

**MEETING MINUTES
CITY COUNCIL MEETING
CITY OF FARMINGTON HILLS
FEBRUARY 10, 2014 – 7:30 PM
CITY HALL – COUNCIL CHAMBER**

The regular meeting of the Farmington Hills City Council was called to order by Mayor Brickner at 7:35 p.m.

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

Council Members Absent: None

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

PLEDGE OF ALLEGIANCE

Economic Development Corporation Chairperson John Anhut led the pledge of allegiance.

APPROVAL OF AGENDA

MOTION by Knol, support by Massey, to approve the agenda as published.

MOTION CARRIED 7-0

EMERGENCY PREPAREDNESS COMMISSION “TIP OF THE MONTH”

**FEBRUARY 2014
EMERGENCY PREPAREDNESS COMMISSION
TIP OF THE MONTH**

In February, the Emergency Preparedness Commission encourages all our senior citizens and anyone with special needs to read the page devoted to them in the Farmington Hills *Preparedness Handbook*.

Remember that emergencies can strike quickly and without warning. All seniors are encouraged to protect themselves and be able to cope with these events by *planning ahead*. Remember: even if you have physical limitations you can still provide for yourself during times of emergencies by *planning ahead*. Be sure to store at least a three-day supply of food, water, medicine, and batteries for any special health equipment that you use. Have these items in a duffel bag or backpack so they can be easily transported in case of evacuation.

Seniors, or anyone with special needs, can take responsibility for themselves by keeping in touch with their neighbors and looking out for each other. Such assistance is an integral part of being a community.

In the event of a personal emergency, everyone is encouraged to have a *FILE OF LIFE* on your refrigerator. For our seniors, these documents are provided compliments of the City of Farmington and Farmington Hills Senior Division, and Police and Fire Departments. Our first

responders are trained to recognize these and use them should they have to answer an emergency call in your home. To get one of these, or for more information, call our Senior Division at (248) 473-1830, or visit the Costick Center on Eleven Mile Road just west of Middlebelt Road.

The Emergency Preparedness Commission wants to remind everyone that preparedness is easier than you think, and is the responsibility of all.

For more information, call the Senior Division at the Costick Center at (248) 473-1830. To access your Farmington Hills *Preparedness Handbook*, please visit the EPC website at www.FHReady.com. You can read the handbook online or download a personal copy.

UPDATE FROM COUNTY COMMISSIONER GERSHENSON

Commissioner Gershenson made the following announcements:

- Oakland County summer job applications are now available; the deadline for submitting applications is February 24, 2014.
- She is working with Commissioner Dwyer on a project called “Mental Health First Aide”, which is an 8 hour training session offered to any group of at least 30 people and will teach how to detect a person with a mental illness and what to do to help them. The training is free of charge due to grant funding.
- The Michigan Public Service Commission has announced that they received a grant to help eligible low-income customers with their utility bills.

CORRESPONDENCE

None

CONSENT AGENDA

MOTION by Massey, support by Bridges, to approve Consent Agenda Items 7, 8, and 10.

Roll Call Vote:

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

MOTION CARRIED 7-0

MOTION by Massey, support by Steckloff, to approve Consent Agenda Item 9.

Roll Call Vote:

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

MOTION CARRIED 6-0-1

PUBLIC QUESTIONS AND COMMENTS

NONE

COUNCIL MEMBER'S COMMENTS AND ANNOUNCEMENTS

The following announcements were made:

- On February 5, 2014 the City assisted in sponsoring a program that showed and discussed the video, "Transforming Loss".
- On February 25, 2014 6:30 p.m. – 9:00 p.m. there will be a session held in Farmington Hill City Hall to help people who are working through a crisis.
- Farmington/Farmington Hills Foundation for Youth and Families held a Gala to raise money for the After School Program and the Backpack Program. This program raised approximately \$38,000.
- The State of the Cities will be held at the Costick Center and sponsored by the Chamber of Commerce on February 11, 2014 at 7:30 a.m.

CITY MANAGER UPDATE

City Manager Brock provided the following update:

- The Snow Removal Policies and Procedures are on the City web-site.
- Discussion on the need for road repair funding
- Former resident, Cam Fowler, is playing hockey in the Olympics
- Priscilla Brouillette is retiring from the Farmington Public Schools and there will be a reception held in her honor on Wednesday, February 12, 2014

Councilmember Steckloff thanked the many residents and Boy Scouts that have been helping clear the snow from around the fire hydrants in the City.

Mayor Brickner thanked Director Mekjian and Superintendent McCarthy for their hard work and asked that they thank all of the employees on behalf of Council for all of their hard work in keeping the streets clear.

PUBLIC HEARING

PUBLIC HEARING AND CONSIDERATION OF RESOLUTION APPROVING PLANS AND DETERMINATION OF SPECIAL ASSESSMENT DISTRICT COST ESTIMATES FOR SANITARY SEWER IMPROVEMENTS FOR PEARL STREET CMR 1-14-16

Director Mekjian stated that as a part of the City's Storm Water Discharge Permit requirements from the State of Michigan, storm sewer outfall monitoring and testing was performed and elevated levels of E. coli were documented in the area of Pearl Street. He noted that the testing identified 5 homes and 1 business on Pearl Street whose sanitary building leads are directly connected to the Oakland County storm drain; and discharges from these leads currently flow directly to the Rouge River without treatment and present a public health and safety issue. He added that the discharges are also in violation of the Clean Water Act, State and local laws.

Mr. Mekjian stated that the Oakland County Water Resources Commissioner's Office has received grant funding from the Rouge Program Office to cover 50% of the construction costs to address this issue, which are available until May 1, 2014. Due to the cost involved of building a new sanitary sewer it has been decided to convert the existing storm sewer into a sanitary sewer. The total project cost amount is \$133,900. Grant eligible costs amount to \$55,550. A single unit assessment for the Pearl Street Sanitary Sewer improvement amount is \$9,725. This is the cost that was presented at the informational meeting. At this time none of the property owners have signed the petition in favor of the project.

There was discussion regarding how these buildings were built without the proper sanitary system. Director Mekjian explained that the buildings are very old and they were most likely built to standards at that time; however, the system does not meet current standards and has to be fixed due to the health issue

involved. The permit that was given to convert the storm sewer to the sanitary sewer is for these 6 properties only. If at a future date there is construction on the vacant properties in this area, those properties would not be allowed to tie into this system.

Director Mekjian displayed a map of the area and explained the project.

Councilmember Bridges inquired if there were other properties in the City with this same issue.

Director Mekjian stated that there are and his department is currently working on those properties as well. The properties will also have to disconnect from the storm sewer, but have the ability to connect to an existing sanitary sewer in the area unlike the homes on Pearl Street.

Mayor Brickner opened the public hearing.

Roger Mester, 20827 Pearl, thanked the City for all the hard work they have put into this project and stated that he believes in environmental protection. He stated that he feels the proposed amount of the money that will be charged to each property is unrealistic because of the property value in this area. He feels that the owners of the other lots should share in the cost, and expressed concern that any development coming in on the vacant properties would be able to tie into the system at a lesser cost. Mr. Mester stated that he hopes this issue is resolved and built prior to May 1, 2014 so that the project is eligible for the grant money, but feels that the cost to each property owner is too much because of the property value in this area. He commented that he would like to avoid litigation and work out a compromise with Council and proposed that the property owners should only have to pay \$5,000. He requested that Council lower the Special Assessment cost and spread the cost to all the properties on the street. Mr. Mester also expressed concern with the 2 trees in the middle of the road, which he would not want to see removed or harmed during this project.

Mayor Brickner confirmed with Director Mekjian that the reason why only the 6 properties are included in this Special Assessment District is because they are the only properties going to benefit from the project. If the vacant properties are developed they will not be permitted to tie into this same system.

Mayor Brickner asked if there is a way to spread the cost longer than 15 years.

City Manager Brock stated that there is concern about spending more money in interest if it is extended, but could check into this further to see if it would help the property owners.

City Attorney Joppich advised Council that the City Charter states that the property owner shall pay 100% of the costs for water and sewer improvements; therefore, the City by Charter cannot contribute city funds to this type of improvement.

Daniel Wolfe, 20823 Pearl Street, stated that the residents of Pearl Street are not opposed to making changes that will mitigate the pollution that is being discharged into the Rouge River, but they do dispute who is responsible for the cost of the corrections based on Michigan Law and based on property ownership. He feels that the Special Assessment District is unreasonable and unjustifiable and it violates the Michigan Constitution. He feels that because the City of Farmington Hills designed and built the system, which has now failed; it is the responsibility of the City of Farmington Hills to fix the system and bring it into compliance with the law. He added that the property owners have had no control how this system was designed and installed and does not have any responsibility for any public health violation that may exist. Mr. Wolfe added that he believes that Michigan Law indicates that the only justification for a Special Assessment District is an increase in the market value of the property involved. He asked

that Council withdrawal this Special Assessment proposal and find financing from legal and legitimate sources.

Hubert Marx, 20909 Pearl Street, stated that his grandfather moved his home from behind Botsford to the current location in 1928, and the residents of Pearl Street have always believed that the home were properly connected to the sewer system. He added that if the line was hooked up incorrectly in the 1950's why residents now are being asked to pay for the mistakes that were made by the township, the contractors, and the inspector that did the job. He agreed that the problem needs to be corrected, but he does not feel this is a fair cost to the residents. He stated that the residents may need to pay for the lining of the pipes, but he does not feel that they should have to pay for the reconnections that should have been done correctly many years ago.

Councilmember Steckloff asked if Community Development Block Grant (CDBG) money could be used for this project.

City Manager Brock stated that they would have to look into this matter. He explained that Community Development Block Grant money is based on income so residents would have to qualify for this type of grant. He also noted that this funding has been estimated and included in the proposed budget for this year so if anyone were to qualify, adjustments would have to be made to the budget.

Councilmember Bridges inquired if there was any case law relating to this situation and if the city has any responsibility for funding. City Attorney Joppich stated that he has not come across another case similar to this but that he could research this further as this item will be back before City Council for another public hearing to approve the assessment roll.

Councilmember Knol stated that there are several components to this project and asked if there are any of the components that could be taken out of the project and paid for by the City to lower the costs for the residents.

Attorney Joppich commented that the Council is approving what the plans will be for this project this evening and there could be other issues due to the use of grant funding for the project.

Director Mekjian cautioned that the City may not be able to use Community Development Block Grant money because the City has received a federal grant already for the project and he is not certain that additional federal funding could be used. He stated that the City will have to review that option and whether that is an appropriate use of CDBG money.

City Manager Brock stated that some of the issues raised and suggestions for funding will have to be reviewed prior to the next hearing. Due to the fact that the project must be completed by May 1, 2014 in order to utilize grant funds for a portion of the project, he suggested that council approves moving forward with the project tonight with conditions, if necessary. He stated that staff will continue to review funding options and the possibility of piecing out the project in order to reduce costs to the residents.

Director Mekjian clarified that while the residents were under the impression that they have been connected to the sewer system all along, the properties are on the "water only" list, which indicates they have not been receiving a sewer bill.

MOTION by Bruce, support by Bridges, that the City Council of the City of Farmington Hills hereby approves the Resolution approving Plans and Determination of Special Assessment District Cost Estimates for Sanitary Sewer Improvements for Pearl Street, subject to the following conditions:

- City staff will review the possibility of utilizing alternative funding, including CDBG and storm water funds, etc. in order to reduce costs to the Special Assessment District.
- City staff will review the possibility of splitting out portions of the project that would not be required to be paid by the Special Assessment District.
- If portions of the project can be split out and not included in the costs to the Special Assessment District, that the reduced costs are reflected in the Special Assessment Roll that is brought before City Council for approval.

Roll Call Vote:

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

MOTION CARRIED 7-0

PUBLIC HEARING AND CONSIDERATION OF RESOLUTION ESTABLISHING AN INDUSTRIAL DEVELOPMENT DISTRICT FOR THE BUILDING LOCATED AT 36600 CORPORATE DRIVE, FARMINGTON HILLS CMR 1-14-15

City Manager Brock explained the process for making application for an Industrial Development District and the next item, which is for a tax exemption certificate. He noted that North American Lighting is requesting a tax abatement for a period of 12 years whereby 50% of the personal property tax would be abated. He noted that representatives from North American Lighting are present tonight to provide some information on the company.

Scott White, Director of Engineering from North American Lighting, stated that they have been in Farmington Hills since 1993 when they moved to Farmington Hill from Troy with less than 40 employees. He stated that have since grown to 170 employees in the current location and now need to move into a larger facility. The company has a need to hire 76 new employees, which are mostly engineering positions; and the company has decided that they would like to stay in Farmington Hills.

Councilmember Bridges inquired if North American Lighting had ever applied for any other tax abatements in Michigan. Mr. White replied that they have not.

Mayor Brickner explained that the company meets all of the city's criteria for a tax abatement and since the abatement is for a period of 12 years, the company is required to stay within the community for twice that time or 24 years.

Mayor Brickner opened the public hearing. There being no comments, Mayor Brickner closed the Public Hearing

MOTION by Lerner, support by Massey, that the City Council of the City of Farmington Hills that the following described parcel of land situated in the City of Farmington Hills, County of Oakland, and State of Michigan, Parcel ID #22-23-17-126-001 – 36600 Corporate Drive, is established as an Industrial Development District pursuant to the provisions of PA 198 of 1974, as amended.

Roll Call Vote:

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

MOTION CARRIED 7-0

PUBLIC HEARING AND CONSIDERATION OF RESOLUTION APPROVING AN APPLICATION FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR NORTH AMERICAN LIGHTING AT 36600 CORPORATE DRIVE, FARMINGTON HILLS CMR 1-14-15

Mayor Brickner opened the public hearing. There being no comments, Mayor Brickner closed the Public Hearing

MOTION by Bruce, support by Knol, that the City Council of the City of Farmington Hills approve the application for an Industrial Facilities Exemption Certificate from North American Lighting for a period of 12 years for 50% personal property to be acquired, and further authorize the City Manager and City Clerk to execute the required Abatement Agreement.

Roll Call Vote:

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

MOTION CARRIED 7-0

NEW BUSINESS

CONSIDERATION OF APPROVAL OF APPOINTMENTS TO THE EMERGENCY PREPAREDNESS COMMISSION

MOTION by Massey, support by Steckloff, that the City Council of Farmington Hills hereby confirms the Mayor's recommendation to appoint Philip Mintz and Kerry Leon Jackson to the Emergency Preparedness Commission with terms ending February 1, 2017.

Roll Call Vote:

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

MOTION CARRIED 7-0

CONSENT AGENDA

RECOMMENDED APPROVAL OF AWARD OF BID FOR TRANSIT MIX CONCRETE TO SUPERIOR MATERIALS IN THE AMOUNT OF \$29,780- AND TO MCCOIG MATERIALS IN THE AMOUNT OF \$8,396, WITH POSSIBLE EXTENSIONS CMR 1-14-17

MOTION by Massey, support by Bridges, that the City Council of Farmington Hills hereby authorizes the City Manager to approve purchase orders to Superior Materials for \$29,780 and to McCoig Materials for \$8,396 for the purchase and delivery of transit mix concrete products, with extensions.

Roll Call Vote:

Yeas: BRICKNER, BRIDGES, BRUCE, KNOL, LERNER, MASSEY AND STECKLOFF
Nays: NONE

Absent: NONE
Abstentions: NONE

MOTION CARRIED 7-0

RECOMMENDED APPROVAL OF EXTENSION OF BID AWARD FOR LANDSCAPE MAINTENANCE MATERIALS TO HARELL'S, INC. THROUGH NOVEMBER 30, 2018, IN AN AMOUNT NOT TO EXCEED \$60,000 PER FISCAL YEAR CMR1-14-18

MOTION by Massey, support by Bridges, that the City Council of Farmington Hills hereby authorizes the City Manager to issue purchase orders for all budgeted grounds keeping materials to Harrell's Inc. through November 30, 2018 in an amount not to exceed \$60,000 per fiscal year.

Roll Call Vote:

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

MOTION CARRIED 7-0

RECOMMENDED APPROVAL OF THE CITY COUNCIL GOALS STUDY SESSION MEETING MINUTES OF JANUARY 25, 2014

MOTION by Knol, support by Massey, that the City Council of the City of Farmington Hills hereby approves the City Council Goals Study Session meeting minutes of January 25, 2014.

Roll Call Vote

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

MOTION CARRIED 6-0-1.

RECOMMENDED APPROVAL OF THE CITY COUNCIL REGULAR MEETING MINUTES OF JANUARY 27, 2014

MOTION by Knol, support by Massey, that the City Council of the City of Farmington Hills hereby approves the City Council Regular Meeting Minutes of January 27, 2014.

Roll Call Vote

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

MOTION CARRIED 7-0.

CITY ATTORNEY REPORT

City Attorney report was accepted as submitted.

TOPICS FOR CONSIDERATION AT THE NEXT CITY COUNCIL MEETING

Mayor Brickner mentioned potential topics for the next regular City Council meeting of February 24, 2014.

ADJOURNMENT

There being no further business, Mayor Brickner adjourned the regular City Council meeting at 9:20 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'P. Smith', written over a horizontal line.

Pamela B. Smith, City Clerk

/ayb