

MINUTES
CITY OF FARMINGTON HILLS
CITY COUNCIL MEETING
CITY HALL – COUNCIL CHAMBER
NOVEMBER 28, 2022 – 7:30 PM

The regular session meeting of the Farmington Hills City Council was called to order by Mayor Pro-Tem Bruce at 7:30pm.

Council Members Present: Boleware, Bridges, Bruce, Knol, Massey, and Newlin

Council Members Absent: Barnett

Others Present: City Manager Mekjian, City Clerk Smith, Assistant City Manager Valentine, Directors Mondora, Monico, Schnackel and Skrobola, Police Chief King and City Attorney Joppich

PLEDGE OF ALLEGIANCE

Mayor Pro-Tem Bruce led the pledge of allegiance.

APPROVAL OF REGULAR SESSION MEETING AGENDA

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

MOTION CARRIED 6-0.

INTRODUCTION OF NEW POLICE CANINE OZZIE

Police Chief King introduced Officer Brian Kosal and Police Canine Ozzie. Officer Kosal thanked City Council, staff and his family for the opportunity to be a part of the canine unit and to be able to introduce Ozzie this evening.

PRESENTATION AND ACCEPTANCE OF THE CITY'S FY 2021/2022 AUDIT RESULTS

Jamie Rivette, Yeo and Yeo, presented the city's audit results to City Council discussing the purpose of the audit and noting that the city received an unmodified opinion, which is the highest level of assurance. It was suggested the city provide for an annual conflict of interest letter signed by elected officials in the event the members change or they serve on different boards. Future challenges identified included the economic outlook as it pertains to state shared revenues, future capital needs, cost of infrastructure and federal and state mandates.

Council inquired about the financial status of the city and potential challenges.

Director Skrobola responded that the city's financial status is excellent. He noted inflation as the city's biggest challenge currently and potentially property tax values in the next few years. He added that his department and other divisions often review national news and forecasts and discuss financial scenarios and are typically ahead of the curve on any issues.

In response to Council on the facilities needs study, Director Skrobola indicated that they discussed with the vendor risks and opportunities for investment and reviewed the balance of expenditures versus revenue for a sustainable approach.

Director Skrobola also confirmed that the city can afford the proposed changes approved as part of the collective bargaining agreements.

Jamie Rivette explained for Council the reason for the annual letter regarding conflict of interest is in the event there are any changes on the Council or the boards on which they serve, this information could be updated more regularly to ensure transparency.

MOTION by Knol, support by Massey, that the City Council of Farmington Hills hereby accepts the City's Fiscal Year 2021/2022 Audit Results.

MOTION CARRIED 6-0.

CORRESPONDENCE

It was acknowledged that an e-mail regarding the Farmington Public School Board was received and that person was referred to the school district.

CONSENT AGENDA

MOTION by Massey, support by Boleware, to approve consent agenda items #6-10, as read.

Roll Call Vote:

Yeas: BOLEWARE, BRIDGES, BRUCE, KNOL, MASSEY, AND NEWLIN
Nays: NONE
Absent: BARNETT
Abstentions: NONE

MOTION CARRIED 6-0.

MOTION by Massey, support by Boleware, to approve consent agenda items #11 and #12, as read.

Roll Call Vote:

Yeas: BOLEWARE, BRIDGES, BRUCE, MASSEY AND NEWLIN
Nays: NONE
Absent: BARNETT
Abstentions: KNOL

MOTION CARRIED 5-0-1-1.

PUBLIC QUESTIONS AND COMMENTS:

Linda Solomon, Rockridge Lane, expressed concern over the fact that during the road construction in her neighborhood she was told that she would not have access to her home over the Thanksgiving Holiday weekend the day prior with no advance warning. She also expressed concern over the curb that was installed and the condition in which the road was left during this time when she is caring for her elderly mother at home.

Tanish Aggarwal, Rockridge Lane, stated that on November 10th he experienced similar issues as Ms. Solomon with large chunks of stone being left in front of his home and it was his understanding the city was going to provide him with a golf cart but they did not. The contractor stated that he would be able to drive through the construction area but when he did it ruined the undercarriage of his car. He was also not notified of the limited access in advance.

Pam Gerald, resident, asked Council to fix the situation for the two residents who just spoke. She also spoke on the need for a registry for bad cops so those persons are not able to gain employment in other

communities once released from a previous job. She doesn't want to have a couple of bad actors ruin the reputation of others and ask the city to help initiate such a program.

Gary Mekjian, City Manager, acknowledged the concerns regarding Rockridge Lane and apologized to Ms. Solomon for the inconvenience particularly during the holiday weekend. He introduced Karen Mondora, Director of Public Services, who provided for some background on the project in question and challenges the construction industry is seeing that is also having an impact on schedules. She explained the work done in the area of Ms. Solomon's home and that staff confirmed the Solomons would be able to park one vehicle in the road and one in the driveway. She explained how her department works with emergency personnel to assure continued emergency service when needed.

Council suggested the need to review and improve in general how the city handles communication with residents. Discussion was held on emergency access to Rockridge and other project sites and how that is handled.

With regard to the bad cop registry suggestion, Council inquired if such a registry already existed. Police Chief Jeff King responded that there is a reporting system already in Michigan for when an officer is disciplined.

Further discussion was held on the Rockridge Lane construction and it was suggested that more information is put in the letter to residents and possibly on the city website explaining when workers are not on site, emergency response and how that is handled, etc.

Mayor Pro-Tem Bruce commented that Council and staff feel badly about what happened to Ms. Solomon over the holiday weekend and want to make sure they do a better job going forward communicating with residents.

COUNCIL MEMBERS COMMENTS AND ANNOUNCEMENTS

Council made the following comments or acknowledged the following events:

- Addressed Rockridge Road issue
- Attendance at National League of Cities Summit

CITY MANAGER UPDATE

City Manager Mekjian made the following comments:

- The Annual Holiday Lights Ceremony is December 6th at 6:30pm at city hall
- Yard waste pick-up ends the week of December 12-16, 2022
- A joint meeting with the City of Farmington and Farmington School Board has been scheduled for January 25th at 6pm at the Maxfield Training Center
- RRRASOC is hosting a senior shredding day on December 13th from 10am-12pm in the Costick Activities Center parking lot

NEW BUSINESS

CONSIDERATION OF AN APPEAL OF A FREEDOM OF INFORMATION ACT (FOIA) REQUEST DATED SEPTEMBER 26, 2022.

City Clerk Smith explained that before City Council is an appeal to a Freedom of Information Act request or request for records from Mr. Constant. The request included records that pertained to a Circuit Court Case from 2016 or perhaps even earlier, many of which the city did not have but would have potentially been held by the City Attorney's Office so she worked closely with the city attorney on this matter. She noted that her office issued a letter granting in part the request and any records being denied were on the

basis that they were attorney-client privileged or did not exist. Clerk Smith explained that the letter granting and denying the records included a request for payment and she noted to date that Mr. Constant had not paid for nor received the requested documents. She believes his appeal was on the basis that from her letter he knew that not all documents were being provided and some contained redactions and he felt he was entitled to full document disclosure.

It was noted that Mr. Constant was not present at the meeting to speak.

Carlito Young, City Attorney, reiterated that no documents have yet been provided to Mr. Constant so he is appealing the basis of the denial and is seeking attorney-client privileged information and there is no basis to provide that information nor do the reasons he provided support waiving that privilege. He advised the City Council to affirm the decision of the City Clerk. He clarified that the request was not completely denied and there was information that would have been provided to Mr. Constant; however, he has not paid for the information nor has he indicated that he is willing to accept it at this time so this appeal is solely regarding the release of attorney-client privileged information,

Steve Joppich, City Attorney, added that the information requested dates back almost 6 years relating to a lawsuit filed by Mr. Constant that included some city employees as defendants in that case and involves attorney-client communication, information and work product relating to that litigation and the case was dismissed and 6 years later he is requesting disclosure despite the attorney-client nature of that information.

Pam Gerald, resident, spoke on behalf of the professionalism of City Clerk Smith and felt that exempt information is clear per the Freedom of Information Act.

MOTION by Knol, support by Massey, that the City Council of Farmington Hills hereby affirms the City Clerk's partial denial dated October 17, 2022 of Mr. Constant's September 26, 2022 FOIA Request for the following reasons:

1. Both FOIA Section 13(1)(g) and legal precedent in Michigan support withholding any legal communications between the City Attorney and City Officials pursuant to the attorney-client privilege
2. The City Council has not, nor will it revoke its attorney-client privilege for any of the records sought in or responsive to Mr. Constant's request.

MOTION CARRIED 6-0.

CONSIDERATION OF APPROVAL OF THE INTRODUCTION OF AN ORDINANCE TO AMEND THE FARMINGTON HILLS CODE OF ORDINANCES, CHAPTER 2, TO PROVIDE FOR AMENDMENT OF RETIREMENT BENEFITS AND RETIREE HEALTHCARE BENEFITS IN ACCORDANCE WITH APPLICABLE COLLECTIVE BARGAINING AGREEMENTS AND TO EXTEND CONSISTENT BENEFITS TO EXEMPT AND EXECUTIVE EMPLOYEES OF THE CITY. CMR 11-22-109

Tom Skrobola, Finance Director, explained the purpose of the proposed ordinance amendment was to facilitate the changes approved by City Council to the collective bargaining agreements and for exempt and executive employees. He noted that the AFSCME bargaining unit has yet to come before City Council for approval and 47th District Court employees have not been included at this time as they are still considering their options.

MOTION by Massey, support by Boleware, that the City Council of Farmington Hills hereby approves the INTRODUCTION of an Ordinance to amend the Farmington Hills Code of Ordinances, Chapter 2, to provide for amendment of retirement benefits and retiree healthcare benefits in accordance with applicable collective bargaining agreements and to extend consistent benefits to exempt and executive employees of the City.

Roll Call Vote:

Yeas: BOLEWARE, BRIDGES, BRUCE, KNOL, MASSEY, AND NEWLIN
Nays: NONE
Absent: BARNETT
Abstentions: NONE

MOTION CARRIED 6-0.

CONSENT AGENDA

RECOMMENDED APPROVAL OF A HUMAN RESOURCES INFORMATION SYSTEMS HOSTED SOLUTION WITH GOVERNMENTJOBS.COM, INC. IN THE TOTAL AMOUNT OF \$190,532.80 OVER THREE FISCAL YEARS; WITH EXTENSIONS. CMR 11-22-110

MOTION by Massey, support by Boleware, that the City Council of Farmington Hills hereby authorizes the City Manager to enter in to a three (3) year agreement for implementation & subscription services for a human resources hosted solution in the total amount of \$190,532.80 over three (3) fiscal years with Governmentjobs.com, Inc. (dba NeoGov). In addition, it is recommended that the City Council authorize the City Manager to approve one or more additional administration-approved extensions for said service through mutual consent by the City of Farmington Hills and vendor.

Roll Call Vote:

Yeas: BOLEWARE, BRIDGES, BRUCE, KNOL, MASSEY, AND NEWLIN
Nays: NONE
Absent: BARNETT
Abstentions: NONE

MOTION CARRIED 6-0.

RECOMMENDED ADOPTION OF A RESOLUTION AUTHORIZING REIMBURSEMENT OF ELIGIBLE SPONGY MOTH SUPPRESSION ACTIVITIES UNDER OAKLAND COUNTY'S MOTH SUPPRESSION PROGRAM. CMR 11-22-111

**RESOLUTION
AUTHORIZING SPONGY MOTH FUND EXPENSE REIMBURSEMENT**

At a regular meeting of the City Council of the City of Farmington Hills, County of Oakland, State of Michigan, held on the 28th day of November, 2022, at 7:30 o'clock p.m., with those present and absent being,

PRESENT: BOLEWARE, BRIDGES, BRUCE, KNOL, MASSEY AND NEWLIN
ABSENT: BARNETT

The following preamble and resolution were offered by Councilperson Massey and supported by Councilperson Boleware:

WHEREAS, the Oakland County Board of Commissioners has established the 2023 Oakland County Moth Suppression Grant Program (the “Program”) for cities, villages and townships in Oakland County; and

WHEREAS, the Program seeks to assist cities, villages and townships in Oakland County by providing limited matching funds to support their efforts in mitigating the impacts of this invasive species; and

WHEREAS, the City of Farmington Hills, Oakland County, Michigan (the “Community”) wishes to submit a 2023 Oakland County Moth Suppression Grant Application seeking matching reimbursement funds from the Program, in an estimated amount of \$750 on a 1 to 1 matching basis for reimbursement (County funds not to exceed \$30,000 per community); and

NOW THEREFORE BE IT RESOLVED, that this City Council hereby approved (i) the completion and submission of the 2023 Oakland County Moth Suppression Grant Application to seek funding through the Program; (ii) if the Application is approved by Oakland County, the Community’s participation in the Program; and (iii) the appropriation and expenditure of funds necessary or appropriate to fund its obligations under the Program as set forth in the Application and the Cost Participation Agreement, and hereby authorizes Derrick Schueller, DPW Superintendent to sign the Application and all Agreements and take any other action necessary or appropriate on the Community’s behalf to participate in the Program and certifies that the Community will comply with the Program’s requirements, including submittal of a final report and other documentation as required by the County, as a condition to receiving reimbursement in accordance with the Program.

AYES: BOLEWARE, BRIDGES, BRUCE, KNOL, MASSEY AND NEWLIN

NAYS: NONE

ABSENT: BARNETT

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

I, the undersigned, the duly qualified and acting City Clerk of the City of Farmington Hills, County of Oakland, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Farmington Hills at a regular meeting held on the 28th day of November, 2022, the original of which resolution is on file in the City Clerk’s office.

IN WITNESS WHEREOF, I have hereunto set my official signature, this 29th day of November, 2022.

RECOMMENDED APPROVAL OF AWARD OF BID FOR MOWING OF CITY FACILITIES TO GREEN MEADOWS LAWNSCAPE FOR A ONE YEAR TERM IN THE AMOUNT OF \$68,470.00; WITH EXTENSIONS. CMR 11-22-112

MOTION by Massey, support by Boleware, that the City Council of Farmington Hills hereby authorizes the City Manager to issue a purchase order for grass mowing to Green Meadows Lawnscape for a one (1) year term, in the amount of \$68,470.00, with one or more administration-approved extensions not to exceed a total of four (4) additional years, under the

same terms and conditions, through mutual consent by the City of Farmington Hills and each awarded vendor.

Roll Call Vote:

Yeas: BOLEWARE, BRIDGES, BRUCE, KNOL, MASSEY, AND NEWLIN
Nays: NONE
Absent: BARNETT
Abstentions: NONE

MOTION CARRIED 6-0.

RECOMMENDED APPROVAL OF REQUEST FOR EMPLOYMENT UNDER SECTION 10.01A OF THE CITY CHARTER FOR A SENIOR DIVISION VAN DRIVER.

MOTION by Massey, support by Boleware, that the City Council of Farmington Hills hereby approves the request for employment under Section 10.01A of the City Charter for Terry Smith for a Senior Division Van Driver in the Special Services Department. Terry is the father of Kelly Smith, who is a Parks and Golf Laborer in the Special Services Department.

Roll Call Vote:

Yeas: BOLEWARE, BRIDGES, BRUCE, KNOL, MASSEY, AND NEWLIN
Nays: NONE
Absent: BARNETT
Abstentions: NONE

MOTION CARRIED 6-0.

RECOMMENDED APPROVAL OF CANCELING THE DECEMBER 26, 2022 CITY COUNCIL REGULAR SESSION MEETING.

MOTION by Massey, support by Boleware, that the City Council of Farmington Hills hereby cancels the regular City Council meeting of December 26, 2022.

Roll Call Vote:

Yeas: BOLEWARE, BRIDGES, BRUCE, KNOL, MASSEY, AND NEWLIN
Nays: NONE
Absent: BARNETT
Abstentions: NONE

MOTION CARRIED 6-0.

RECOMMENDED APPROVAL OF CITY COUNCIL STUDY SESSION MEETING MINUTES OF NOVEMBER 14, 2022

MOTION by Massey, support by Boleware, that the City Council of Farmington Hills hereby approves the study session meeting minutes of November 14, 2022.

Roll Call Vote:

Yeas: BOLEWARE, BRIDGES, BRUCE, MASSEY AND NEWLIN
Nays: NONE
Absent: BARNETT
Abstentions: KNOL

MOTION CARRIED 5-0-1-1.

**RECOMMENDED APPROVAL OF CITY COUNCIL REGULAR SESSION MEETING
MINUTES OF NOVEMBER 14, 2022.**

MOTION by Massey, support by Boleware, that the City Council of Farmington Hills hereby approves the regular session meeting minutes of November 14, 2022.

Roll Call Vote:

Yeas: BOLEWARE, BRIDGES, BRUCE, MASSEY AND NEWLIN
Nays: NONE
Absent: BARNETT
Abstentions: KNOL

MOTION CARRIED 5-0-1-1.

ADDITIONS TO AGENDA

There were no additions to the agenda.

ADJOURNMENT

MOTION by Bridges, support by Massey, to adjourn the regular session City Council meeting at 9:15pm.

MOTION CARRIED 6-0.

Respectfully submitted,



Pamela B. Smith, City Clerk