

**MINUTES  
FARMINGTON HILLS CITY COUNCIL  
SPECIAL STUDY SESSION MEETING  
CITY HALL – COMMUNITY ROOM  
MAY 7, 2024 – 3:00PM**

The special study session meeting of the Farmington Hills City Council was called to order by Mayor Rich at 3:03pm.

Council Members Present: Aldred, Boleware, Bridges, Bruce, Knol, and Rich

Council Members Absent: Dwyer

Others Present: Assistant City Manager Mondora, City Clerk Lindahl, Directors Harvey and Sullen-Winn, Police Chief King and City Attorney Joppich

**DISCUSSION ON MODIFICATIONS TO RULES OF THE CITY COUNCIL AND GUIDELINES OF CONDUCT**

Regarding the effective date of the 3-minute public comment rule:

Council discussed the changes to Citizen Participation Subsections E.2, E.5, and E.7 of the Rules, which were discussed at the March 18, 2024 City Council Study Session and approved at the March 25, 2024 regular City Council meeting, which limited individual public comment to 3 minutes each (changed from 5 minutes), effective at the first meeting in June, 2024. Discussion focused on whether the rules change to 3 minutes should be effective in May.

After discussion, it appeared that the majority of Council supported keeping the effective date of the change to 3 minutes to the first meeting in June. It was recommended to mention the change and the effective date at upcoming meetings in the meantime.

Regarding the possibility of allowing residents to speak first during public comment:

Occasionally there are issues that result in a large number of people offering public comment, with a portion (sometimes a majority) of those speakers not being residents of the City. Out of a large group of people speaking about a single subject, there have been a few residents waiting to bring matters forward that are more common in nature (zoning issues, road concerns, other concerns that affect a single resident, etc.), and sometimes must wait a long time during public comment before having an opportunity to present their concern. Council discussed ways to serve its residents more efficiently, while following the Open Meetings Act and hearing the concerns and opinions of the general public.

In response to questions, City Attorney Joppich stated that the Open Meetings Act enables the public body to implement rules for how the public comment portion of the public meeting will proceed (Section 3, MCL 15.263(5)). If a change is desired to prioritize City residents, the Rules should clarify that the Mayor (or whoever presides) has discretion regarding prioritization of individuals wishing to speak during public comment, e.g., giving priority or preference to property owners and residents of the City whenever possible. These are the people that pay taxes here and vote here, and these are good reasons to give them priority.

After discussion, it appeared to be the consensus of Council to develop protocols and rules that would give the Mayor the flexibility to allow residents to speak first, and when possible to prioritize those residents with specific unique issues, in order to bring their concerns forward first during public comment. One way would be to utilize the blue slips that had been used in the past, where people who

want to speak will identify their home city and the topic they want to address. While this is not a perfect system, it would give the Mayor (or meeting Chair) discretion when selecting the order of speakers, and move public comment forward in an orderly way.

City Attorney Joppich noted that he will draft an amendment to the Council Rules reflecting giving the Mayor (or whoever presides) discretion in terms of prioritizing speakers during public comment.

Regarding allowing signs in council chamber:

Recently people have been bringing signs in to the council chamber to express a particular point of view. The signs can be distracting, and even threatening in some circumstances. Additionally, it is interruptive when the Mayor has to tell someone to lower their sign. On the other hand, signs also reflect free speech.

City Attorney Joppich explained that the public forum doctrine includes a three-tiered classification: traditional public forum (public sidewalks, certain park areas), limited public forum, and non-public forum. Council chambers is defined as a *limited public forum*, per the City's Facility Use Policy. Regarding possible regulation, signs can be allowed in council chambers, can be banned, or can be allowed with certain limitations, such as size, consistency, material, time, place, manner.

However, if signs are allowed in the chamber, those signs cannot be regulated based on content. All sign regulations must be viewpoint neutral. But pornography and vulgarity were discussed as possible exceptions to the general rule. Banning signs completely can also be a viewpoint-neutral decision. There is legal precedent in other jurisdictions that supports the complete ban on signs on various grounds, and regulations on signs where the size and/or material can be safety issues.

Signs are prohibited from being posted by the public in the rest of City Hall per the Facility Use Policy, including outdoors and in planters. Special rules apply to the council chamber and that is the only place that signs are currently allowed during meetings.

Discussion regarding this issue included opinions on both sides, and included:

CONS:

- Signs are a distraction and can obscure the view of people sitting behind.
- Multiple signs about a single point of view inhibit free discussion.
- When people are asked multiple times to lower their signs the meeting is lengthened, and the discussion/city's business is interrupted.
- Other public bodies in the area do not allow signs within their buildings or meeting place, including the State Capitol.
- Public health, safety and welfare issues are sometimes at play:
  - Signs are sometimes used to intimidate and incite others, creating an environment that is uncomfortable and not welcoming for all residents. Banning all signs would create a more equitable, less intimidating, safe space for all.
  - Safety issues result when signs are on rigid poles or are made of rigid material such as plywood. Such materials can be a safety hazard generally and can be weaponized.
  - Recently police have been involved in escorting people from the chamber or otherwise gaining their compliance, relative to how signs are held and/or used during public meetings. This is not the best use of police officers, nor is it comfortable for anyone involved, and could be setting up the police officers for a confrontation.
- Signs do not support the decorum of a public meeting.
- Content of signs cannot be regulated, other than vulgar speech, and even that is open to interpretation.

PROS

- Signs are a form of protected free speech and are part of a long tradition of protest and free speech in the United States. For some council members, this was one of the most compelling considerations.
- Banning signs in the present moment might be inflaming to some, who would see the change as a reprimand.

In response to questions, City Attorney Joppich provided the following:

- There are different levels of “protection” for speech depending on the type of forum involved.
- When signs are allowed, the council chamber can be filled with signs, however, one of the cases he referenced earlier indicated that a public body meeting room was a limited public forum and justified a ban on signs because the public body’s meeting room is not a place for picketing like sidewalks and other traditional public forum places; the chamber is a place of business and getting governance done, which is probably why signs are banned at the Capitol and other places.
- The Facility Use Policy identified different areas in City Hall that are limited public forums.
- The Rules could be amended in such a way as to regulate signs in the council chamber, or to ban signs in the chamber but allow them in the corridor space outside chambers during meetings, or to ban them entirely, understanding the cautions he provided to Council.

After further discussion, Council decided to put the sign issue on the agenda for discussion and a vote at the May 13 meeting. City Attorney Joppich will draft an amendment to the Council Rules that will allow signs in the outside corridor area during meetings, but not in council chambers, not outside the building, and not in the building hallways. Also, signs should be regulated relative to public health, safety and welfare, in terms of not resulting in advertent harm or utilizing materials that could be weaponized.

**DISCUSSION ON PROCLAMATIONS AND RESOLUTIONS**

Mayor Rich introduced this discussion topic.

A *proclamation* is issued by the Mayor, and most are read by Council Members. Proclamations are generally used for recognition of positive things that are happening in the community. A *resolution* is voted on by Council, so if something is presented that requires a vote, it would be considered a resolution, not a proclamation.

Council is continuing to have requests from people inside and outside the community, to issue a proclamation or resolution regarding the situation in the Middle East. Requests have been made for other topics, such as gun safety.

Discussion was held on if the City wanted to continue doing proclamations and if it was time to sponsor a proclamation or resolution regarding the situation in the Middle East.

Chief King pointed out the benefits of proclamations that communicated recognition/appreciation for such things as Police Week, etc. as these proclamations have a positive impact on employees who feel that their elected officials recognize, support, and appreciate them.

Council comments included the following:

- Some members of the public have been continually asking for Council to vote on a resolution regarding Gaza, however, no Council Member should be put in a position of voting “no” on something that could be interpreted as not supporting a ceasefire. One could oppose Council offering a resolution and still support a ceasefire.

- The City should continue to do proclamations, as long those proclamations follow Council guidelines.
- Council policy states that City Council will not tell foreign governments how to operate.
- Council Members are not elected to involve themselves in foreign conflicts and affairs, they are elected to manage the City's business – its laws and resources.
- If Council wanted to offer a proclamation or resolution that called for a ceasefire, first Council would have to vote on changing its November 28, 2005 policy, “that the City of Farmington Hills will no longer adopt resolutions or make proclamations regarding foreign policy or diplomacy in other countries.”
- Council needs to do something to try and “bring down the temperature” at meetings and in the community.
- Anything less than a vote on a resolution supporting a ceasefire may not bring the temperature down at all.

Discussion was held on the difficulty of the present situation, in terms of how the situation in the Middle East is causing pain and suffering among City residents, and in terms of how Council is being perceived by some residents.

Council members shared conversations and comments made to them privately; and noted that not all residents supported the call for a resolution and it appeared that a significant number of residents did not want to attend City Council meetings due to intimidation.

Council was provided with proclamations and resolutions gathered from a number of communities regarding the situation in the Middle East. Some members of Council indicated that they liked aspects of the resolutions provided by Ferndale and the City of Northville.

Council asked Chief King to comment on issues related to enforcement. Chief King explained that when Police Officers enforce the law, they must put aside their personal opinions on issues as their goal is to support the Constitution, and to enforce the law fairly and consistently. He explained that each event that needs extra staffing, costs the City about \$7K per event, but the greater impact is on staff that is stretched tight, having to put in overtime for multiple events not just the Monday night Council meetings. He noted that some officers are working 16-18 hour shifts.

Council reviewed the Mayor's February 5, 2024 proclamation *Hate Has No Home*, and discussed what, if any, language could go further than this, such as addressing humanitarian concerns and needs. Any further proclamation or resolution would need to acknowledge the variety of viewpoints held by City residents, and should focus on anti-discrimination, supporting all residents, having constructive conversation, and recognizing a desire for peace. It was mentioned that the response to such a proclamation or resolution that does not specifically mention calling for a ceasefire, might inflame tempers further and if a ceasefire was mentioned in more neutral language, e.g., “some residents are asking for a ceasefire resolution,” the perception will still be that Council called for a ceasefire.

Council discussed drafting a new proclamation based on today's conversation and taking that to community leaders before making the decision to bring it to regular meeting for presentation to the community. If a new proclamation was presented, Council Members could address their support or lack of support for it during Council Member comments.

**OTHER RELATED DISCUSSION**

With reference to prior inquiries, Assistant City Manager Mondora suggested amending the Facility Use Policy to restrict the use of City Hall to City business. There are other community facilities available that can be used by HOAs and clubs, such as the Hawk, John Grant Center, Farmington Public Library, etc. Especially during this presidential election year, it would be appropriate to limit activities in City Hall.

Chief King reviewed in some detail police procedure for meetings and events when escalated conversations occur, noting that the top priority is safety, and this occurs through de-escalation efforts, communication, and preparedness. He stated that an operational plan is developed for every event and police officers will comply with all applicable laws and attempt to reduce exposure of potential liability to the city, the council, the officers, and everyone involved.

**PUBLIC COMMENT**

There were no public comments.

**ADJOURNMENT**

The special study session meeting adjourned at 5:40pm.

Respectfully submitted,

Carly Lindahl, City Clerk