerospace Machining, Inc. with a personal property investment of \$560,000 by adopting the attached resolution (Attachment C).

Mr. Knight appreciates Mr. Kittle's concerns and suggested revisiting the personal property portion of the tax abatement policy.

VOTE: Yes: Burmeister, Hammond, Knight, McDaniel, Mitchell, Verbeke

No: Kittle

Resolution No. 16.07.130

Motion Carried (6 - 1)

10e. Public Hearing/Motion – Request to establish Industrial Development District for RLK Investment Properties Inc.

Mr. Lohmeier explained an application was made by RLK Investment Properties to establish an Industrial Development District (IDD) for, four parcels; the intention is to develop a new facility on the site. The four parcels are located at 2181 E. Walton Boulevard. The property is currently zoned as I-1, Light Industrial, and is located between Perry and Opdyke Roads. Before an IFEC can be sought, the property must lie within an IDD, which is why this IDD is being asked for.

Mr. Lohmeier confirmed for Mr. Knight all the property in this area is zoned I-1; there is no residential.

Rick Kielbasa, representing RLK Investment Properties and Northers Sign Company. He noted his project is moving forward, with a few minor hiccups along the way. The A-frame house will be demolished along with the immediate house to the west.

Mayor McDaniel opened the public hearing at 8:05 p.m. Hearing no comment, Mayor McDaniel closed the public hearing at 8:05 p.m.

Moved by Burmeister; Seconded by Hammond.

RESOLVED: To approve the request to establish an Industrial Development District for RLK Investment Properties Inc. by adopting the attached resolution (Attachment D).

VOTE: Yes: Burmeister, Hammond, Kittle, Knight, McDaniel, Mitchell, Verbeke

No: None

Resolution No. 16.07.131

Motion Carried (7 - 0)

10f. Public Hearing/Motion – Request for New IFEC for Northern Sign Co. Inc. for Real Property

Mr. Lohmeier explained Northern Sign Company is a related entity to RLK Investment Properties, who has applied for an IFEC on a new building on the property that an IDD has just been approved by Council. The real property investment is \$1,600,000 and there will be no request for personal property. When completed the facility will create 20 new jobs. A lease has been signed, as required by the State, for the length of the abatement plus the two additional residency requirement.

If this abatement is granted for the eight year maximum the potential real property tax savings for the applicant will be approximately \$139,800. The applicant will receive tax savings of approximately \$17,500 in the first tax year. Additional tax revenue for the City will be approximately \$33,800. The City will receive an increase in revenue of approximately \$4,200 in the first tax year.

The applicant has been advised they can seek an extension of the abatement at the date of expiration. There are no known abatements or appeals for the applicant within Auburn Hills.

Mr. Kittle noted again the difficulty of providing necessary services to City residents, and allowing tax breaks to companies decreasing revenue to the City.

Mr. Kielbasa stated he appreciates Mr. Kittle's comments, but part of the reason he chose to build and move to Auburn Hills is because of the available tax incentives.

Mr. Kittle explained taking businesses from a neighboring communities and offering financial incentives is counterintuitive. He would prefer to see other incentives such as offering the best public services and a quick acting Planning Commission to get the certificate of occupancy quicker than other communities. He doesn't believe the \$4,200 savings would make or break a deal. He wishes Mr. Kielbasa and his business great success.

Mayor McDaniel opened the public hearing at 8:12 p.m. Hearing no comment, Mayor McDaniel closed the public hearing at 8:12 p.m.

Moved by Verbeke; Seconded by Burmeister.

RESOLVED: To approve the request for a 8-year IFEC pertaining to new real property for Northern Sign Company, Inc., with a real property investment of \$1,600,000 by adopting the attached resolution (Attachment E).

VOTE: Yes: Burmeister, Hammond, Knight, McDaniel, Mitchell, Verbeke

No: Kittle

Resolution No. 16.07.132

Motion Carried (6 - 1)

10g. Motion – Approve Combined PUD Step One – Qualification / Step Two – Site Plan / DEI Properties

This item was removed from the agenda by the Petitioner.

10h. Motion – Approve Site Plan and Tree Removal Permit / Renishaw

Mr. Cohen explained this is a request from General Development to construct a 20,070 square foot, new high-tech facility. The total estimated investment for the project is \$5 million, with construction to begin in July 2016 with completion taking place in May 2017. The site is located between Hirotec and Atlas Copco, on Deep Woods Drive in the Oakland Technology Park. Renishaw is expecting to employ 35 people at this facility and construction will begin soon, if approved.

Responding to Mr. Knight, Mr. Cohen stated Hirotec's site abuts this site, there is no room between the two for another building. The open portion of the Hirotec property is reserved for a building expansion when needed.

Teresa Sinelli, General Development Construction Manager, noted Renishaw is currently located in Rochester Hills, in a less than 5,000 square foot building with 12 employees. The new facility will allow growth, with up to 45 employees, as well as leaving room for building expansion to the rear of the property if needed.

Moved by Verbeke; Seconded by Mitchell.

RESOLVED: To accept the Planning Commission's recommendation and approval of the Site Plan and Tree Removal Permit for Renishaw, subject to the conditions of the administrative review team.

VOTE: Yes: Burmeister, Hammond, Kittle, Knight, McDaniel, Mitchell, Verbeke

No: None

Resolution No. 16.07.134

Motion Carried (7 - 0)

10i. Motion – Approve Special Land Use Permit and Site Plan / Brown Road Speculative Building

Mr. Cohen explained this is a request from JB Donaldson Company to construct a 130,000 square foot industrial building located at the southwest corner of Brown Road and North Atlantic Boulevard. A Special Land Use permit is being requested to allow for 62 land bank parking spaces. The company who will be occupying this building do not need those additional parking spaces, however, if there ever is a need the parking spaces can be added.

An issue that was raised at the Planning Commission public hearing was the Gardner White sign will be blocked by the new building for east bound drivers. Mr. Cohen explained the Department has been trying to connect ABB with Gardner White for potentially putting a directional sign on the ABB property for Gardner White. The zoning allows for a 50 foot tall building, however, this proposed building will be 31 feet tall.

The estimated investment total is \$11 million, with construction to begin this fall, taking a year to complete.

Mr. Cohen assured Mr. Knight there is only one entrance into the proposed facility, off North Atlantic.

Ms. Verbeke asked if additional signage for Gardner White would be possible on this site, realizing the sign ordinance restrictions.

Mr. Cohen explained the building occupant, spending \$11 million on the facility, likely doesn't want another business' sign on their property. There is a very large retention area in front of ABB that currently has a few small signs, and ABB may be willing to allow for a Gardner White sign. Another possibility is a sign in the median with company logos making travelers aware of what businesses are in the immediate area.

Ms. Verbeke noted if a driver misses the turn on their first pass through there isn't any nearby locations to turn around, causing hazardous situations.

Mr. Burmeister is very pleased there are solutions being sought to help Gardner White with signage.

Mr. Kittle would like to continue looking for solutions for Gardner White, and not relying on ABB's cooperation.

Mr. Knight noted Gardner White originally requested the facility for a warehouse and asked to also have a showroom and sell to the public. Gardner White knew they were locating in an industrial area and the adjacent property would eventually be built on. With that in mind, there shouldn't be a hesitation of approving this site plan because of Garner Whites signage.

Mr. Kittle stated Gardner White is a vital part of the community, and the City should help with making sure visitors can locate the facility.

Bennett Donaldson, J.B. Donaldson Company thanked City staff for helping to get the best use for this property.

Ms. Verbeke asked if there is a tenant in mind for this building.

Mr. Donaldson explained he is working closely with a potential tenant, who would be transferring from Troy. And he has not talked with the potential tenant about a Gardner White sign on the property.

Moved by Knight; Seconded by Kittle.

RESOLVED: To accept the Planning Commission’s recommendation and approve the Special Land Use Permit and Site Plan for Brown Road Speculative Building, subject to the conditions of the administrative review team.

Ms. Verbeke asked Mr. Cohen if the tenant was willing to be a good neighbor and help Gardner White with signage, is that possible or is the an issue with the zoning ordinance.

Mr. Cohen stated because of the zoning district, it would be dealt with administratively.

VOTE: Yes: Burmeister, Hammond, Kittle, Knight, McDaniel, Mitchell, Verbeke

No: None

Resolution No. 16.07.135

Motion Carried (7 - 0)

10j. Motion – Approve Site Plan / Nostalgic Motoring L.T.D.

Mr. Cohen explained this is a request from One Star Inc. to construct a 4,968 square foot building addition, to the existing industrial building located at 1240 Doris Road. The addition will be on the south side of building, increasing the building size to 11,000 square feet.

Nostalgic Motoring provides indoor storage space for car enthusiast to safely store their vehicles. The proposed addition will allow Nostalgic Motors to grow their business. The total investment is \$3 million and if approved, construction will begin this August and be completed in November 2016.

Mark Liberman, One Star and Nostalgic Motoring owner, introduced himself.

Mr. Kittle asked if this was strictly storage, not showing vehicles.

Mr. Liberman stated he deals in classic, antique and special interest automobiles only. Some of the vehicles he has on consignment, some he owns and he also sells. The building is a very basic building.

Mr. Knight asked if this was a cold storage building or heated.

Mr. Liberman stated the building is heated.

Mr. Burmeister asked if this type of business must be licensed, similar to Newcomb’s Used Cars.

Mr. Cohen stated no, the State issues another type of permit. There is no open sales, this is by appointment only and is not classified as a used car lot.

Responding to Ms. Verbeke, Mr. Liberman says the number of visitors vary, but in an average week there may be five visitors.

Moved by Verbeke; Seconded by Kittle.

RESOLVED: To accept the Planning Commission’s recommendation and approve of the Site Plan for Nostalgic Motoring L.T.D., subject to the conditions of the administrative review team.

VOTE: Yes: Burmeister, Hammond, Kittle, Knight, McDaniel, Mitchell, Verbeke

No: None

Resolution No. 16.07.136

Motion Carried (7 - 0)

10k. Motion – First Reading of Peddler’s Ordinance and Set a Public Hearing for August 8, 2016

Police Chief Olko explained this was a collaborative effort between the City Clerk, City Attorney’s office, Code Enforcement and Police. A Council workshop was held in June to discuss an update to the Peddlers and Solicitors Ordinance. The current ordinance refers to background investigations of applicants and cardboard fingerprint cards. There isn’t the ability to manage fingerprint cards. Some strategies that may be considered are a **“Do Not Knock”** list, update the definitions and apply restrictions on frozen confection vendors. Temporary events have been removed from the ordinance since they are governed by the zoning ordinance. The term **license** has been replaced with **registration**, to avoid any implication that the City is endorsing any merchant or product. The new registration form would contain a statement of non-endorsement by the City. A Do Not Knock registry could be created, which would have a resident place a sign for no solicitation and could be enforced by the Police. Private residences as well as businesses could submit in writing to the City Clerk’s office a request to be placed on the Do Not Knock list, and that list of addresses would be distributed to those registering to solicit in the City. The applicants of the list would be required to re-register every five years.

The amended ordinance will also consolidate the exemptions to easily determine what type of solicitation and set hours that soliciting will be permitted; 10:00 a.m. until 8:00 p.m. This will also permit charitable fund raising, such as schools sales,

lemonade stands or scouts selling cookies or popcorn. There would also be a disclaimer that the City isn't endorsing an organization or product.

The frozen confection rules will be strengthened, requiring \$500,000 liability insurance, a copy of the driver's license, and a background check shall be done. The applicant could be denied for misrepresenting a fact or making a false statement in the application; if ever convicted of a drinking and driving offense, any felony, or any sexual offense. Denial would have a due process hearing before City Council.

Mayor McDaniel understands there can be issues with the time allowed for solicitation and asked Mr. Beckerleg to explain what is considered a reasonable or unreasonable time frame.

Mr. Beckerleg explained there is case law that states 8:00 p.m. is legally safe time. Sunrise to sunset is problematic because of the restricted hours during the winter months. Sun set could be as or earlier than 6:00 p.m. It remains to be seen if a court will uphold an ordinance restricting hours to 7:00 p.m. It is his recommendation to use 8:00 p.m. as the ending hour.

Responding to Ms. Mitchell, Mr. Beckerleg stated he was involved with a case where the end time limit was 6:00 p.m. It was ruled by a judge that 6:00 p.m. is too early, that a large audience couldn't be reached because many people were not yet home.

Ms. Mitchell doesn't agree with the end time of 8:00 p.m. year round. During the winter months, it is very dark at 8:00 p.m. and she doesn't believe it is safe for the elderly or those that live alone. She believes the ordinance changes are moving in the right direction, just not the end time.

Mayor McDaniel stated he had 7:00 p.m. as an end time, because construction work must end at 7:00 p.m., in terms of disturbing residents. He understands the 8:00 p.m. time, but 7:00 p.m. is the latest he would like as the end time. He asked Mr. Beckerleg if using the argument of City ordinances requiring disruptive work to cease at 7:00 p.m. as to not disturb the peace could make a better argument for solicitation to cease at 7:00 p.m. as well. This would make time consistent for the residents.

Mr. Beckerleg agrees changing the time to 7:00 p.m. and if there are complaints, they can be dealt with at that time.

Mr. Knight suggested allowing the ending time to state 'one half hour after sunset', that would meet every season.

Mr. Beckerleg stated he understands the safety issue, but this is dealing with the United States Constitution, and the first amendment that people have the right to exchange ideas. He suggests 7:00 p.m.

Ms. Hammond asked if no Sunday's could be included in the ordinance.

Mr. Beckerleg stated the No Knock list is the key to this. The list has been held up in court as being legitimate and enforceable.

Ms. Verbeke is pleased with the ordinance amendment and agrees, 8:00 p.m. is too late, but is comfortable with 7:00 p.m.

Mr. Burmeister stated he too, is comfortable with 7:00 p.m. The solution for anyone is to sign up for the No Knock list.

Mayor McDaniel stated the residents will be made aware of a No Knock list.

Mr. Knight, noted on page 3 of the ordinance, item 12, prohibits the use of a bell, chime or noisemaker and asked how he will know when the ice cream truck is in the neighborhood. He asked if music will be allowed.

Police Chief Olko stated that is correct, the ice cream trucks are allowed to play music, which most do.

Mr. Knight noted in section 22-84 (b), that 'refrigerated' should be removed, because there is a possibility of a truck selling hot food that doesn't require refrigeration.

Mr. Beckerleg suggested adding after refrigerated '*and or food preservation*' truck. This will remedy Mr. Knight's suggestion.

Mayor McDaniel asked that the change of the time and the added language as proposed by Mr. Beckerleg be added to the proposed ordinance for the public hearing at the August 8, 2016 Council meeting.

Moved by Knight; Seconded by Mitchell.

RESOLVED: To adopt ordinance number 16-878 to amend Chapter 22, Article III, Divisions 1 and 2 of the City of Auburn Hills Code of Ordinances to regulate Peddlers and Solicitors on first reading and set a public hearing, second reading and final adoption on August 8, 2016, with the amendment that the hours allowed for soliciting are 10:00 a.m. to 7:00 p.m. and Section 22-84 be revised to read "refrigerated and/or food preservation".

VOTE: Yes: Burmeister, Hammond, Kittle, Knight, McDaniel, Mitchell, Verbeke

No: None

Resolution No. 16.07.137

Motion Carried (7 - 0)

11. COMMENTS AND MOTIONS FROM COUNCIL

Mr. Kittle:

- Noted the Perennial Exchange, sponsored by the Beautification Advisory Commission, turnout showed 80% of the visitors are from outside of Auburn Hills. He suggested the possibility of using the contact information these visitors supply in alerting them to the new housing opportunities in Auburn Hills.
- The City staff did a great job in helping out Oakland Estates residents when they lost water usage for 24 or so hours. The water issue was not the fault of the City, but staff helped out as best they could.

Ms. Hammond:

- Reminded everyone of the National Night Out, Tuesday, August 2nd, from 6:00 p.m. until 8:00 p.m.
- While flipping through television channels, she notice the City's cable channel showing weeks old City Council meeting. Also, there was no sound.

Mayor McDaniel stated work is currently being done to assess the equipment and to determine what works and what doesn't. Once that is complete, progress can be made on the possibility of purchasing some new equipment, but there will be a need to staff designated to the position of maintaining the cable channel.

Ms. Hammond suggested the channel play music and scrolling messages of City happenings and letting viewers know the Council meetings can be found on the City's website.

Ms. Mitchell agrees with Ms. Hammond, noting the cable channel is not representative of the work quality that staff or City Council strive for.

Mayor McDaniel would like the residents to be aware that work is being done on the cable channel, to include that information on the channel.

Mr. Burmeister:

- Being two weeks into the dispatch changeover, he asked Police Chief Olko if there are, or have been any issues. Police Chief Olko stated adjustments are continuing and there hasn't been any major issues.

Mr. Knight:

- Has been thinking about the tax abatements and the claw backs. He is suggesting that for each year of an abatement the company would remain in the City. An example, 12 years of an abatement would result in 24 year residency. This would be two fold, it may decrease the number of years an applicant may seek and keep the applicant in the City for double the number of years. If the company fails to stay, all the taxes from the beginning of the abatement must be paid. He appreciates Mr. Kittle's concerns with the abatements and this approach may help.

- He asked Mr. Beckerleg if a service fee can be assessed to an abatement for the services the City provides. Mr. Beckerleg stated no.

- Asked when a stop sign will be installed at the end of the parking structure drive.

Mr. Grice explained there will be an overhead stop notification, alerting drivers to stop at the sign. There will not be a sign on a post.

Mr. Knight appreciates the overhead sign, but still believes there should be a post sign and a white line drawn indicting where the driver should be stopping, before approaching the road and looking for pedestrians.

- He called the Police non-emergency phone number, 248-370-9444 and got Oakland County dispatch. If anyone wants to call the Police Department, it is best to call a specific person's number, so the call isn't routed through dispatch. He wishes the non-emergency number was kept in-house.

Police Chief Olko explained the non-emergency number transfer to Oakland County dispatch is because if someone needs police services that is how the officer will be dispatched. There is very limited contact with the police cars that are out and about from the station.

- Announced how pleased and thankful he is working with this City Council, though not all agree all the time, but everyone is very thoughtful.

Ms. Verbeke:

- Asked about dust control for construction projects. The construction taking place at Baldwin and Collier Roads is creating a lot of dust.

Mr. Cohen stated if it becomes a problem, the building inspectors will make sure it is watered down. He will forward the information to Jeff Spencer, Building Official.

- She asked how often and when the streets are swept.

Mr. Grice believes the streets are swept four times each year, with the exception of highly traveled areas that need special attention.

- Reminded everyone of the upcoming election on August 2nd.

- Asked Mr. Tanghe for a list of upcoming Council workshops.

- Was curious if Citizen Participation Letters were required for the earlier billboard item.

Mr. Cohen stated no letters were sent, because there aren't any residents within 1,000 feet of the site. There was a public notice sent to property owners within 1,000 feet.

Ms. Mitchell:

- Congratulated Umicore on their ribbon cutting ceremony for their expansion.

- Thanked Mr. Tanghe for authorizing a blog about the citizen survey and making electronic copies available to residents.

Mr. Kittle followed up on Mr. Knight's comments, and agrees there needs to be discussion regarding tax abatements. Tax aren't being divided fairly. The City gets such a small percentage, though is responsible for all the essential services. The Zoo, DIA, county parks, and others get a much bigger percentage than the City and have to do nothing in exchange for those taxes. Other means must be investigated to continue bringing businesses into the City, without discounting tax money.

12. CITY ATTORNEY'S REPORT - none

13. CITY MANAGER'S REPORT

- Regarding abatements staff will continue to work under the guidelines of the current Policy, until such time as it is changed. He also stated taxes are based on millage rates and when adding all of the taxing unit's millages together, it is much larger than the City's. The City is getting its proportionate share for the millage rate.
- He would like to resolve the Gardner White sign issue and has been talking with Mr. Cohen about creating a standard for industrial parks. More than once, the City has been approached asking for industrial park signage. Getting ahead and creating a standard for monument signs at main entrances of industrial parks will alleviate a hodge-podge of signs.

Mayor McDaniel agreed it would be nice to have a standard for all industrial parks within the City.

Ms. Kowal, City Clerk, reminded everyone of the election, Tuesday, August 2, 2016, with polls opening at 7:00 a.m. and remaining open until 8:00 p.m. The City Clerk's office will be open Saturday, July 30, 2016 from 10:00 a.m. until 2:00 p.m. for those that may need an absentee ballot and is the last day a ballot can be taken home to vote. Absentee ballots will be available Monday, August 1st, until 4:00 p.m. and must be voted at the Clerk's office.

14. ADJOURNMENT

Hearing no objections, the meeting adjourned at 9:12 p.m.

Kevin R. McDaniel, Mayor

Terri Kowal, City Clerk

**CITY OF AUBURN HILLS
RESOLUTION 16.07.128
REVOKING PERSONAL PROPERTY COMPONENT
OF AN INDUSTRIAL FACILITY EXEMPTION CERTIFICATE
FOR RALCO INDUSTRIES, INC**

At a regular meeting of the City Council of the City of Auburn Hills, Oakland County, Michigan, held in the Council Chambers at 1827 N. Squirrel Road, Auburn Hills MI 48326 on **the 25th day of July, 2016.**

The following resolution was offered by Councilperson Knight and supported by Councilperson Burmeister:

WHEREAS, RALCO INDUSTRIES, INC has ceased progress in **installation of personal property** into the facility located at 1925 Taylor Road, which also ceases to operate the facility, and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Auburn Hills hereby determines that:

1. Industrial Facility Exemption Certificate 2013-285, inclusive only for the **personal property component**, be revoked according to the provisions of Public Act 198 as amended, for failure of the holder to proceed with the investment and installation of the personal property, and
2. Industrial Facilities Exemption Certificate 2013-285, inclusive only for the **real property component**, be continued to be exempt for which the certificate is in effect for the term and amounts as stated on the certificate, and
3. The City Assessor submits a copy of this resolution to the State Tax Commission with a request to revoke personal property component of the certificate.

**AYES: Mayor McDaniel, Mayor Pro Tem Mitchell, Council Members Burmeister,
Hammond, Kittle, Knight, Verbeke**

NAYS: None

ABSENT: None

ABSTENTIONS: None

RESOLUTION 16.07.128 APPROVED (7-0)

STATE OF MICHIGAN)

)SS

COUNTY OF OAKLAND)

I, the undersigned, the duly qualified and appointed 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 City Council held on the **25th day of July, 2016**, the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this 26TH day of July, 2016.

Terri Kowal, City Clerk

**CITY OF AUBURN HILLS
RESOLUTION 16.07.129
APPROVING A TRANSFER
OF AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
2013-285
FOR LOUCA MOLD & AEROSPACE MACHINING INC**

At a regular meeting of the City Council of the City of Auburn Hills, Oakland County, Michigan, held in the Council Chambers at 1827 N. Squirrel Road, Auburn Hills MI 48326 at 7:00 p.m. on the **25th day of July, 2016**.

The following resolution was offered by Council Member Verbeke and supported by Council Member Knight:

WHEREAS, Industrial Facility Exemption Certificate for **1925 Taylor Road** was approved by the State Tax Commission for a period of 12 years with an ending date of December 30, 2025, and

WHEREAS, **LOUCA MOLD & AEROSPACE MACHINING INC.** has leased the facility at **1925 Taylor Road.**, and has requested that the City of Auburn Hills approve a transfer of the **real property portion** of Industrial Facility Exemption Certificate **2013-285**, and

WHEREAS, the Clerk has notified in writing the Assessor of the City of Auburn Hills and the legislative body of each taxing unit which levies ad valorem property tax within the City of Auburn Hills and given notice to the general public so that they shall be afforded an opportunity to be heard at this public hearing to determine whether the transfer of the Industrial Facilities Exemption Certificate shall be approved or disapproved; and

WHEREAS, said public hearing having been held on the **25th day of July, 2016** at a regularly scheduled meeting; and

WHEREAS, comments on the transfer of the Industrial Facilities Exemption Certificate were heard and considered; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the city of Auburn Hills after granting this certificate **will exceed 5%** of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property exempted.

WHEREAS, it is hereby found and determined by the City of Auburn Hills Council that the transfer of the **real property portions** of Industrial Facility Exemption Certificate **2013-285** to **LOUCA MOLD & AEROSPACE MACHINING INC** is proper under the provisions of Public Act 198, of 1974 as amended, and the granting of the transfer considered together with the aggregate amounts of other tax abatements granted will not impair the financial soundness of the tax units, and

NOW, THEREFORE, BE IT RESOLVED that the application for transfer of the real property portions of Industrial Facilities Exemption Certificate **2013-285** to **LOUCA MOLD & AEROSPACE MACHINING INC** is hereby approved.

The City Council of Auburn Hills finds and determines that granting of this Industrial Facilities Exemption Certificate, together with the aggregate amount of the certificates previously granted and currently in force, under PA 198 of 1974 and PA 255 of 1978, shall not have the affect of substantially impeding the operating of the City of Auburn Hills, or of impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Auburn

**AYES: Mayor McDaniel, Mayor Pro Tem Mitchell, Council Members
Hammond, Kittle, Knight, Verbeke**

Burmeister,

NAYS: None

ABSENT: None

ABSTENTIONS: None

RESOLUTION 16.07.129 APPROVED (7-0)

STATE OF MICHIGAN)

) SS

COUNTY OF OAKLAND)

I, the undersigned, the duly qualified and appointed 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 City Council held on the 25th day of July, 2016 the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this 26th day of July, 2016.

Terri Kowal, City Clerk

**CITY OF AUBURN HILLS
RESOLUTION 16.07.130
APPROVING AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
FOR LOUCA MOLD & AEROSPACE MACHINING, INC**

At a regular meeting of the City Council of the City of Auburn Hills, Oakland County, Michigan, held in the Council Chambers at 1827 N. Squirrel Road, Auburn Hills MI 48326 on the **25th day of July, 2016**.

The following resolution was offered by Council Member Knight and supported by Council Member Mitchell:

WHEREAS, pursuant to P.A. 198, 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on **the 21st day of August, 1995**, the City of Auburn Hills, established an Industrial Development District, commonly referred to as the **Cardell Corporation Industrial Development District**; and

WHEREAS, **Louca Mold & Aerospace Machining, Inc** has filed an application for an Industrial Facility Exemption Certificate with the Clerk of the City of Auburn Hills with respect to proposed new **personal property** within the **Cardell Corporation Industrial Development District**; and

WHEREAS, before acting on said application, the City Council of Auburn Hills held a hearing on the **25th day of July, 2016** at a regularly scheduled meeting, at which time the applicant, the assessor, and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, construction of the facility and installation of new personal property has not begun earlier than six (6) months before **3rd day of June, 2016**, the date of the acceptance of the application for the Industrial Facility Exemption Certificate; and

WHEREAS, completion of the **personal property** is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in Auburn Hills; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Auburn Hills after granting this certificate **will exceed 5%** of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of Auburn Hills that:

1. The City Council of Auburn Hills finds and determines that the granting of this Industrial Facilities Exemption Certificate, together with the aggregate amount of the certificates previously granted and currently in force, under PA 198 of 1974, and PA 225 of 1978, **shall not** have the effect of substantially impeding the operation of the City of Auburn Hills, or of impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Auburn Hills.

2. The application from **Louca Mold & Aerospace Machining, Inc** for an Industrial Facilities Exemption Certificate with respect to a **New Facility** on the following described parcel of real property situated within the **Cardell Corporation Industrial Development District**; to wit;

The real property parcel the facility is located on is identified as tax parcel **02-14-10-200-022**, having an address **1925 Taylor Road**, City of Auburn Hills, MI 48326, including:

T3N, R10E, SEC 10 PART OF NE 1/4 BEG AT PT DIST N 89-39-08 E 330.30 FT FROM N 1/4 COR, TH N 89-39-08 E 983.64 FT, TH S 00-07-12 E 290.12 FT, TH N 89-39-08 E 227.39 FT, TH S 912.76 FT, TH N 62-37-37 W 564.18 FT, TH ALG CURVE TO RIGHT, RAD 523.50 FT, CHORD BEARS N 46-55-27 W 283.37 FT, DIST OF 286.95 FT, TH N 31-13-16 W 722.67 FT, TH ALG CURVE TO LEFT, RAD 351.50 FT, CHORD BEARS N 46-00-11 W 179.36 FT, DIST OF 181.37 FT TO BEG 18.80 A 7-12-13 FR 015 & 016

is hereby approved for **personal property improvements**.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of **eight (8) years**, and the starting date for the certificate is **December 31, 2016** and the ending date is **December 30, 2024**.

4. The total project investment approved is **\$560,000**.

5. **Louca Mold & Aerospace Machining, Inc** agrees to operate the facility for which the Industrial Facilities Exemption Certificate is granted for the term of the certificate, plus an additional **two years** after the date of the certificate's expiration.

**AYES: Mayor McDaniel, Mayor Pro Tem Mitchell, Council Members Burmeister,
Hammond, Knight, Verbeke**

NAYS: Council Member Kittle

ABSENT: None

ABSTENTIONS: None

RESOLUTION 16.07.130 APPROVED (6-1)

**CITY OF AUBURN HILLS
RESOLUTION 16.07.132
APPROVING AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
FOR NORTHERN SIGN CO INC**

At a regular meeting of the City Council of the City of Auburn Hills, Oakland County, Michigan, held in the Council Chambers at 1827 N. Squirrel Road, Auburn Hills MI 48326 on the **25th day of July, 2016**.

The following resolution was offered by Council Member Verbeke and supported by Council Member Burmeister:

WHEREAS, pursuant to P.A. 198, 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on the **25th day of July, 2016**, the City of Auburn Hills, established an Industrial Development District, commonly referred to as the **RLK Investment Properties Inc Industrial Development District; and**

WHEREAS, **Northern Sign Co Inc** has filed an application for an Industrial Facility Exemption Certificate with the Clerk of the City of Auburn Hills with respect to proposed new **real property** within the **RLK Investment Properties Inc Industrial Development District; and**

WHEREAS, before acting on said application, the City Council of Auburn Hills held a hearing on the **25th day of July, 2016** at a regularly scheduled meeting, at which time the applicant, the assessor, and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, construction of the facility and installation of new personal property has not begun earlier than six (6) months before **25th day of July, 2016**, the date of the acceptance of the application for the Industrial Facility Exemption Certificate; and

WHEREAS, completion of the **real property** is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in Auburn Hills; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Auburn Hills after granting this certificate **will exceed 5%** of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of Auburn Hills that:

1. The City Council of Auburn Hills finds and determines that the granting of this Industrial Facilities Exemption Certificate, together with the aggregate amount of the certificates previously granted and currently in force, under PA 198 of 1974, and PA 225 of 1978, **shall not** have the effect of substantially impeding the operation of the City of Auburn Hills, or of impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Auburn Hills.

2. The application from **Northern Sign Co Inc** for an Industrial Facilities Exemption Certificate with respect to a **New Facility** on the following described parcel of real property situated within the **RLK Investment Properties Inc Industrial Development District; to wit;**

The real property parcel the facility is located on is identified as tax parcel **02-14-11-353-039**, having an address **2181 E. Walton Blvd**, City of Auburn Hills, MI 48326, including:

T3N, R10E, SEC 11 SUPERVISOR'S PLAT NO 20 LOT 31 EXC S 144.41 FT, ALSO ALL OF LOTS 32, 33 & 34
6-14-16 FR 029 TO 032 INCL

is hereby approved for **real property improvements**.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of **eight (8) years**, and the starting date for the certificate is **December 31, 2016** and the ending date is **December 30, 2024**.

4. The total project investment approved is **\$1,600,000**.

5. **Northern Sign Co Inc** agrees to operate the facility for which the Industrial Facilities Exemption Certificate is granted for the term of the certificate, plus an additional **two years** after the date of the certificate's expiration.

AYES: Mayor McDaniel; Mayor Pro Tem Mitchell; Council Members Burmeister, Hammond, Knight, Verbeke

NAYS: Council Member Kittle

ABSENT: None

ABSTENTIONS: None

RESOLUTION 16.07.132 APPROVED (6-1)

STATE OF MICHIGAN)
)SS
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 25^h day of July, 2016.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this 26th day of July, 2016.

Terri Kowal, City Clerk