

MINUTES
CITY COUNCIL MEETING
CITY OF FARMINGTON HILLS
NOVEMBER 28, 2016 – 7:30 PM
CITY HALL – COUNCIL CHAMBER

The regular meeting of the Farmington Hills City Council was called to order by Mayor Massey at 7:30 p.m.

Council Members Present: Bridges, Bruce, Knol, Lerner, Massey, Rich and Steckloff

Council Members Absent: None

Others Present: City Manager Boyer, City Clerk Smith, Assistant City Manager Mekjian, Directors Gajda and Gardiner and City Attorney Joppich

PLEDGE OF ALLEGIANCE

Mayor's Youth Council members led the pledge of allegiance.

APPROVAL OF AGENDA

MOTION by Bridges, support by Steckloff, to approve the agenda as published.

MOTION CARRIED 7-0.

SELECTION OF MAYOR PRO-TEM AND ADMINISTRATION OF OATH

MOTION by Rich, support by Lerner, to select Samantha Steckloff as Mayor Pro-Tem.

MOTION CARRIED 7-0.

Councilmember Rich commented that Councilmember Steckloff was a founding member of the Mayors Youth Council, a former Miss Farmington and has been an activist and leader in the community her entire life and she is delighted to nominate her for Mayor Pro-Tem.

City Clerk Smith administered the Oath of Office for Mayor Pro-Tem to Samantha Steckloff.

Mayor Massey thanked Councilmember Knol for her year as Mayor Pro-Tem.

INTRODUCTION OF THE MAYORS YOUTH COUNCIL AND ADMINISTRATION OF OATH

The Chair of the Mayors Youth Council spoke of the many accomplishments of the Youth Council this past year and their goals. The members each introduced themselves and City Clerk Smith administered the Oath of Office to the members.

COMMISSION FOR ENERGY AND ENVIRONMENTAL SUSTAINABILITY TIP OF THE MONTH

The following Tip of the Month was read by Councilmember Bruce:

**Commission for Energy and Environmental Sustainability
Tip of the Month**

The City of Farmington Hills wants to hear from you about solar energy. In collaboration with Michigan Energy Options, the City will be collecting responses to an online solar survey.

Sustainable Farmington Hills, the City's sustainability program, is exploring solar opportunities as part of the Georgetown University Energy Prize effort.

The short online survey is the first step in gathering information about the community's knowledge and interest in using solar power. The survey will give community members the chance to help guide the development of a City solar program.

To create the survey, the City partnered with Michigan Energy Options. The state-wide non-profit has helped numerous municipalities achieve energy and environmental goals through research and project-driven results. Their most recent undertaking, Michigan Community Solar, is a collaborative effort to establish a community solar park with the City of East Lansing and the Lansing Board of Water & Light.

Respondents can go to www.sustainablefh.com to take the solar survey, which will remain open until January 15, 2017. Survey results will be released to the public after that date.

For more information, please contact Sustainable Farmington Hills at 248-473-1851.

PRESENTATION AND ACCEPTANCE OF THE CITY'S FY 2015/16 AUDITED COMPREHENSIVE ANNUAL FINANCIAL REPORT

Director Gajda explained that the City Auditors Plante and Moran have provided the City with an unmodified opinion, which is the best and highest opinion they can render an organization. An unmodified opinion reflects the City's financial statements to be presented clearly and accurately and can be relied upon by the City and its representatives to make informed decisions going forward.

He noted that the General Fund continues to be financially sound with the fund balance increasing by approximately 11% last fiscal year and the General Fund's unassigned fund balance was approximately 26% of expenditures and transfers out at year end. He explained that the City's net investment of capitol assets citywide increased by approximately \$10 million dollars last fiscal year and the City's total debt decreased by 2% while the City maintained its AAA Standard and Poor's bond rating and AA1 bond rating from Moodys.

Mr. Gajda noted that the water and sewer fund continues to operate financially sound with unrestricted net assets of approximately \$67 million dollars at year end, which has positioned the City to finance future water and sewer infrastructure improvements.

Mr. Gajda explained that in regards to the City's retirement system and retiree health care plan, their actuary has determined that, at year end June 30, 2016, they are 85% funded in a retirement system and 100% in the retiree health plan.

He expressed his appreciation to the entire Finance Department, for their hard work that has resulted in another clean audit for the City.

Doug Bohrer, Plante and Moran, thanked the Mayor and Council for their time this evening and the City staff for their efforts in assisting with the audit. He noted that Council should have received the Comprehensive Annual Financial Report, Single Audit Compliance Audit Report, graph package and a letter addressed to the Mayor and Council. He stated that they also prepare a separate audit of the Retirement System and Post-Retirement Healthcare Fund, which were delivered to the Retirement Board in early November.

He stated that the City did receive the unmodified opinion and it is the highest form of assurance the City can receive from a 3rd party auditor and it is what the capital markets and the State of Michigan look at when reviewing the City's financial statements. He noted that the City invested over \$20 million dollars in infrastructure, buildings and equipment and took on some additional debt associated with that.

Mr. Bohrer reviewed the letter to Council which was included in the packet provided.

Tim St. Andrew, Plante and Moran reviewed the following graphs with Mayor and Council:

- General Fund Revenues
- Property Tax Composition
- Tax Value Trends
- State Shared Revenue
- General Fund and Public Safety Fund Expenditures
- Retirement System and Retiree Health Care – City Contributions

Councilmember Bridges what the challenges will be going forward to sustain 100% in health care and get above 85% in retirement.

Mr. St. Andrew responded that the numbers are based on assumptions made by the actuary and may change every time the actuary does a new report so where you might the 100% funded this year, it could change next year but it is important to just keep an eye on that every year and keep the level of funding high.

Councilmember Knol stated that the chart and comparison with Oakland County is very telling and asked how the City compares to other Oakland County cities in terms of pension. Mr. St. Andrew responded that the average is 75%, so where the City stands is above average.

Councilmember Knol thanked the City Manager, Department Heads and all City employees for using the taxpayer dollars wisely as they would not be able to operate the City on this budget otherwise or have the funding to put towards the pension and health care.

CORRESPONDENCE

Mayor Massey read the following letter into the record from Ken Polk regarding the water issues related to the Middlebelt Tunnel Project.

*Ken Polk
28331 Montpelier Ct.
Farmington Hills, MI 48334*

To Council:

This is being read into the record due to the fact that as a Lieutenant in the Southfield Fire Department I have to work tonight.

Re: The whole water situation. It seems some residents are being made whole while others, like myself, are still in limbo. My pond has dried up and I am left with a giant mud hole in my yard. I used to watch deer drink; herons fish and ducks hatch and raise their chicks in my pond. Now it's nothing more than a source of embarrassment. How demoralizing.

The Oakland County WRC still refuses to make me whole and install the needed filters as they claim it's a liability issue. Last week I came home from a 24-hour shift at the Fire Department to find the temporary

pump for the ridiculous tank had frozen. Meaning that after work, I couldn't shower or even flush my toilet. Nice.

If you recall, I warned everyone involved about freezing at a Council meeting. I guess my basic needs are secondary to everything else. This is how your residents, your citizens, your constituents are being treated. It's clearly obvious that protecting the WRC, whose negligence is solely responsible for the whole issue, is more important than my quality of life that has been destroyed.

Mayor Massey noted that he received 1 or 2 other similar letters on the same issue and has passed them on to the City Manager.

CONSENT AGENDA

MOTION by Bruce, support by Rich, to approve Consent Agenda items #10 and #11 as published.

Roll Call Vote:

Yeas: BRIDGES, BRUCE, KNOL, LERNER, MASSEY, RICH AND STECKLOFF
Nays: NONE
Absent: NONE
Abstentions: NONE

MOTION CARRIED 7-0.

MOTION by Rich, support by Bridges, to approve Consent Agenda items #12 and #13 as published.

Roll Call Vote:

Yeas: BRIDGES, BRUCE, KNOL, LERNER, MASSEY AND RICH
Nays: NONE
Absent: NONE
Abstentions: STECKLOFF

MOTION CARRIED 6-0-0-1.

PUBLIC QUESTIONS AND COMMENTS

Jim Stark, Farmington Public Schools Board of Education, commented that he was recently elected and is pleased to work with the school board and also with City Council and intends to make communication between the City and the school district a priority. He thanked Council for their support and he looks forward to getting to know them better and to make sure they have a healthy relationship.

Residents of the Greencastle Subdivision including Homeowner's Association President Dan McRoberts and Justin Williams spoke regarding their continued issues and concerns with the wells and water quality in their area.

Philip Sanzica, Chief Deputy of the Water Resources Commission (WRC), acknowledged their concerns and noted that testing and retesting of the residential wells is in progress. He discussed the results from that testing and actions being taken and noted that no lead or E-Coli have been found. He stated that WRC will be posting the test results on their webpage as well as sending letters to the residents and mentioned that on Monday December 5, 2016, they are hosting an open house at the Farmington Hills City Hall to address any water quality concerns. Mr. Sanzica stated that if the residents have any issues, they are to contact Joel Brown of the WRC Office. He added that the water main on Greencastle is being

placed in service and they hope to have Middlebelt Road open in the next couple weeks. He apologized for the burden this project has been on the city and residents.

Mayor Massey noted that Mr. Nash assured them Middlebelt Road would be open before Thanksgiving and inquired why that did not happen. Mr. Sanzica responded that they had relied on their contractors projected schedule, which has been extended out but they are working 7 days a week to expedite the opening of the road.

Councilmember Knol commented that the letter from Ken Polk indicated that when he came home from work his temporary tank was frozen and asked why residents are still on temporary tanks and when will they be taken off. Mr. Sanzica responded that there are four or five homes still on temporary tanks and they will be taken off once the new water main is in service. He noted that they have insulated Mr. Polk's tank.

Councilmember Lerner noted that they have a letter from a resident that states that the samples taken from his well have tested positive for lead at levels that were not acceptable for drinking water. Mr. Sanzica explained that sometimes the testing results in false-positives and they have retested that well and did not find any lead in the water.

Councilmember Lerner stated that all homes must be tested as promised and requested that the WRC send all addresses that have been tested to date to the City Manager; and those that have not been tested, to make sure that they are tested. Mr. Sanzica responded that he would follow up on this matter to make sure this is done.

Mayor Pro-Tem Steckloff expressed frustration that there were assurances that things would be done and they have not been done. She stated that businesses are suffering and the road needs to be open and that it was her understanding that all residents would have their water tested.

Mr. Sanzica stated that anyone who requests and wants their water tested, can contact WRC and they will test their water.

Councilmember Bridges asked if WRC will have staff at the open house meeting to take residents' questions and address their concerns and will residents be able to sign up to be tested at that time. Mr. Sanzica replied they would.

Councilmember Bridges commented that he is concerned that WRC has allowed the contractor to have too much leeway with this project and the oversight was not what it should have been.

Councilmember Knol noted that there is a house that is having a new issue with their well, which had already been fixed according to WRC, and it is pumping in sediment and they sent pictures to Council. She asked Mr. Sanzica to get the address of that home and contact the owner to have that issue addressed. Mr. Sanzica indicated that he would follow up on this issue.

Councilmember Rich commented that at the open house meeting people must be heard, individual plans must be understood and actions must be taken.

Mr. Sanzica assured that they will have the necessary staff at the meeting to accommodate the residents.

Mayor Massey commented that everything else they have been assured that was going to happen and has not happened causes trust issues and there must be a permanent solution to all of these issues and that is putting this subdivision on city water and Mr. Nash needs to take that action and figure out how it can be done and get it done. He stated that would go a long way to rebuild that trust.

Councilmember Lerner asked that agenda item #9, adoption of resolution to Water Resources Commission, be moved up on the agenda.

Attorney Joppich suggested that Council amend the agenda to move the item up prior to the public hearing items.

Councilmember Bruce commented that he is still not getting the impression that there is a sense of urgency with the WRC that there should be with all of the residents, businesses and commuters that have suffered due to this project. He added that he is still concerned in the level of competence with regard to this project and someone needs to be held accountable.

Mr. Sanzica assured Council that the urgency is understood. He stated they will be going after their consultants who misled them regarding the impact on the wells and they have insurance to cover claims and recover costs, but it takes time. He stated that the goal is to avoid litigation, come in under budget and provide the residents with good service.

MOTION by Lerner, support by Knol, to move New Business, agenda item #9, Consideration of adoption of Resolution to Water Resources Commission, as the next agenda item to be considered before Councilmember Comments and Announcements.

MOTION CARRIED 7-0.

NEW BUSINESS

CONSIDERATION OF ADOPTION OF RESOLUTION TO WATER RESOURCES COMMISSION

The following resolution was read by Councilmember Lerner:

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF FARMINGTON HILLS

RESOLUTION NO. R-182-16

At a regular meeting of the City Council of the City of Farmington Hills, County of Oakland, State of Michigan, held in the Farmington Hills City Hall on November 28, 2016, at 7:30 p.m., with those present and absent being,

PRESENT: BRIDGES, BRUCE, KNOL, LERNER, MASSEY, RICH AND STECKLOFF
ABSENT: NONE

the following resolution was offered by Councilperson Rich and supported by Councilperson Steckloff:

WHEREAS, the Water Resources Commissioner (“WRC”) identified the Evergreen-Farmington Sewage Disposal System Middlebelt Transport and Storage Tunnel Project (“Project”) within the City limits of

Farmington Hills in conjunction with a 2004 Administrative Consent Order that was filed after the Michigan Department of Environmental Quality (“MDEQ”) discovered sanitary sewer overflows (“SSO”) within the Evergreen-Farmington Sewage Disposal System during periods of extreme wet weather; and

WHEREAS, the WRC designed and engineered the Project to control the SSO for the residents of Farmington Hills and other communities tributary to the Project; and

WHEREAS, included as part of the WRC’s design and engineering of the Project were the parameters and testing for impacts of a dewatering process for purposes of enabling the installation of the transport and storage tunnel and completion of the Project; and

WHEREAS, through the WRC’s processes and procedures, however, residents of the Greencastle Subdivision and surrounding areas have experienced loss of water, odor and quality issues, private well and other equipment failures along with particulate inclusions in their existing private well water systems (“Drinking Water Issues”); and

WHEREAS, to show good faith, the WRC office has undertaken some attempts to mitigate the Drinking Water Issues associated with this Project, which include:

1. Drilling new wells for some of the homeowners,
2. Providing bottled water and/or temporary water tanks for some residents,
3. Constructing new portions of the municipal water system and connecting some homes to that municipal system, and
4. Testing for water quality in many homes; and

WHEREAS, many of the residents experiencing the Drinking Water Issues have voiced their complaints, issues, difficulties and frustrations with the WRC to the City of Farmington Hills City Council during numerous Council meetings; and

WHEREAS, the City Council believes there is not enough communication and action by the WRC to mitigate and provide permanent solutions on a timely basis to the residents that have been experiencing the Drinking Water Issues for extended periods of time; and

WHEREAS, the City has identified many other issues relative to the Project that remain unresolved, but the issue of providing a permanent, reliable, clean and safe drinking water supply to these residents is of paramount concern and importance, and is in need of immediate attention by the WRC.

NOW, THEREFORE, IT IS RESOLVED that the City Council, by adoption of this resolution, calls upon and strongly urges the WRC to address the residents’ Drinking Water Issues in a timely manner by providing them with a permanent, reliable, clean and safe drinking water supply.

BE IT FURTHER RESOLVED that this resolution is focused solely on the Drinking Water Issues, and, therefore, by adopting this Resolution, the City of Farmington Hills is not in any way waiving and specifically reserves any and all rights it has or may have with respect to any claims, remedies and relief that it may have with respect to all other issues it has or may have in connection with the Project.

AYES: BRIDGES, BRUCE, KNOL, LERNER, MASSEY, RICH AND STECKLOFF
NAYS: NONE
ABSENT: NONE

ABSTENTIONS: NONE

RESOLUTION DECLARED ADOPTED.

Mayor Massey emphasized that the residents drinking water issues must be addressed in a timely and permanent manner.

It was noted that a copy of the resolution would be sent to Water Resource Commissioner Nash.

COUNCIL MEMBER'S COMMENTS AND ANNOUNCEMENTS

The following comments and announcements were made:

Councilmember Lerner noted that the Farmington Area Good Fellows is collecting food and collection boxes are located at both City Halls, the downtown Farmington Community Library and at the Costick Activities Center. Applications are available on the Good Fellows website if someone needs assistance, and Friday is the last day to apply for assistance.

Councilmember Rich announced that her next Sunday Walk and Talk is scheduled for December 11, 2016 at 1:30pm at the Farmington Hills Library.

CITY MANAGER UPDATE

City Manager Boyer provided the following updates:

- Yard waste pickup will end during the week of November 28-December 2.
- Water Resources Commissioners meeting will take place on Monday, December 5, 2016 6-8pm in at the Farmington Hills City Hall, Council Chambers
- The 24th Annual Holiday Lighting Ceremony will be held at City Hall on December 6th at 6pm
- The Holiday Shopping Expo at the Costick Center is scheduled for December 10, 2016 from 10am-5pm.

PUBLIC HEARING

PUBLIC HEARING AND CONSIDERATION OF APPROVAL OF THE INTRODUCTION OF AN ORDINANCE TO AMEND THE FARMINGTON HILLS CODE OF ORDINANCES, CHAPTER 34, "ZONING" TO ADD A STATEMENT OF PURPOSE, REVISE VARIOUS REGULATIONS TO BOTH PERMANENT AND TEMPORARY SIGNS, ESTABLISH NEW RULES TO OFF-PREMISES BILLBOARDS, ADD NEW PROVISIONS RELATING TO A-FRAME SIGNS AND TO UPDATE CERTAIN SIGN DEFINITIONS; ZONING TEXT AMENDMENT 1, 2016.

Department of Planning and Community Development Director Gardiner explained that the proposal before City Council this evening is to make comprehensive revisions to the city's sign ordinance. He noted that Council reviewed the proposed amendments in a study session and the Planning Commission also reviewed the existing ordinance and revisions and held a formal public hearing on the proposed amendments and have recommended approval. He stated that this item was advertised as a public hearing so public comments should be taken before any action is taken by Council.

Planning Consultant, Rod Arroyo, highlighted the proposed amendments.

Mayor Massey thanked the Planning Commission for their efforts in reviewing the ordinance and recommending the proposed amendments.

Mayor Massey opened the public hearing. There being no comments, Mayor Massey closed the public hearing.

MOTION by Lerner, support by Rich, that the City Council of Farmington Hills hereby approves the INTRODUCTION of an ordinance to amend the Farmington Hills Code Of Ordinances Chapter 34, "Zoning," Article 5.0, "Site Standards," Section 34-5.5, "Signs" to add a statement of purpose, to revise various regulations relating to both permanent and temporary signs, to establish new rules relating to off-premises billboards, and to add new provisions relating to A-Frame Signs; to amend Article 2, "Definitions," to update certain sign definitions in light of other revisions; to amend Article 3.0, "Zoning Districts," and Article 4.0, "Use Standards," at various subsections to correspond to other revisions.

Roll Call Vote:

Yeas: BRIDGES, BRUCE, KNOL, LERNER, MASSEY, RICH AND STECKLOFF
Nays: NONE
Absent: NONE
Abstentions: NONE

MOTION CARRIED 7 – 0

PUBLIC HEARING AND CONSIDERATION OF THE INTRODUCTION OF AN ORDINANCE TO AMEND THE FARMINGTON HILLS CODE OF ORDINANCES, CHAPTER 7, ARTICLE VII, "TEMPORARY SIGNS" AND CHAPTER 22, ARTICLE IV "GARAGE SALE AND OPEN HOUSE SIGNS," TO DELETE CERTAIN PROVISIONS IN LIGHT OF OTHER CHANGES TO SIGN REGULATIONS; CITY CODE AMENDMENT 2, 2016.

Mr. Gardiner explained that due to Council approving the previous amendments to the Zoning Ordinance, this now necessitates certain amendments to also be made to the City Code. He noted that this item was also advertised as a public hearing and public comments should be heard prior to any action by Council.

Mayor Massey opened the public hearing. There being no comments, Mayor Massey closed the public hearing.

MOTION by Bridges, support by Bruce, that the City Council of Farmington Hills hereby approves the INTRODUCTION of an ordinance to amend Farmington Hills City Code of Ordinances, Chapter 7, Article VII, Temporary Signs, and Chapter 22, Article IV, Garage Sale And Open House Signs, in order to delete certain provisions in light of other changes to sign regulations within the city's zoning ordinance, Chapter 34 of the City's Code of Ordinances.

Roll Call Vote:

Yeas: BRIDGES, BRUCE, KNOL, LERNER, MASSEY, RICH AND STECKLOFF
Nays: NONE
Absent: NONE
Abstentions: NONE

MOTION CARRIED 7 – 0

UNFINISHED BUSINESS
CONSIDERATION OF APPROVAL OF THE ENACTMENT OF ORDINANCE C-7-2016 TO AMEND THE FARMINGTON HILLS CODE OF ORDINANCES, CHAPTER 15, "HISTORICAL

PRESERVATION,” TO ADD THE PROPERTY LOCATED AT 26291 PILLSBURY, THE CARL LICHT HOUSE, TO THE HISTORIC DISTRICTS; AND APPROVAL OF SUMMARY FOR PUBLICATION.

Mr. Gardiner stated that this ordinance was introduced at the last meeting by City Council to add the property located at 26281 Pillsbury, The Carl Licht House, to the Historic District. There have been no changes since that meeting and the next step would be for Council to enact the ordinance.

MOTION by Knol, support by Lerner, that the City Council of Farmington Hills hereby approves the ENACTMENT of Ordinance C-7-2016 to amend the Farmington Hills Code of Ordinances by amending Chapter 15, “Historical Preservation,” Article II, “Historic District and Historic District Commission,” Section 15-29, “Historic Districts Enumerated,” to add the property located at 26291 Pillsbury, The Carl Licht House, to the Historic Districts; and approval of summary for publication.

Roll Call Vote:

Yeas: BRIDGES, BRUCE, KNOL, LERNER, MASSEY, RICH AND STECKLOFF
Nays: NONE
Absent: NONE
Abstentions: NONE

MOTION CARRIED 7 – 0

CONSENT AGENDA
RECOMMENDED APPROVAL OF CANCELING THE CITY COUNCIL MEETING SCHEDULED FOR DECEMBER 26, 2016.

MOTION by Bruce, support by Rich, that the City Council of Farmington Hills hereby cancels the regular City Council meeting of December 26, 2016.

Roll Call Vote:

Yeas: BRIDGES, BRUCE, KNOL, LERNER, MASSEY, RICH AND STECKLOFF
Nays: NONE
Absent: NONE
Abstentions: NONE

MOTION CARRIED 7 – 0

RECOMMENDED APPROVAL OF THE COLLECTIVE BARGAINING AGREEMENT WITH THE POLICE OFFICERS ASSOCIATION OF MICHIGAN (POAM). CMR 11-16-119

MOTION by Bruce, support by Rich, that the City Council of Farmington Hills hereby approves the City Manager and the Director of Human Resources be authorized to execute a new Agreement with the Police Officers Association of Michigan (POAM) in accordance with the terms and conditions as outlined in CMR 11-16-119.

Roll Call Vote:

Yeas: BRIDGES, BRUCE, KNOL, LERNER, MASSEY, RICH AND STECKLOFF
Nays: NONE
Absent: NONE
Abstentions: NONE

MOTION CARRIED 7 – 0

RECOMMENDED APPROVAL OF THE CITY COUNCIL STUDY SESSION MEETING MINUTES OF NOVEMBER 14, 2016.

MOTION by Rich, support by Bridges, that the City Council of Farmington Hills hereby approves the study session meeting minutes of November 14, 2016 as submitted.

Roll Call Vote:

Yeas: BRIDGES, BRUCE, KNOL, LERNER, MASSEY AND RICH
Nays: NONE
Absent: NONE
Abstentions: STECKLOFF

MOTION CARRIED 6-0-0-1.

RECOMMENDED APPROVAL OF THE CITY COUNCIL REGULAR MEETING MINUTES OF NOVEMBER 14, 2016.

MOTION by Rich, support by Bridges, that the City Council of Farmington Hills hereby approves the regular meeting minutes of November 14, 2016 as submitted.

Roll Call Vote:

Yeas: BRIDGES, BRUCE, KNOL, LERNER, MASSEY AND RICH
Nays: NONE
Absent: NONE
Abstentions: STECKLOFF

MOTION CARRIED 6-0-0-1.

ADJOURNMENT

The City Council meeting was adjourned at 9:14p.m.

Respectfully submitted,



Pamela B. Smith, City Clerk