

AGENDA
CITY COUNCIL STUDY SESSION
DECEMBER 12, 2022 - 6:00PM
CITY OF FARMINGTON HILLS
CITY HALL – COMMUNITY ROOM
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
Telephone: 248-871-2410 Website: www.fhgov.com

1. Call Study Session to Order
2. Roll Call
3. Discussion on Option to Add Residential Trash Carts to Refuse Contract
4. Alden Development Group Commercial Rehabilitation District Request
5. Adjourn Study Session

Respectfully submitted,

Pamela B. Smith, City Clerk

Reviewed by:

Gary Mekjian, City Manager

NOTE: Anyone planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) is asked to contact the City Clerk's Office at 248-871-2410 at least two (2) business days prior to the meeting, wherein necessary arrangements/accommodations will be made. Thank you.



INTEROFFICE CORRESPONDENCE

DATE: December 12, 2022
TO: Mayor and City Council
FROM: Karen Mondora, Director of Public Services
SUBJECT: Option to add Residential Trash Carts to Refuse Contract

Michael Csapo, General Manager of the Resource Recovery and Recycling Authority of Southwest Oakland County (RRRASOC) will be joining Derrick Schueller and I on Monday evening. We will be presenting information regarding the option to add residential trash cart service to the existing GFL contract. We will provide regarding contract language, pros and cons, industry trends, costs, and other considerations.





GFL Contract - Trash Cart Deployment Options

Solid Waste Trash Carts

- The contract between Farmington Hills and GFL allows the City to opt for the use of trash carts for the collection of refuse.
- The contract provides for the use of trash carts, with homeowners allowed to set out extra bags or containers of trash (35-gallon limit), as necessary. Bulk Items also allowed.
- Exercising the trash cart option in the 1st year of the contract triggers a 1-year contract extension, while exercising the option in years 2 or 3 trigger 2-year or a 3-year extension, respectively. These provisions allow the contract to amortize the cost of the carts over a 5-year period.

Trends

- Solid waste hauling companies increasingly prefer that customers use carts as the primary receptacle for trash, with some only bidding on contracts that specify the use of trash carts.
- Communities in southeast Michigan have been slower to adopt the use of trash carts than other parts of the U.S. but the use of trash carts is rising.
- Examples of area communities using trash carts include, but are not limited to, the following:

Novi, 95-gallon;
Redford Twp, 95-gallon;
Pontiac, 95-gallon;
Inkster, 95-gallon;
Allen Park, 95-gallon;
Clinton Twp, 95-gallon;
Oak Park, 95-gallon;

Commerce Twp, 95-gallon;
Oakland Twp, 95-gallon;
Northville, 95-gallon;
Dearborn, 95-gallon;
Shelby Twp, 95-gallon;
Hazel Park, 95-gallon;
Royal Oak, 65-gallon.

Considerations

- Automated or semi-automated cart collection is safer for the contractor's employees that service the community;
- Reduces the risk of employee fatal or serious injuries;
- Reduces the risk of employee acute and chronic injuries;
- Allows for better employee longevity & retention and, therefore, better route service continuity;
- Carts are safer and more convenient for homeowners;
- Carts allow for cleaner and more uniform appearance on trash day, improving neighborhood curbside appeal.

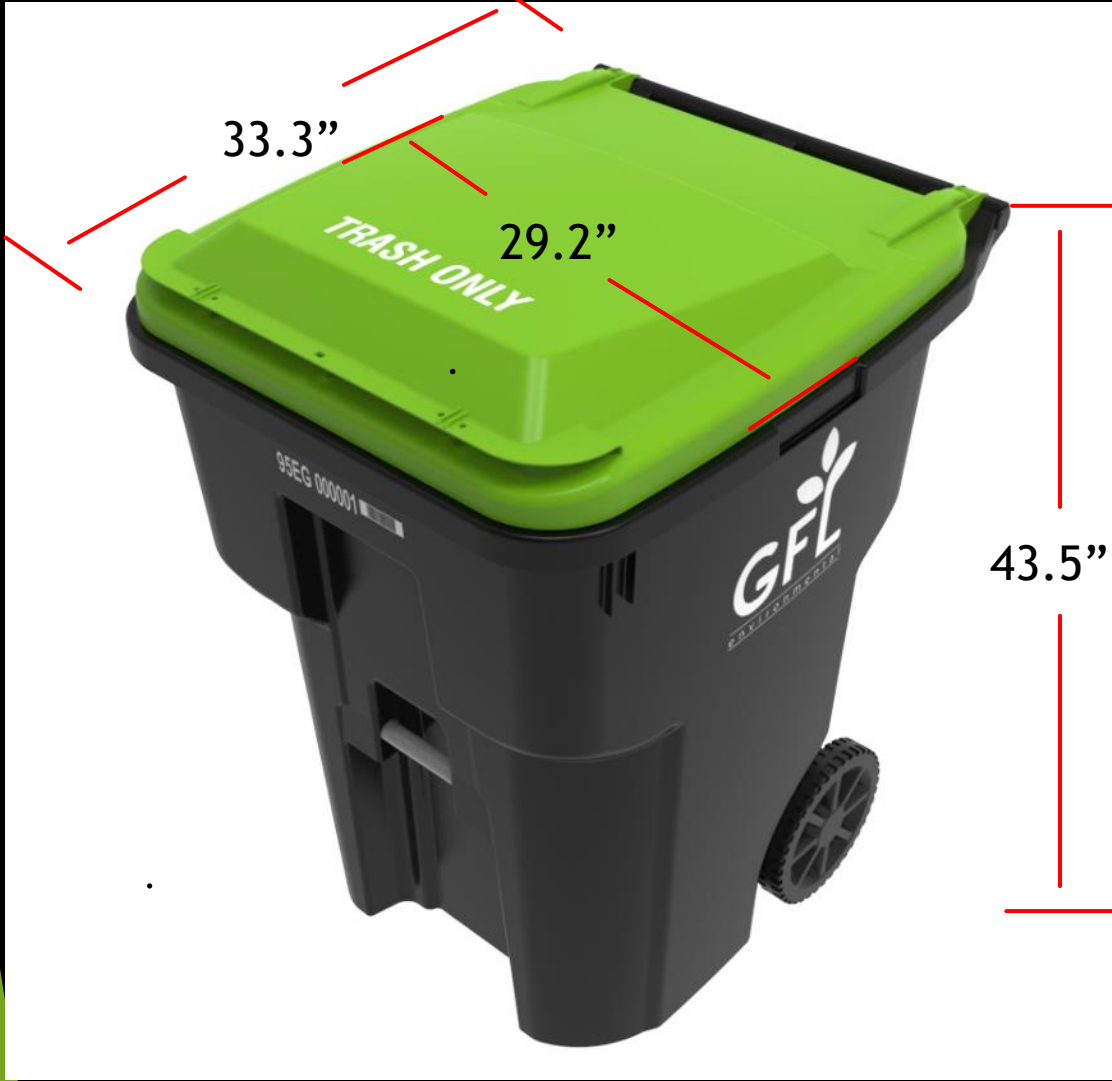
Costs

Contractor unit costs to the City are 4.3% higher than "As-is" contract price for FY 2023-2024 but still cheaper than the FY 2021 - 2022 price in place prior to the current contract.

Contract collection cost per household:

- FY 2021 - 2022: \$161.99
- FY 2022 - 2023: \$149.40
- FY 2023 - 2024: \$152.39
(As - is)
- FY 2023 - 2024: \$159.00
(w/ trash carts)

Cart Sizes



95 Gallon



65 Gallon

Recommendations

- Recommended color: Black with black lid and contractor logo;
- RRRASOC and GFL recommendation: Deploy same size cart to every household and allow for one “re-size” after 60 days;
- GFL recommended size: 95 gallon;
- City should acknowledge that not all homes will be able to store carts out of view from the street and allow for code enforcement discretion;
- Contract stipulates 120-day notice to GFL. Consider providing 180-day notice to ensure that lingering supply chain issues don’t disrupt the acquisition and deployment of carts and trucks and to allow for robust communications to homeowners.

Questions?



OFFICE OF CITY MANAGER

MEMORANDUM

TO: Gary Mekjian, City Manager
FROM: Cristia Brockway, Economic Development Director
DATE: December 12, 2022
SUBJECT: Commercial Rehabilitation District Request for Alden Development Group, LLC.

Alden Development Group, LLC., developer for The Emerson, is requesting a Commercial Rehabilitation District to be established. The district would surround the properties associated with the project along with the adjacent alleyways between Greening and Highview (Mulfordton, Rexview, and a portion of Ludden). In its current condition, the project location has an obsolete bowling alley, parking lot, and a former residential dwelling (please see the attached map).

City Council approved the PUD plan for the Emerson at its January 24, 2022, meeting and last discussed this item at its October 24, 2022 Study Session for the consideration of a Commercial Rehabilitation District (CRD). A public hearing was held at the regular Council meeting on October 24, 2022, proposing the CRD. As shown on the attached site plan, the development consists of two separate residential apartment buildings; the Loft Building will contain 250 units, while the Flats Building will hold 66 units. There will also be a parking garage to accommodate 416 vehicles. On top of the benefit of added residential housing to the City of Farmington Hills, there will also be several public benefit factors such as a dog park, pedestrian-scale improvements, and the enclosure of a County drain. This project is expected to be a \$76.5 million investment.

City administration and staff have met with the developer, to discuss the request for a Commercial Rehabilitation District and believe that the request for a Commercial Rehabilitation District is appropriate within the designated boundaries. The request follows the City's tax abatement policy and that of the State.

THE EMERSON LUXURY LOFTS OF FARMINGTON HILLS

PA 210 District Request

Project Description

Redevelopment of currently obsolete Commercial property. Construction of two multi-story apartment buildings (3 and 4 stories) accommodating 316 total units ranging from 1 to 3 bedrooms that includes a parking garage and several amenities.

- Project Cost: \$79 million
- Construction Timeline: 24 months
- 620 new residents to the City.
- Creation of 350 jobs during construction period.

Commercial Rehabilitation Act Summary (PA 210)

The Commercial Rehabilitation Act encourages the rehabilitation of commercial property by abating the property taxes generated on the new investment for a period of time. This is done by capping the current existing taxable value of the property for a period of up to 10 years.

- The city would continue to collect the same local taxes based on the property's current taxable value.
- The abatement only affects local taxes (state taxes are not affected).

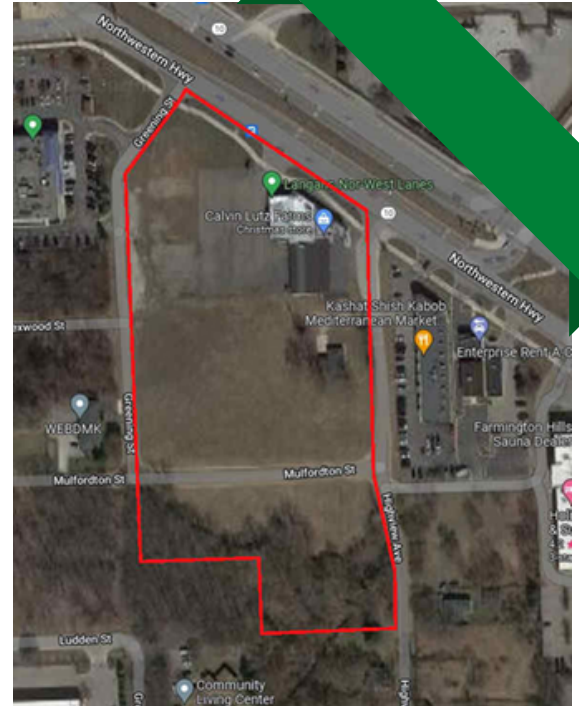
Purpose of PA 210 Request

- To accommodate and help finance the approximately \$1.5 Million of additional costs related to off-site infrastructure improvements requested by the City to the area surrounding the project. Improvements include the paving of several city streets, the installation of storm and sanitary sewers, watermain extension, and enclosure of a county drain.
 - These improvements will provide the infrastructure to better position the surrounding properties for potential future developments.
- Construction materials have increased upwards of 25% since before the pandemic and they remain volatile.
- Labor shortages within the skilled trades work force have driven up to costs of construction.
- Interest rates have increased as much as 4% since January 2022.

PA 210 Timeline

PA 210 is a two-step process that first requires a PA 210 district to be established by City Council. The establishment of the district does not obligate the City to approve the abatement.

- The developer has requested City Council to establish the PA 210 district for the Emerson properties. Once the district is established, the developer would submit a certificate of exemption to enact the tax abatement.
- The developer anticipates submittal of the exemption certificate application to Council for approval sometime in 2023.
- If the exemption certificate is approved, the abatement would begin in 2024.



MINUTES
CITY OF FARMINGTON HILLS
CITY COUNCIL MEETING
CITY HALL – COUNCIL CHAMBER
OCTOBER 24, 2022 – 7:30 PM

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

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

Council Members Absent: None

Others Present: City Manager Mekjian, City Clerk Smith, Assistant City Manager Valentine, Directors Brockway, Kettler-Schmult, Mondora, Monico and Skrobola, Police Chief King and City Attorney Saarela

PLEDGE OF ALLEGIANCE

Mayor Barnett 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 7-0.

PROCLAMATION RECOGNIZING NOVEMBER 2022 AS LUNG CANCER AWARENESS MONTH

The following Proclamation was read by Councilmember Newlin and accepted by Bryan and Debbie Pickworth:

**PROCLAMATION
Lung Cancer Awareness Month
November 2022**

WHEREAS, the American Cancer Society estimates that there will be 236,740 new cases of lung cancer in 2022, and that 1 in 15 men and 1 in 17 women will be diagnosed with lung cancer in their lifetime; and

WHEREAS, lung cancer is the second most common form of cancer in both men and women (not counting skin cancer) and every year more people die of lung cancer than of colon, breast, and prostate cancers combined; and

WHEREAS, smoking is associated with about 80% of lung cancer deaths nationwide, but fortunately the number of new lung cancer cases and deaths continue to decrease due to smoking cessation and advances in screening, early detection, and treatment; and

WHEREAS, people who have never smoked account for 20% of deaths from lung cancer, which can be caused by exposure to radon, secondhand smoke, air pollution, or a family history of lung cancer, and can also develop in people with no known risk factors for the disease; and

WHEREAS, according to a multi-year study by the National Institute for Occupational Safety and Health, firefighters have a higher risk of lung cancer than the general population due to occupational exposure, and therefore the Farmington Hills Fire Department stresses the importance of using approved respiratory protection during all phases of firefighting; and

WHEREAS, educating people at risk for lung cancer and increasing awareness among healthcare providers about the importance of annual lung cancer screenings is vital to reducing the impact of this devastating disease.

NOW, THEREFORE, BE IT RESOLVED that I, Vicki Barnett, Mayor of the City of Farmington Hills, on behalf of the City Council, do hereby proclaim November 2022 as **Lung Cancer Awareness Month** in the City of Farmington Hills, and urge all citizens to learn about risk factors, talk to their physicians about early screening, and if diagnosed, become aware of ways to improve their chances for survival.

PROCLAMATION RECOGNIZING NOVEMBER 1, 2022 AS EXTRA MILE DAY

The following Proclamation was read by Councilmember Bruce:

**PROCLAMATION
Extra Mile Day
November 1, 2022**

WHEREAS, Farmington Hills is a city which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, the City of Farmington Hills encourages its citizens to maximize their personal contributions to society by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Farmington Hills chooses to shine a light on and celebrate individuals and organizations who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

WHEREAS, the City of Farmington Hills acknowledges the mission of Extra Mile America to create more than 550 Extra Mile cities in our country and is proud to support “Extra Mile Day” on November 1, 2022.

NOW, THEREFORE, BE IT RESOLVED, that I, Vicki Barnett, Mayor of the City of Farmington Hills, on behalf of the City Council, do hereby proclaim November 1, 2022 to be **Extra Mile Day** and urge all members of the community to not only “go the extra mile” in their own lives, but also to acknowledge those individuals who are inspirational in their efforts and commitment to make their organizations, families, communities, country or world a better place.

RETIREMENT OF POLICE CANINE DOZER

Chief King introduced retired Police Canine Dozer and his handler Officer Ryan Yudt and spoke to their success with the Department. Officer Yudt thanked Council for their support of the Department and in particular the canine unit.

SELECTION OF MAYOR PRO-TEM

MOTION by Knol, support by Massey, that the City Council of Farmington Hills hereby selects Randy Bruce as Mayor Pro-Tem.

MOTION CARRIED 7-0.

CORRESPONDENCE

There was no correspondence acknowledged.

CONSENT AGENDA

MOTION by Massey, support by Bruce, to approve consent agenda items #9-12, 14 and 15, as read.

Roll Call Vote:

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

MOTION CARRIED 7-0.

MOTION by Bruce, support by Boleware, to approve consent agenda item 13 as read.

Roll Call Vote:

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

MOTION CARRIED 4-3.

PUBLIC QUESTIONS AND COMMENTS:

Dixon Tyson, resident, stated that he had been before Council previously about his water bill and just received his new bill that increased and he is on a well.

City Manager Mekjian explained how water usage is determined and that this is the current policy of the city and many other communities but that is certainly something that Council can review.

Mayor Barnett suggested a study session meeting with the Water Resource Commission on the issue of minimum billing. Other Council members concurred that there should be a more equitable formula for residents on wells and this was worth reviewing.

It was suggested that the Charmaine Kettler-Schultz, Director of Planning and Community Development, speak with Mr. Tyson to determine if he would qualify for any assistance programs in the meantime.

Edwin Green, resident, spoke of downed power lines and a fire in the city and expressed concern with the lack of response by public safety. Mayor Barnett suggested that Police Chief King who was present could speak with Mr. Green to get more details on his complaint.

COUNCIL MEMBERS COMMENTS AND ANNOUNCEMENTS

Council made the following comments or acknowledged the following events:

- Reminders for the November 8, 2022 Election
- Congratulations to The HAWK and staff for their presentation on The HAWK project at the National League of Cities
- Recognition of the Hindu community celebration Diwali
- Maxwell Training Center is providing mentorship for homework assistance for youth grades 1-12
- CARES Trunk or Treat event
- Condolences to Norene Yuskowatz for her son's passing
- CARES kick-off dinner to help feed the needy
- Police Department ceremony for the hiring of 8 new Police Officers
- Passing of Vincent Gregory and condolences to his family

CITY MANAGER UPDATE

City Manager Mekjian made the following comments:

- Oakland County Community Deer Coalition deer survey is still underway and there is a link to the survey on the city's home page of the city website
- Election information can also be found on from the home page of the city's website
- City Hall will be open for election-related business only on November 7th and 8th
- Annual Beautification Awards Ceremony will be held October 27th at the Costick Activities Center
- Acknowledged The HAWK project was up for the Community Excellence Award at the MML Fall Convention and he thanked staff for their presentation and representation of the facility at this convention

PUBLIC HEARING

PUBLIC HEARING AND CONSIDERATION OF REVISED PLANNED UNIT DEVELOPMENT PLAN 3, 2021 LOCATED AT 32680 NORTHWESTERN HIGHWAY.

Charmaine Kettler-Schmult, Director of Planning and Community Development, provided an overview of the proposed revised PUD plan and noted that the Planning Commission held their public hearing on this plan and unanimously recommended approval to City Council.

Councilmember Bruce disclosed that when he was not sitting on Council he had met with Mr. Asmar as an adviser for no monetary exchange and also spoke at the Planning Commission meeting as a resident on behalf of the project. He added that he spoke with the City Attorney to make sure there was no conflict of interest with him voting on this issue this evening and the City Attorney indicated that because there was not monetary consideration and he was a private citizen at the time of the consultation, there was no conflict of interest.

Councilmember Bridges stated that he felt Dr. Bruce should recuse himself from voting on this project.

Beth Saarela, City Attorney, spoke to the standards of a conflict of interest that included monetary exchange and it had been confirmed there was no monetary exchange

Jim Butler, representing NWH Holdings, LLC, and project architect provided an overview of the revised PUD plan that included a 4-story 217 unit luxury apartment building 55 feet in height with 365 parking spaces. He noted that 264 spaces would be under the building. The design of the project was an interpretation of what is happening along Northwestern Highway and will have common courtyards, high-intensity roofing and they feel will be the “greenest” building in the community. They are also providing for electric vehicle (EV) parking and additional spots for future EV parking if needed. The amenities were discussed that included walking/biking areas.

Deviations from the ordinance requirements included:

- Height of the building is proposed at 55 feet where 50 feet is the maximum height permitted
- East side setback requirement – 54.47 feet is proposed where 75 feet is the minimum required
- Density of the project – a density of 543 rooms is proposed where 230 rooms is the maximum density permitted
- Parking requirements – 365 spaces proposed where 436 spaces would be required

Council asked questions of the developer and architect with regard to the height, square footage of the units and units per acre and how this project compares to The Emerson project across the street. In the discussions, the following concerns were mentioned:

- The request is for development of apartments and owner-occupied condominiums would be preferred
- Lack of parking spaces and the desire to add additional parking by decreasing the density of the project rather than eliminating green space/landscape
- The height of the building dwarfing what is seen going north on Northwestern Highway
- The project having a negative impact on condominiums and schools in the area

It was noted that additional parking could be provided; however, the developer took direction from the Planning Commission to instead increase landscaping. Mr. Butler added that reducing the number of rooms would not work economically for the project and with the market he believes they could only reduce the number of units to 210.

Council also mentioned that the developer has been before the Planning Commission several times where the Commission required many concessions to the original plan and all of the changes were based on feedback from the Planning Commission. It was pointed out the developer could increase parking and reduce landscaping on the site and there would still be sufficient landscaping for the project.

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

MOTION by Massey, support by Boleware, that the application for approval of revised PUD Plan 3, 2021, dated July 18, 2022, is denied because it does not meet all provisions set forth in Section 34-3.20 of the Zoning Ordinance and the proposed development will adversely affect the public health, welfare, and safety for the following reasons:

- It is not in the best interest of the City
- The close proximity to the owner-occupied units to the east based on the setback deviation that would impact those condominiums
- The density of the project
- Preference for owner-occupied condominiums

MOTION by Bridges, support by Knol, that the City Council of Farmington Hills hereby tables the Revised Planned Unit Development Plan 3, 2021 located at 32680 Northwestern Highway.

Mayor Barnett clarified that a motion to table takes precedent and is not debatable.

MOTION CARRIED 4-3 (Barnett, Bruce and Massey opposed)

It was suggested to the developer that they consider the following revisions to their plan to bring back to City Council for consideration:

- Step down the eastern portion of the development to 3-stories that would reduce density and there would be no need to include more parking
- Include owner-occupied condominiums in the development

The architect expressed concern over the process and time they have already spent revising their plan based on feedback from the Planning Commission.

Mayor Barnett explained the PUD approval process and suggested the developer and architect communicate with the Director of Planning and Community Development on their next steps.

PUBLIC HEARING AND CONSIDERATION OF ADOPTION OF A RESOLUTION TO ESTABLISH A COMMERCIAL REHABILITATION DISTRICT FOR ALDEN DEVELOPMENT GROUP, LLC (THE EMERSON LOFTS COMMERCIAL REHABILITATION DISTRICT NO. 1). CMR 10-22-100

Mayor Barnett explained that the request before City Council is from Alden Development Group, LLC to establish a Commercial Rehabilitation District. A public hearing is required and the hearing will be opened this evening and comments will be taken for the next 10 days and persons not present tonight can send comments to the city. The resolution to establish the district will come back to City Council for consideration.

Cristia Brockway, Director of Economic Development, provide an overview of the proposed project, location and current conditions and community benefits.

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

NEW BUSINESS

CONSIDERATION OF APPROVAL OF AMENDING THE SITE PLAN APPROVAL REQUIREMENT THAT PREVENTS LEFT TURNS FROM ARBORETUM DRIVE APPROACH (27500 DRAKE ROAD) TO SOUTHBOUND DRAKE ROAD, AND RESCINDING TRAFFIC CONTROL ORDER TM-55-1989 THAT PROHIBITS LEFT TURNS FROM THE ARBORETUM DRIVE APPROACH TO SOUTHBOUND DRAKE ROAD. CMR 10-22-101

Mark Saksewski, City Senior Traffic Engineer, explained that the Drake Road drive approach of the Arboretum property in question is located on the east side of Drake Road south of 12 Mile Road and dates back to the Arboretum site plan approval process in 1988. At that time, the residents along the Drake Road corridor between 11 Mile and 12 Mile Roads petitioned to have the Drake Road approach removed. Based on concerns of residents, an evaluation of on-site operations was conducted by a professional traffic engineering and it was determined that the Drake Road approach was necessary for reasonable access to the site as the 12 Mile drive near White Plains was not sufficient to handle the capacity. As a

compromise, the city approved a Traffic Control Order to prohibit left turns from the Drake Road approach to southbound Drake Road and required that the approach was constructed so as to eliminate left turns at that location. There is now a request from the Arboretum for the city to remove this turn restriction. He noted several changes in the area that have improved traffic flow and encouraged use of the 12 Mile approach since this restriction was established. It is the city's expectation that removing this restriction will not have a significant impact on Drake Road and it is recommended that the restriction is rescinded conditioned upon the Drake Road approach being reconstructed to allow for left turns.

MOTION by Massey, support by Boleware, that the City Council of Farmington Hills hereby approves the amendment of site plan approval requirements for the Arboretum property located at 27500 Drake by removing the left turn restriction for egress from the Drake Road drive approach to southbound Drake Road, conditional on the existing access point being reconstructed to accommodate left turns by the owner per City of Farmington Hills Engineering Standards; and

IT IS FURTHER RESOLVED, that the City Council approves rescinding Traffic Control Order TM-55-1989 that prohibits left turns from the Arboretum drive approach to southbound Drake Road.

MOTION CARRIED 7-0.

CONSENT AGENDA

ACKNOWLEDGEMENT OF FIRST AND FOURTH QUARTER FINANCIAL SUMMARY REPORTS AND QUARTERLY INVESTMENT REPORT.

MOTION by Massey, support by Bruce, that the City Council of Farmington Hills hereby acknowledges first and fourth quarter financial summary reports and quarterly investment report.

Roll Call Vote:

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

MOTION CARRIED 7-0.

RECOMMENDED APPROVAL OF AWARD OF CONTRACT FOR THE 2022 AS-NEEDED CONSTRUCTION SERVICES TO VARIOUS QUALIFIED CONTRACTORS FOR A PERIOD OF ONE YEAR; WITH EXTENSIONS. CMR 10-22-102

MOTION by Massey, support by Bruce, that the City Council of Farmington Hills hereby authorizes the City Manager and the City Clerk to approve the list of qualified construction companies to provide As-Needed Construction Services for a period of one year with one or more administration-approved extension not to exceed a total of four (4) additional one-year extensions under the same terms and conditions upon mutual consent by the City and vendor; and

IT IS FURTHER RESOLVED, that the City Council authorizes City staff to enter into an agreement with the most qualified company as projects become available.

Roll Call Vote:

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

MOTION CARRIED 7-0.

RECOMMENDED APPROVAL OF PURCHASE OF POLICE VEHICLE WITH SIGNATURE FORD IN THE AMOUNT OF \$31,616. CMR 10-22-103

MOTION by Massey, support by Bruce, that the City Council of Farmington Hills hereby authorizes the City Manager to issue purchase order to Signature Ford for one (1) Ford Escape in the amount of \$31,616.

Roll Call Vote:

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

MOTION CARRIED 7-0.

RECOMMENDED APPROVAL OF CITY COUNCIL SPECIAL MEETING MINUTES OF OCTOBER 3, 2022.

MOTION by Massey, support by Bruce, that the City Council of Farmington Hills hereby approves the special meeting minutes of October 3, 2022.

Roll Call Vote:

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

MOTION CARRIED 7-0.

RECOMMENDED APPROVAL OF CITY COUNCIL SPECIAL MEETING MINUTES OF OCTOBER 4, 2022.

MOTION by Bruce, support by Boleware, that the City Council of Farmington Hills hereby approves the special meeting minutes of October 4, 2022.

Roll Call Vote:

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

MOTION CARRIED 4-0-0-3.

RECOMMENDED APPROVAL OF CITY COUNCIL STUDY SESSION MEETING MINUTES OF OCTOBER 10, 2022.

MOTION by Massey, support by Bruce, that the City Council of Farmington Hills hereby approves the study session meeting minutes of October 10, 2022.

Roll Call Vote:

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

MOTION CARRIED 7-0.

RECOMMENDED APPROVAL OF CITY COUNCIL REGULAR SESSION MEETING MINUTES OF OCTOBER 10, 2022.

MOTION by Massey, support by Bruce, that the City Council of Farmington Hills hereby approves the regular session meeting minutes of October 10, 2022.

Roll Call Vote:

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

MOTION CARRIED 7-0.

ADDITIONS TO AGENDA

There were no additions to the agenda.

ADJOURNMENT

MOTION by Bridges, support by Bruce, to adjourn the regular session City Council meeting at 10:02pm.

MOTION CARRIED 7-0.

Respectfully submitted,



Pamela B. Smith, City Clerk

AGENDA
CITY COUNCIL MEETING
DECEMBER 12, 2022 – 7:30PM
CITY OF FARMINGTON HILLS
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
Telephone: 248-871-2410 Website: www.fhgov.com
Cable TV: Spectrum – Channel 203; AT&T – Channel 99
YouTube Channel: <https://www.youtube.com/user/FHChannel8>

REQUESTS TO SPEAK: Anyone requesting to speak before Council on any agenda item other than an advertised public hearing issue must complete and turn in to the City Clerk a blue, Public Participation Registration Form (located in the wall rack by the south door entering the council chambers).

REGULAR SESSION MEETING BEGINS AT 7:30P.M. IN THE CITY COUNCIL CHAMBER

STUDY SESSION (6:00 P.M. Community Room – See Separate Agenda)

REGULAR SESSION MEETING

CALL REGULAR SESSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Approval of regular session meeting agenda

CORRESPONDENCE

CONSENT AGENDA - (See Items No. 7 - 15)

All items listed under Consent Agenda are considered routine, administrative, or non-controversial by the City Council and will be enacted by one motion. There will be no separate discussion of these items, unless a Council Member or citizen so requests, in which event the items may be removed from the Consent Agenda for consideration.

CONSENT AGENDA ITEMS FOR DISCUSSION

PUBLIC QUESTIONS AND COMMENTS

Limited to five (5) minutes for any item of City business not on the agenda.

COUNCIL MEMBERS COMMENTS AND ANNOUNCEMENTS

CITY MANAGER UPDATE

UNFINISHED BUSINESS:

2. Consideration of approval of the ENACTMENT of [Ordinance C-4-2022](#) 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; and approval of summary for publication.

NEW BUSINESS:

3. Consideration of approval of [appointment and reappointment](#) to various boards and commissions.
4. Consideration of approval of adoption of a resolution to establish a Commercial Rehabilitation District for Alden Development Group, LLC (The Emerson Lofts Commercial Rehabilitation District No. 1). [CMR 12-22-113](#)

5. Consideration of approval of the INTRODUCTION of an ordinance to amend the Farmington Hills City Code, Chapter 4, "Alcoholic Liquors," Article I, "In General," and Article II, "Licensing," to revise application requirements and procedures for the approval of new on-premises [liquor licenses](#).
6. Consideration of approval of the [first amendment to Resolution R-152-22](#) establishing a moratorium on the issuance of on-premises liquor licenses.

CONSENT AGENDA:

7. Recommended approval of award of bid for pick-up truck upfitting and snowplows to Truck & Trailer Specialties in the amount of \$29,100.00. [CMR 12-22-114](#)
8. Recommended approval of award of purchase for turn out gear to Conway Shield in the amount of \$326,942.92 and hoods to Macqueen Emergency in the amount of \$27,600.00; with extensions. [CMR 12-22-115](#)
9. Recommended approval of award of bid for door replacement, maintenance and service to Allied Building Service Co. in the amount of \$15,000 per year; with extensions. [CMR 12-22-116](#)
10. Recommended approval of award of bid for portable lavatories to John's Sanitation in the amount of \$15,000 per year; with extensions. [CMR 12-22-117](#)
11. Recommended approval of adoption of a Bond Authorizing Resolution for Capital Improvement Bonds. [CMR 12-22-118](#)
12. Recommended approval of request for employment under Section 10.01A of the City Charter for an [Aquatic Attendant](#).
13. Recommended approval of request for employment under Section 10.01A of the City Charter for a [Career Firefighter](#).
14. Recommended approval of City Council [study session meeting minutes](#) of November 28, 2022.
15. Recommended approval of City Council [regular session meeting minutes](#) of November 28, 2022.

ADDITIONS TO AGENDA

16. Attorney Report

ADJOURNMENT

Respectfully submitted,

Pamela B. Smith, City Clerk

Reviewed by:

Gary Mekjian, City Manager

NOTE: Anyone planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) is asked to contact the City Clerk's Office at 248-871-2410 at least two (2) business days prior to the meeting, wherein necessary arrangements/ accommodations will be made.

**CITY OF FARMINGTON HILLS
OAKLAND COUNTY, MICHIGAN**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CITY OF FARMINGTON HILLS CODE OF ORDINANCES, CHAPTER 2 - ADMINISTRATION, ARTICLE V. EMPLOYEE BENEFITS, DIVISION 2 - EMPLOYEES RETIREMENT SYSTEM, AND DIVISION 3 - MEDICAL BENEFITS, 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.

THE CITY OF FARMINGTON HILLS ORDAINS:

Section 1 of Ordinance.

The Farmington Hills City Code, Chapter 2, "Administration," Article V, "Employee Benefits," Division 2, "Employees Retirement System," and Division 3, "Medical Benefits," is hereby amended to amend existing Sections 2-270, 2-281, 2-282, 2-290, 2-321, 2-330, and 2-370 and to add a new Section 2-301 as follows:

DIVISION 2. – EMPLOYEES RETIREMENT SYSTEM

Sec. 2-270. Definitions.

As used in this division:

- (a) *Accumulated member contributions* means the balance in a member's individual account in the reserve for member contributions, including accumulated interest on member contributions.
- (b) *Actuarially equivalent* means that the two (2) benefits being compared have equal actuarial present values. Actuarial equivalents shall be calculated using assumptions adopted by resolution of the retirement board.
- (c) *Beneficiary* means an individual who is being paid or who has entitlement to the future payment of a pension on account of a reason other than the individual's membership in the retirement system. The beneficiary is required to have an "insurable interest" in the life of the member.
- (d) *City* means the City of Farmington Hills, State of Michigan, and its various offices, boards, agencies and departments.
- (e) *Compensation* means the salary or wages paid an employee for personal services rendered the city while a member of the retirement system. Salary and wages shall include: base pay; and pay for periods of absence from work by reason of vacation, holiday, and sickness. For members of all benefit groups, compensation shall include an amount equal to the applicable longevity pay percentage multiplied by base pay at the time of payment of longevity, except for in the fiscal year the employee retires if the employee retires before receiving longevity pay for that fiscal year, then, for the purpose of calculating the final average compensation only, longevity is not pro-rated,

but is calculated on the base pay as of July 1st of that fiscal year. The applicable longevity payment will be the longevity payment in effect for each fiscal year without interpolation in accordance with the longevity seniority schedule for each benefit group. For members of Benefit Groups C, D, F and P only, compensation shall include lump sum holiday pay. For members of Benefit Group F compensation shall also include four-ten premium pay. Compensation shall not include any remuneration or reimbursement not specifically stated to be included: such as, remuneration for overtime services, allowances for clothing, equipment, cleaning and travel; reimbursement of expenses; bonuses; termination pay; severance pay; payments in consideration of unused vacation and sick leave; the value of any fringe benefit.

- (f) *Credited Service* means service credited to the member's individual credited service account as provided at section 2-290.
- (g) *Deferred retirement* means that if a member terminates employment after being vested but prior to eligibility for normal or early retirement and leaves all accumulated contributions in the retirement system, then the vested former member is eligible for a pension beginning at an age and service level established by contract or policy. "Vested former member" means a former member who terminated employment after attaining the service requirement for vesting but prior to eligibility for normal or early retirement and leaves all accumulated contributions in the retirement system.
- (h) *Defined contribution plan* means the City of Farmington Hills 401(a) defined contribution pension program as established by the city.
- (i) *Early retirement* means that a member is eligible for a reduced pension benefit at an age and service level established by contract or policy.
- (j) *Final average compensation* means the average of the monthly rate of compensation paid a member as of the three (3) consecutive July 1sts producing the highest average contained within the ten (10) years of credited service immediately preceding the member's last termination of employment with the city.
- (k) *Firefighter* means a full-time employee of the department of public safety, fire division, with the rank of firefighter or higher.
- (l) *Insurable interest*. As used in this retirement ordinance, the only persons considered to have an "insurable interest" in the life of an individual are the individual's legal spouse, a natural or adopted child of the individual, a parent of the individual and a sibling of the individual; and, when applicable, an individual's former spouse may have an insurable interest, if there is an appropriate entered eligible domestic relations order (EDRO), or domestic relations order (DRO) ordering such.
- (m) *Member* means any person who is included in the membership of the city's defined benefit retirement system.
- (n) *Normal retirement* means a retirement as provided at section 2-231 wherein a member is eligible for an unreduced pension benefit at an age and service level established by contract or policy.
- (o) *Paid callback firefighter* is a person who is employed on an "on call" basis with the department of public safety, fire division, without regularly scheduled full-time employee hours and is not eligible for fringe benefits afforded career firefighters.

- (p) *Part-time employees* are employees hired on a part-time basis and shall not work more than an average of twenty-nine (29) hours per week calculated over a twelve-month time frame.
- (q) *Pension* means a series of monthly payments by the retirement system. Payment may be for a temporary period or throughout the future life of a retired member or beneficiary.
- (r) *Police officer* means an employee of the department of public safety, police division, with rank of patrol officer or higher.
- (s) *Retired member* means an individual who is being paid a pension on account of the individual's membership in the defined benefit retirement system.
- (t) *Retirement system* means the City of Farmington Hills Employees Retirement System, a defined benefit plan, as established pursuant to article V, division 2 of the Code of Ordinances of the city.
- (u) *Service* means personal service rendered the city while a member of the retirement system and qualifying military service pursuant to section 2-300. "Service" for purposes of vesting as provided in section 2-285; or determining benefit eligibility as provided in sections 2-321, 2-340 and 2-410; shall also include personal service rendered the city while a member of the defined contribution plan.
- (v) *Temporary employees* are employees hired on a temporary basis for a period not to exceed four (4) consecutive months or a total of six (6) months in a calendar year.

Sec. 2-281. Excluded positions.

Excluded positions are:

- (a) Positions filled by part-time or temporary employees.
- (b) Positions which are compensated on a basis not subject to the withholding of federal income taxes or FICA taxes by the city or to existing fringe benefits provided by the city.
- (c) Any position held by a retired member.
- (d) Paid call back firefighters.
- (e) Positions, other than judgeships, for which less than half (1/2) the public compensation is paid by the city.
- (f) Any position held by a person who is included by law, by action of the city council, by collective bargaining agreement or by individual employment agreement in any other pension or retirement plan by reason of the compensation paid by the city, except the Federal Old Age, Survivors and Disability Insurance Program.
- (g) (h) Employees of Benefit Groups A that are hired on or after July 1, 2006., and employees of Benefit Group J that are hired on or after September 1, 2015. In lieu of membership in the retirement system, such employees shall participate in the defined contribution plan. Contribution rates in the defined contribution plan for the employer and employee will be calculated on base pay, as that term is defined in the defined contribution plan document. Employees will contribute five (5) percent of base pay and the city/court will contribute ten (10) percent of the employee's base pay into the

defined contribution plan. Employees shall be fifty (50) percent vested in the city's/court's contributions to the defined contribution plan after three (3) full years of employment with the city/court, seventy-five (75) percent vested after five (5) full years of employment, and one hundred (100) percent vested after seven (7) full years of employment.

- (i) Employees of the following Benefit Groups that were hired on or after a date certain were provided membership in the defined contribution plan for a period of time in lieu of membership in the retirement system. These employees are excluded from membership in the retirement system for such period of defined contribution plan participation except as to service credit for vesting and retirement eligibility purposes as provided in section 2-290: (i) Benefit Groups E or G that were hired on or after July 1, 2006 for such period of employment prior to October 10, 2022; (ii) employees of Benefit Group D that were hired on or after January 1, 2007 for such period of employment prior to August 15, 2022; and (iii) employees of Benefit Group T that were hired on or after January 1, 2008 for such period of employment prior to October 10, 2022; and, for such period of employment prior to [ratification by city council of the Ordinance that added this Subsection].

Sec. 2-282. Termination of membership.

- (a) An individual shall cease to be a member of the retirement system upon termination of employment or upon becoming employed in an excluded position. Upon reemployment by the city in an included position entitling the employee to membership, the individual shall again become a member.
- (b) A former employee from Benefit Group A who withdrew his or her accumulated member contributions prior to reemployment, shall participate in the defined contribution plan in lieu of membership in the retirement system (as provided in subsection 2-281(h)).
- (c) Except for members of Benefit Groups C, F and P, an individual whose retirement system membership terminates before retirement shall not qualify for any of the medical benefits provided by the city and the retirement system, to individuals whose retirement system membership continued until retirement.

Sec. 2-290. Credited service—Earned.

- (a) Service rendered by a member while included in the membership of the retirement system shall be credited to the member's individual credited service account in accordance with rules the retirement board shall prescribe. Service shall be in calendar months. For employees whose regular work schedule is based on eight-hour days and forty (40) hours a week, ten (10) or more days of paid service during a calendar month will qualify a member for credited service for that calendar month. For employees whose regular work schedule is based on ten-hour days and forty (40) hours a week, eight (8) or more days of paid service during a calendar month will qualify a member for credited service for that calendar month. For employees whose regular work schedule is based on forty-eight (48) hours a week, seven (7) or more days of paid service during a calendar month will qualify a member for credited service for that calendar month. No credit will be given to a member for a calendar month during which the member has fewer than the minimum qualified days of paid service as provided herein. In no case shall a member receive more than one (1) year of credited service for all service rendered by the member during any one (1) calendar year. Solely for

purposes of (i) vesting as provided in section 2-285; (ii) determining benefit eligibility as provided in sections 2-321, 2-340 and 2-410; or (iii) qualification for retiree healthcare stipends as provided in section 2-702(b); service rendered by a member while included in the membership of the defined contribution plan shall be credited to the member's individual credited service account in accordance with rules the retirement board shall prescribe consistent with the provisions in this section.

- (b) Employees described in subsection 2-281(i) ("eligible employees") shall have a one-time opportunity, from April 1, 2023 through May 1, 2023, to elect to purchase the employee's period of defined contribution plan participation as service credited to the member's individual credited service account for all purposes under the retirement system ("purchase of prior service credits" or "PPSC"). The period of credited service eligible for purchase includes only periods of personal service rendered the city (breaks in service may not be purchased), up to the date that the employee begins participation in the retirement system. The starting date for the period of credited service eligible for purchase begins on each employee's date of hire as a full-time employee with the city and ends on the applicable date for the identified Benefit Groups in Section 2-281(i) (less any breaks in service or other periods during which the employee did not render personal service to the city).

- (c) The following rules apply to a PPSC:

- (1) Any eligible employee who wants to make a PPSC must complete and sign a costing request form and return it to the city no later than January 27, 2023. An employee may request up to two (2) costings. The City will pay for the first costing. If an employee chooses to select a second costing, the employee will be required to provide the City, along with the costing request form, a receipt of funds deposited with the City to pay for the second costing.
- (2) For each employee who timely submits a completed costing request form to the city, the actuary will make cost calculations which will indicate the cost that the employee would pay, based on the employee's election of the prior service credits, to be included on the costing request form. The employee's elected prior service credits shall be no greater than the period of defined contribution plan participation for which the employee is eligible. The actuary will provide completed PPSC cost calculations to employees no later than March 31, 2023.
- (3) From April 1, 2023 through May 1, 2023, eligible employees who received a PPSC cost calculation and want to make a PPSC must complete and submit to the city an irrevocable PPSC election form, which will include identification of the source of assets that will be used for the purchase, as well as the number of years of credited service purchased elected by the employee. If the employee elects to purchase less than the entire period of credited service eligible for purchase, credited service purchased shall in that case be in 1 year increments. The election to make a PPSC is irrevocable, and this election window is a one-time opportunity to complete a PPSC.
- (4) The PPSC payment may be completed by means of a lump sum payment from any of the following sources:

- A. A direct trustee-to-trustee transfer from the member's defined contribution plan vested accounts;
 - B. A direct rollover of an eligible rollover distribution from a qualified plan described in section 401(a) or 403(a) of the Internal Revenue Code, including after-tax employee contributions; an annuity contract described in section 403(b) of the Internal Revenue Code, excluding after-tax employee contributions; an eligible plan under section 457(b) of the Internal Revenue Code, which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state;
 - C. A direct trustee-to-trustee transfer from a Code Section 457(b) governmental plan or a Code Section 403(b) plan;
 - D. An after-tax lump sum payment; or
 - E. A combination of the above.
- (5) The PPSC payment will be subject to any applicable limits under Section 415 of the Internal Revenue Code.
- (6) The PPSC payment must be received by the retirement system no later than June 30, 2023. If an employee chooses to transfer assets from the employee's defined contribution plan vested accounts, the transfer would be completed on June 30, 2023. If the assets in the employee's defined contribution plan vested accounts exceeds the PPSC cost, the excess assets will remain in the employee's accounts in the defined contribution plan.
- (7) Upon completion of the PPSC payment, a member shall be entitled to the credited service purchased in the retirement system that occurred within the period of defined contribution plan participation covered by the PPSC.

Sec. 2-301. Other Governmental Service

- (a) A member who has 30 months or more of credited service and who has attained the age but has not met the service requirements for age and service retirement from the Retirement System shall be entitled to use his or her credited service previously acquired as a member of governmental unit retirement systems in meeting the service requirements for the Member's applicable benefit group. If the member has had a break in governmental employment for a period longer than 20 years, his or her service rendered in the employ of the governmental units prior to his or her last break in service shall not be used in satisfying the service requirement for age and service retirement from the Retirement System. Credited service acquired in a governmental unit in which the member was previously employed shall not be used in determining the amount of his or her retirement benefit allowance payable by the Retirement System.
- (b) A member who leaves the employ of the City, has not vested in the Retirement System as provided section 2-285, and enters the employ of another governmental unit, shall be entitled to a retirement benefit allowance payable by the Retirement System subject to the following conditions:
- (1) The member has 30 months or more of credited service acquired in the employ of the City.
 - (2) The member does not withdraw his or her accumulated member contributions from the Retirement System or if the member has withdrawn the accumulated member contributions, the member deposits with the Retirement System the amount withdrawn together with interest compounded annually at the rate in effect for the Retirement System; the deposit to be made within 20 years after the date the member becomes employed by the succeeding governmental unit.
 - (3) The member enters the employ of each succeeding governmental unit within 20 years after the date of leaving the employ of each preceding governmental unit.
 - (4) The member's credited service in force with the Retirement System plus the member's credited service acquired in the employ of preceding and/or succeeding governmental units equals or exceeds the minimum credited service required for age and service retirement in the Retirement System.
 - (5) The retirement allowance payable by the Retirement System shall be determined at the time the member ceased to be a member of the Retirement System, upon the basis of the retirement allowance formula, the member's credited service, and the former member's final average salary at the time of separation of employment with the City.
 - (6) Payment of the retirement allowance shall begin on the first day of the second calendar month immediately following the month in which proper written application is filed with the Retirement Board on or after attainment of 60 years of age.
- (c) As used in this Section:
- (1) "Governmental unit" means the state of Michigan to the extent the employees of the state are covered under an applicable employees retirement system; and any county, city, village, township or school district of the first class; any separate

corporation or instrumentality established by 1 or more counties, cities or villages, as permitted by law; any corporation or instrumentality supported in most part by counties, cities and villages, or any of them; any public corporation charged by law with the performance of a governmental function and whose jurisdiction is coextensive with 1 or more counties, cities and villages. In case of doubt, the Board shall determine eligible credited service in force in a governmental unit in accordance with the provisions of the Reciprocal Retirement Act, PA 88 of 1091, as amended (MCL 38.1101, et seq.).

(2) "Retirement system" means the retirement, pension or annuity system, plan or fund under which a governmental unit covers its employees. The term "retirement system" shall not include the federal social security old-age survivors' and disability insurance program.

- (d) The provisions of this section do not apply to qualification for retiree health care benefits in Division 3 of this Article.

Secs. 2-302—2-309. - Reserved.

Sec. 2-321. Normal retirement—Age and service requirements.

The age and service requirements for normal retirement are:

- (a) *Benefit Groups A, D, E, G, J and T.* The member has attained age sixty (60) with eight (8) years of service, or the member has attained age fifty-five (55) and the sum of the member's years of age and years of service is greater than or equal to eighty (80).
- (b) *Benefit Group P.* The member has twenty-five (25) or more years of credited service earned while employed by the city as a police officer. For purposes of meeting the service eligibility requirements of this subsection, credited service earned while the member was a police cadet shall not be considered.
- (c) *Benefit Group C.* The member has attained age fifty (50) years and has twenty-five (25) or more years of credited service earned while employed by the city as a police officer (a member who has twenty-five (25) or more years of credited service and has attained the age of forty-eight (48), may elect to purchase up to two (2) years of service at the members cost to be eligible for normal retirement) or the member has thirty (30) or more years of credited service with the city regardless of age, provided the member has twenty-five (25) years or more of service while employed by the city as a police officer. For purposes of meeting the service eligibility requirements of this subsection, credited service earned while the member was a police cadet shall not be considered.
- (d) *Benefit Group F.* the member has twenty-five (25) years or more of credited service, earned while employed by the city as a firefighter, regardless of age.

Upon retirement as provided in this section, a member shall be paid a pension computed according to the provisions of section 2-330.

Sec. 2-330. Normal retirement—Amount of pension.

The annual benefit amount under form of payment SL (straight life) is determined as follows:

- (a) *Benefit Group A.* The normal retirement benefit amount will be the member's final average compensation multiplied by the sum of two and eight-tenths (2.8) percent times years and fraction of a year of credited service not in excess of twenty-five (25) years and one (1) percent times years and fraction of a year of credited service in excess of twenty-five (25) years, with the total benefit not to exceed seventy-five (75) percent of the member's final average compensation.
- (b) *Benefit Groups G, J and T.* The normal retirement benefit amount will be the member's final average compensation multiplied by the sum of two and eight-tenths (2.8) percent times years and fraction of a year of credited service not in excess of twenty-five (25) years and one (1) percent times years and fraction of a year of credited service in excess of twenty-five (25) years, with the total benefit not to exceed eighty (80) percent of the member's final average compensation.
- (c) *Benefit Groups C and E.* The normal retirement benefit amount will be the member's final average compensation multiplied by the sum of three (3.0) percent times years and fraction of a year of credited service not in excess of twenty-five (25) years and one (1) percent times years and fraction of a year of credited service in excess of twenty-five (25) years, with the total benefit not to exceed eighty (80) percent of the member's final average compensation.
- (d) *Benefit Group D.*
 - (1) Until the retiree attains age sixty-seven (67), the normal retirement benefit amount will be the member's final average compensation multiplied by the sum of two and eight-hundredths (2.8) percent times years and fraction of a year of credited service not in excess of twenty-five (25) years, and one (1) percent times years and fraction of a year of credited service in excess of twenty-five (25) years, with the total benefit not to exceed seventy-five (75) percent of the member's final average compensation.
 - (2) At age sixty-seven (67), the normal retirement benefit amount will be the member's final average compensation multiplied by the sum of two and three hundred seventy-five thousandths (2.375) percent times years and fraction of a year of credited service not in excess of twenty-five (25) years, and one (1) percent times years and fraction of a year of credited service in excess of twenty-five (25) years, with the total benefit not to exceed seventy (70) percent of the member's final average compensation.
- (e) *Benefit Group F.*
 - (1) The normal retirement benefit amount will be the member's final average compensation multiplied by the sum of two and eight-tenths (2.8) percent times years and fraction of a year of credited service not in excess of twenty-five (25) years, and one (1) percent times years and fraction of a year of credited service in excess of twenty-five (25) years, with the total benefit not to exceed seventy-five (75) percent of the member's final average compensation.
- (f) *Benefit Group P.*

- (1) The normal retirement benefit amount will be the member's final average compensation multiplied by the sum of two and eight-tenths (2.8) percent times years and fraction of a year of credited service not in excess of twenty-five (25) years, and one (1) percent times years and fraction of a year of credited service in excess of twenty-five (25) years, with the total benefit not to exceed seventy-five (75) percent of the member's final average compensation.

If the member or vested former member has credited service with more than one (1) benefit group, the pension amount shall be computed in accordance with the provisions of section 2-312.

Sec. 2-370. Form of payment of a pension.

A member or vested former member may elect to have pension payments made under any one (1), and only one (1), of the following forms of payment, except that form of payment D may be elected in conjunction with any other form of payment.

The election and naming of a survivor beneficiary must be made on a form furnished by and filed with the retirement system prior to the date the first pension payment is made. An election of form of payment may not be changed on or after the date the first pension payment is made. A named survivor beneficiary may not be changed on or after the date the first pension payment is made, except that a named survivor beneficiary may be changed, or may be more than one (1) person, only if form of payment SL is elected. A named survivor beneficiary must have an insurable interest in the life of the member or vested former member when named. Payment shall be made under form of payment SL if there is not a timely election of another form of payment.

The amount of pension under forms of payment A, B, C and D shall have the same actuarial present value, computed as of the effective date of the pension, as the amount of pension under form of payment SL.

Form of payment SL—Straight life pension. The retired member is paid a pension for life under form of payment SL. All payments stop upon the death of the retired member.

Form of payment A—Life payments with full continuation to survivor beneficiary. The retired member is paid a reduced pension for life under form of payment A. Upon the death of the retired member during the lifetime of the named survivor beneficiary, the named survivor beneficiary is paid a pension until death in the same amount the retired member was receiving. Should the named survivor beneficiary die before the retired member, the retired member's pension shall be recomputed (pop-up) to a straight life pension (form of payment SL).

Form of payment B—Life payments with three-quarters ($\frac{3}{4}$) continuation to survivor beneficiary. The retired member is paid a reduced pension for life under form of payment B. Upon the death of the retired member during the lifetime of the named survivor beneficiary, the named survivor beneficiary is paid a pension until death of three-quarters ($\frac{3}{4}$) the amount the retired member was receiving. Should the named survivor beneficiary die before the retired member, the retired member's pension shall be recomputed (pop-up) to a straight life pension (form of payment SL).

Form of payment C—Life payments with one-half ($\frac{1}{2}$) continuation to survivor beneficiary. The retired member is paid a reduced pension for life under form of payment C. Upon the death of the retired member during the lifetime of the named survivor beneficiary, the named survivor beneficiary is paid a pension until death of one-half ($\frac{1}{2}$) the amount the retired member was

receiving. Should the named survivor beneficiary die before the retired member, the retired member's pension shall be recomputed (pop-up) to a straight life pension (form of payment SL).

Form of payment D—Life payments with annuity withdrawal. The retired member is paid at retirement the retired member's accumulated member contributions, as defined by city policy or collective bargaining agreement; and a reduced pension for life thereafter under form of payment D. Contributions made pursuant to section 2-300(b), as well as any other contributions deposited to purchase credited service, shall not be refunded. The pension shall be reduced by the amount for which the actuarial present value shall be equal to the amount of accumulated member contributions withdrawn. The actuarial present value of the pension reduction shall be computed using (i) the mortality tables and blending percentages adopted by the retirement board for this purpose; and (ii) the interest rate prescribed by the following:

- (a) Benefit Group A – The interest rate established by the Board of Trustees using the PBGC formula.
- (b) Benefit Group C – For members promoted into Benefit Group C prior to December 31, 2023, the interest rate shall be equal to 2%, or the interest rate established by the Board of Trustees using the PBGC formula, whichever is lower. For members promoted into Benefit Group C on or after January 1, 2024, the interest rate shall be equal to 6%.
- (c) Benefit Groups D, E, G, & T – The interest rate shall be in accordance with the following schedule:
 - i. For retirements that begin on or after July 1, 2023: 1.5%
- (d) Benefit Groups D, E, G, P & T – The interest rate shall be in accordance with the following schedule:
 - i. For retirements that begin on or after July 1, 2024: 2.1%
 - ii. For retirements that begin on or after July 1, 2025: 2.7%
 - iii. For retirements that begin on or after July 1, 2026: 3.3%
 - iv. For retirements that begin on or after July 1, 2027: 3.9%
 - v. For retirements that begin on or after July 1, 2028: 4.5%
 - vi. For retirements that begin on or after July 1, 2029: 5.1%
 - vii. For retirements that begin on or after July 1, 2030: 5.7%
 - viii. For retirements that begin on or after July 1, 2031: 6.0%
- (e) Benefit Group F - For members hired prior to June 1, 2008, and for retirements that occur between July 1, 2023, and July 1, 2033, the interest rate shall be equal to 2%, or the interest rate established by the Board of Trustees using the PBGC formula, whichever is lower. For members hired on or after July 1, 2008, the interest rate shall be equal to 6% effective July 1, 2022.

If form of payment D is elected in conjunction with form of payment SL, the reduced form of payment D pension will stop upon the death of the retired member. If form of payment D is elected in conjunction with form of payment A or form of payment B or form of payment C, the reduced form of payment D pension will be further reduced for the election of form of payment A, B or C. Upon the death of the retired member during the lifetime of the named survivor

beneficiary, the named survivor beneficiary is paid a pension until death equal to the applicable fraction of the amount the retired member was receiving. Should the survivor beneficiary die before the retired member, the retired member's pension shall be recomputed (pop-up) to a reduced form of payment D straight life pension.

A form of payment D election shall be made on a form furnished by and filed with retirement system. The elected refund shall be paid by the later of (i) thirty (30) days after the date of retirement and (ii) sixty (60) days after the filing with the retirement system of a valid election for such refund. Payments shall be made in accordance with and subject to Internal Revenue Code rules and regulations.

Section 2 of Ordinance.

The Farmington Hills City Code, Chapter 2, "Administration," Article V, "Employee Benefits," Division 3, "Medical Benefits," is hereby amended to add new Sections 2-700, 2-701 and 2-702, to amend and renumber existing Sections, 2-701 (now 2-704), 2-702 (now 2-705), 2-703 (now 2-706) and 2-704 (now 2-707), and to renumber Sections 2-700 (now 2-703) and 2-705 (now 2-708), as follows:

DIVISION 3. – MEDICAL BENEFITS

Sec. 2-700. Retiree Medical Plan and Trust

- (a) The Retirement System shall include a Retiree Health Care Plan and Trust to provide health insurance benefits, retiree health care savings plan benefits or such other benefits approved by the City or approved by collective bargaining agreements for the welfare of qualified retirees and the spouses and eligible dependents of such retirees. The City intends the benefits to be provided and funded by the establishment and maintenance of a retiree health care trust fund in conformance with all applicable federal statutes and regulations, state and local law. The Plan and Trust is created, under the authority of the Public Employee Health Care Fund Investment Act, Public Act 149 of 1999 (MCL 38.1211 et seq.) and shall constitute a governmental trust pursuant to Section 115 of the Internal Revenue Code of 1986, as amended.
- (b) Neither the establishment of the Plan, nor the Trust, nor any modification thereof, nor the creation of any fund or account, nor the payment of any benefits, shall be construed as giving to any person covered under the Plan and Trust or other person any legal or equitable right against the City, its elected or appointed officials or employees, the Retirement Board or any individual Retirement Board Member, except as may otherwise be provided in this Chapter.
- (c) Neither the City, nor the Retirement Board, shall be responsible for the validity of any Insurance Agreement issued in connection with the Plan or Trust or for the failure on the part of the Insurer to make payments provided by such Insurance Agreement, or for the action of any person which may delay payment or render an Insurance Agreement null and void or unenforceable in whole or in part.

Sec. 2-701. Irrevocable Section 115 Trust, Established.

- (a) The Retiree Health Care Trust Fund established in this Division 3 shall be an irrevocable Section 115 Trust and shall conform to all applicable sections of the Internal Revenue Code, the Collective Bargaining Agreements, and all statutes, ordinances, rules, regulations, arbitrators' awards and judicial decisions interpreting the foregoing provisions.
- (b) The Trust shall consist of City Contributions, Participant Contributions, any Contributions which may be paid by Retirees and other Qualified Beneficiaries due to the election of additional coverage beyond that provided by the City, all investments made or held under Trust, and all income therefrom, both received and accrued, and any other property, which may be received or held by reason of this Trust. Funds paid by Retirees and other Qualified Beneficiaries as a result of premium sharing required pursuant to applicable Collective Bargaining Agreements and/or City policy, shall be paid directly to the City and/or the applicable Insurance Carrier and shall not be paid into the Trust.

Sec. 2-702. Use of Trust Assets.

- (a) No part of the net earnings of the Trust may inure to the benefit of any Participant, Retiree or other beneficiary other than by benefit payments or for services provided by the Retirement Board in their administration of the Trust. The Trust assets shall not be used or diverted to purposes other than to provide benefits contemplated under this Division III for the exclusive benefit of retirees and their spouses and eligible dependents, except any reasonable administrative expenses for which the Trust is liable. A portion of the net earnings may be used for payment for reasonable and necessary professional services, costs and expenses relating to assisting the Retirement Board and Trust administrator in the operation of the trust.
- (b) All income, profits, recoveries, contributions, forfeitures, and any and all monies, securities and properties of any kind, at any time, received or held by the Retirement Board hereunder, shall become part of the trust when received, and shall be held for the use and purposes hereof.

Sec. 2-703. Benefit groups—Composition.

The following benefit groups are designated for the purpose of determining benefit eligibility conditions, benefit amounts, and retired member contribution rates, as well as other non-uniform provisions.

- (a) *Benefit Group A (AFSCME)*. All retired members who were covered by the AFSCME collective bargaining agreement, when they retired.
- (b) *Benefit Group C (Police Command)*. All retired members who were full-time sworn police officers and who were not in Benefit Group P (Police Officer), when they retired.
- (c) *Benefit Group D (Dispatcher)*. All retired members who were full-time police dispatchers, when they retired.
- (d) *Benefit Group E (Executive)*. All retired members who were designated as full-time executive employees, including the city manager, assistant city managers, the assistant to the city manager and department heads, when they retired.
- (e) *Benefit Group F (Fire)*. All retired members who were full-time firefighters, when they retired.
- (f) *Benefit Group G (General-Exempt)*. All retired members not included in another benefit group, when they retired.
- (g) *Benefit Group J (Court)*. All retired members who were full-time employees of the 47th District Court, when they retired.
- (h) *Benefit Group P (Police Officer)*. All retired members who held the full-time rank of police officer, when they retired.
- (i) *Benefit Group T (Teamsters)*. All retired members who were covered by the Teamsters collective bargaining agreement, when they retired.

In case of doubt, the retirement board shall determine the benefit group(s) that apply to a retired member.

Sec. 2-704. Medical insurance benefits.

Each retired member and beneficiary shall be provided coverage under a group medical insurance or non-insured arrangement participated in by the city if the member or beneficiary meets the applicable requirements stated in (a) below. A beneficiary shall be treated as meeting the requirements in (a) below if the employee on whose behalf the beneficiary is receiving coverage met those requirements. The retired member's spouse shall be provided coverage if the retired member is being provided coverage and the spouse meets the requirements of (c)(5) below. The level of coverage shall be as shown in (b) below.

(a) The requirements for retired member medical benefits are:

Benefit Group	Eligibility Requirement
A, E, and G	For employee hired prior to July 1, 2006; age sixty (60) with fifteen (15) years of service; or, age fifty-five (55) with a minimum of twenty (20) years of service and the sum of age in years and years of credited service is at least eighty (80).
C	Age fifty (50) with twenty-five (25) years of service.
D	For employee hired prior to January 1, 2007; age sixty (60) with fifteen (15) years of service; or, age fifty-five (55) with a minimum of twenty (20) years of service and the sum of age in years and years of credited service is at least eighty (80).
F	For employee hired prior to July 1, 2008; after twenty-five (25) years of service, regardless of age.
J	For employee hired prior to September 1, 2015; age sixty (60) with fifteen (15) years of service; or, age fifty-five (55) with a minimum of twenty (20) years of service and the sum of age in years and years of credited service is at least eighty (80).
P	For employee hired prior to January 1, 2008; after twenty-five (25) years of service, regardless of age.
T	For employee hired prior to January 1, 2008; age sixty (60) with fifteen (15) years of service; or, age fifty-five (55) with a minimum of twenty (20) years of service and the sum of age in years and credited service is at least eighty (80).

The age and service requirements for receiving retiree medical benefits do not apply if a retired member is receiving a disability pension.

The retired member shall (i) authorize the retirement board to deduct the difference, if any, between the cost of the coverage and the applicable maximum amount specified in subsection (c) from the retired member's pension payments, or (ii) remit said difference to the retirement board at least one (1) month in advance of the premium payment date.

The retired member or beneficiary and the spouse of the retired member shall not be eligible for any coverage or benefits described in this section 2-701, for any period of time during which the member or beneficiary has accepted a health insurance waiver allowance provided under section 2-702.

(b) The medical care coverage shall provide the applicable levels of coverage as stated in each benefit groups contract or city policy, as may be amended from time-to-time. A coverage that is equivalent may be provided in lieu of any of the coverages stated.

(c) The applicable retired member medical benefits shall be provided subject to the following restrictions:

(1) The maximum premium or payment that the retirement system will pay for medical care coverages for the combination of the retired member and spouse, if any, is as follows:

Benefit Group	Eligibility Requirement	Maximum Monthly Premium Paid by the System
A, D, E, G, J, T	Age 60 with 15 years of service;	\$400.00
	Or age 55 with a minimum of 20 years of service and the sum of age in years and years of service is at least 80	Employees Retired Prior to January 1, 2013 - No maximum. Employees Retired on or after January 1, 2013 - The Retiree will pay a premium co-pay, with the amount determined by Contract and/or City Policy, as may be amended from time-to-time.
C	Age 50 with 25 years of service	Employees Retired Prior to January 1, 2013 - No maximum. Employees Retired on or after January 1, 2013 - The Retiree will pay a premium co-pay, with the amount determined by Contract and/or City Policy, as may be amended from time-to-time.
F	After 25 years of service, regardless of age	Employees Retired Prior to October 1, 2013 - No maximum. Employees Retired on or after October 1, 2013 - The Retiree will pay a premium co-pay, with the amount determined by Contract and/or City Policy, as may be amended from time-to-time.
P	After 25 years of service, regardless of age	Employees Retired Prior to January 1, 2013 - No maximum. Employees Retired on or after January 1, 2013 - The Retiree will pay a premium co-pay, with the amount determined by Contract and/or City Policy, as may be amended from time-to-time.

With the exception of the four hundred dollar (\$400.00) maximum premium (net of any retiree co-pay) paid by the retiree health care trust fund, as described above, no maximum premium and no co-pay shall apply to retired members once the member is covered by Medicare, regardless of Medicare eligibility of the member's spouse.

(2) The retired member, beneficiary and/or spouse must apply for Medicare (or any other government sponsored program of health benefits for which the individual might be eligible) when eligible. Upon qualification for such program, the retired member or beneficiary shall be provided coverage that is complementary to Medicare (or other government sponsored program).

- (3) There shall be a coordination of benefits with any other health insurance held by the retired member or beneficiary or the spouse.
- (4) In the coordination described in paragraphs (2) and (3) above, the retirement system medical benefits shall be considered the secondary benefits.
- (5) The only person covered by the retired member medical benefits as the retired member's spouse is the person to whom the retired member was lawfully married on the date the retired member's pension commenced. Subject to the other provisions of this section, the retired member's spouse shall be eligible for medical benefits as long as the retired member is alive and receiving pension payments, and after the retired member's death while the spouse is receiving pension payments due to the retired member's election of form of payment A, B or C.
- (6) A retiree and spouse will be ineligible for retiree health benefits if the retiree is receiving the city's retiree health waiver allowance in lieu of retiree health benefits. Reenrollment in the retiree health plan shall be subject to the provisions of the city's retiree health waiver program and the bargaining agreement, if any, covering the participant at retirement. The retiree health waiver allowance is paid by the retiree health care plan rather than the city.
- (7) The retirement system shall provide the medical benefits for retired members, spouses and beneficiaries as described in this section from the retirement system's retiree medical benefit assets. Effective May 15, 2000, the city established the City of Farmington Hills Post-Retirement Health Care Fund as the new funding vehicle for retiree health benefits for retired City of Farmington Hills employees. Effective May 15, 2000, the obligation of the City of Farmington Hills Employees' Retirement System with regard to retiree health benefits shall be solely to invest its retiree health assets until they have been exhausted and to make disbursements from those retiree health assets for the retiree health benefits for qualifying retirees and beneficiaries until those retiree health assets have been exhausted.

Sec. 2-705. Medical insurance benefits waiver.

A retiree who is eligible for retired member medical benefits from the retirement system may voluntarily waive his or her rights to all medical benefits coverage after providing evidence that the retiree then has other health insurance coverage. For any month during which a valid waiver is in effect, the retirement system shall provide no retiree medical benefits coverage for the retiree and no retiree medical benefits coverage for the spouse of or any dependent of the retiree on behalf of the retiree. For any month during which a valid waiver is in effect, the retirement system and the city shall not be responsible for any health related claims for the retiree or for the spouse for any dependent of the retiree on behalf of the retiree. For any month during which a valid waiver is in effect, the city shall pay the retiree a waiver allowance. The amount of the waiver allowance is two hundred dollars (\$200.00) per month for single coverage and four hundred dollars (\$400.00) per month for double coverage, or as may be amended from time-to-time, but shall not exceed the waiver allowance provided in section 4.03 of the city's medical reimbursement plan, for an active employee eligible for the same health insurance coverage for the same month. If a waiver is in effect for a month during which the cost to the retirement system is not paid for by insurance premiums, the cost to the retirement

system of one (1) person retiree medical benefits for a retiree shall be determined by the retirement board on a basis that is intended to fairly represent such cost.

(Ord. No. C-3-2013, § 1 , 6-24-13)

Sec. 2-706. Member contributions—Amounts; procedures.

- (a) Member contributions to the retiree health care trust fund shall be deducted from each member's paychecks and shall be the following percentage of the member's annual compensation as defined in subsection 2-270(d).
 - (1) Benefit Group A—One and one-half (1.5) percent for medical benefits.
 - (2) Benefit Group C—One and one-half (1.5) percent for medical benefits.
 - (3) Benefit Group D—One and one-half (1.5) percent for medical benefits.
 - (4) Benefit Group E—One and one-half (1.5) percent for medical benefits.
 - (5) Benefit Group F—One and one-half (1.5) percent for medical benefits.
 - (6) Benefit Group G—One and one-half (1.5) percent for medical benefits.
 - (7) Benefit Group J—One and one-half (1.5) percent for medical benefits.
 - (8) Benefit Group P—One and one-half (1.5) percent for medical benefits.
 - (9) Benefit Group T—One and one-half (1.5) percent for medical benefits.
- (b) Continuation of employment by the member shall constitute consent and agreement to the deduction of the applicable member contributions. Payment of compensation less the deduction shall be full and complete discharge of all claims and demands for compensation for personal service rendered the city.
- (c) The person responsible for preparing the city payroll shall cause the member contributions to be deducted from the compensation of each member on each and every payroll. The deducted contributions shall be paid to the retirement system within five (5) working days and shall be credited to the members' individual accounts in the reserve for member contributions.

Sec. 2-704. Retirement health savings plan.

- (a) A retirement health savings (RHS) plan is herein created for employees hired on or after the dates provided in the below table. In lieu of the retiree medical insurance benefits provided in this division, such employees shall participate in the retirement health savings plan as adopted by the city. The city shall contribute the below employer contribution amounts into the individual RHS member accounts for each full month of credited service.. The term service is defined in article V, division 2, section 2-270(t) of the Code of Ordinances for each affected employee. Employees shall contribute on an annual basis one and five-tenths (1.5) percent of the employee's annual salary. Employees may make additional voluntary contributions to the RHS plan in accordance with the terms and conditions of the RHS plan. Employees shall be fifty (50) percent vested in the city's contributions to the RHS plan after three (3) full years of employment with the city, seventy-five (75) percent vested after five (5) full years of employment, and one hundred (100) percent vested after seven (7) full years of employment.

Benefit Group	Hire Date (Employed on or after)	Employer Contribution	Mandatory Employee Contribution
A	Hired on or after July 1, 2006	Eff.7/1/06: \$1,200 annually - \$100/mo.	1.5% of annual salary
		Eff.7/1/08: \$1,500 annually - \$125/mo. Eff.7/1/17: \$1,750 annually - \$145.83/mo.	
E or G	Hired on or after January 1, 2006	Eff.7/1/06: \$1,200 annually - \$100/mo. Eff.7/1/08: \$1,500 annually - \$125/mo. Eff.7/1/17: \$1,750 annually - \$145.83/mo.	1.5% of annual salary
		Eff. 7/1/22: \$1,400 annually - \$116.67/mo.	
D	Hired on or after January 1, 2007	Eff.1/1/07: \$1,200 annually - \$100/mo.	1.5% of annual salary
		Eff. 7/1/22: \$960 annually - \$80/mo.	
T	Hired on or after January 1, 2008	Eff.7/1/06: \$1,200 annually - \$100/mo. Eff.7/1/08: \$1,500 annually - \$125/mo. Eff.7/1/17: \$1,750 annually - \$145.83/mo.	1.5% of annual salary
		Eff. 7/1/22: \$1,400 annually - \$116.67/mo.	
F	Hired on or after July 1, 2008	Eff.7/1/08 \$1,500 annually - \$125/mo.	1.5% of annual salary
		Eff.7/1/17: \$1,750 annually - \$145.83/mo. Eff. 7/1/22: \$1,400 annually - \$116.67/mo.	
P	Hired on or after January 1, 2008	Eff.7/1/06: \$1,500 annually - \$125/mo. Eff.7/1/14: \$1,700 annually - \$142/mo. Eff.7/1/16: \$2,500 annually - \$208.33/mo.	1.5% of annual salary
		Eff. 7/1/22: \$2,000 annually - \$166.67/mo.	
C	Hired on or after *****	Eff.7/1/06: \$1,500 annually - \$125/mo. Eff.7/1/17: \$2,700 annually - \$225/mo.	1.5% of annual salary

		Eff. 7/1/22: \$2,160 annually - \$180/mo.	
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- (b) Effective on the dates provided below, employees that participate in the retirement health savings plan, shall upon retirement, receive a retiree health care stipend credited to their RHS Plan Account for each full calendar month after retirement in the amount \$200/month for singles and \$400/month for doubles/families for those employees who, at the time of retirement, have and meet the following applicable requirements:

Benefit Group	Effective Date	Eligibility Requirement
D	August 15, 2022	Attained 60 years of age with 15 or more years of credited service
T, E, G & F	October 10, 2022	Attained 60 years of age with 15 or more years of credited service
P	August 15, 2022	25 or more years of credited service
C	August 15, 2022	Attained 50 years of age with 25 or more years of credited service, or 30 or more years of service regardless of age

- (c) For purposes of meeting the credited service requirement for the retiree health care stipend in subsection (b) only, the employee shall be entitled to use his or her credited service in force previously acquired as a member of governmental unit retirement systems as otherwise defined and qualified under the Reciprocal Retirement Act, PA 88 of 1961, as amended (MCL 38.1101 et seq.).
- (d) The city may prefund the retiree health care stipend in Retiree Health Care Trust Fund. The city shall also make an annual verification of single or double/family status in such manner as they deem appropriate.

Sec. 2-708. - Mandatory bargaining subjects.

Notwithstanding any other provisions of this division, any matter relating to the retirement system provided by this division applicable to current employees represented by a collective bargaining agent is a mandatory subject of bargaining under the Public Employment Relations Act, Act No. 336 of the Public Acts of 1947, being MCL 423.201—423.216. The provisions contained in the collective bargaining agreements shall supersede any conflicting provisions contained in this division.

Section 3 of Ordinance. Repealer.

Subject to the savings clause in Section 4 of this Ordinance, the Sections of Chapter 2, Article V, Division 2 and Division 3, of the Farmington Hills City Code, that existed prior to and are amended by this Ordinance, and all other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect, and the Farmington Hills Ordinance Code shall remain in full force and effect, amended only as specified above.

Section 4 of Ordinance. Savings.

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 5 of Ordinance. Severability.

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 6 of Ordinance. Effective Date.

The provisions of this Ordinance are hereby ordered to take effect on the date provided by applicable law following publication.

Section 7 of Ordinance. Enactment.

This Ordinance is declared to have been enacted by the City Council of the City of Farmington Hills at a meeting called and held on the ____ day of _____, 2022, and ordered to be given publication in the manner prescribed by law.

AYES:
NAYES:
ABSTENTIONS:
ABSENT:

STATE OF MICHIGAN)
)ss
COUNTY OF OAKLAND)

I, the undersigned, the qualified and acting City Clerk of the City of Farmington Hills, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the City Council of the City of Farmington Hills at a meeting held on the ____ day of _____, 202__, the original of which is on file in my office.

_____, City Clerk

Introduced:
Adopted:
Effective:
Published:

City of Farmington Hills

SUMMARY
ORDINANCE NO. C-4-2022
CITY OF FARMINGTON HILLS
OAKLAND COUNTY, MICHIGAN

NOTICE OF AN ORDINANCE TO AMEND THE CITY OF FARMINGTON HILLS CODE OF ORDINANCES, CHAPTER 2 - ADMINISTRATION, ARTICLE V. EMPLOYEE BENEFITS, DIVISION 2 - EMPLOYEES RETIREMENT SYSTEM, AND DIVISION 3 - MEDICAL BENEFITS, 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.

A full copy of the Ordinance is on file in the Clerk's Office for public review between the hours of 8:30am and 4:30pm Monday through Friday.

Section 1-2, Ordinance

Section 3, Repealer

Section 4, Savings

Section 5, Severability

Section 6, Effective Date

Section 7, Enactment

The provisions of this Ordinance are ordered to take effect twenty-one (21) days after enactment.

PAMELA B. SMITH, City Clerk



INTEROFFICE CORRESPONDENCE

DATE: December 12, 2022
TO: City Council
FROM: Vicki Barnett, Mayor
SUBJECT: Recommendations for Appointment & Reappointment

I would like to recommend the following appointment & reappointment at the December 12, 2022 City Council meeting:

Building Appeals Board

Pamela Gerald	Length of Term: 3 years	Term ending: February 1, 2026
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Ms. Gerald will fill the vacancy left by William Paquette who passed away in November 2021. Attached, please find Ms. Gerald's resume.

Employee Retirement Board

Lauri Siskind	Length of Term: 3 years	Term ending: December 31, 2026
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Ms. Siskind will be reappointed to the seat she currently holds on the Board.

Danielle King

From: [REDACTED]
Sent: Wednesday, August 24, 2022 4:02 PM
To: CMO
Subject: Boards and Commissions Questionnaire

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Submittor's Name Pamela Gerald

Submittor's Address [REDACTED]

Submittor's Phone [REDACTED]

Submittor's Email [REDACTED]

Interest(s) Brownfield Redevelopment Authority|Building Appeals|Grand River Corridor Improvement Authority

Resume

Associates Degree Bachelors in Psychology Mediation Certificate (State Court Administrator) Southfield Police Chief Advisory Board Community Advocate

References

Gerard Mullin [REDACTED] Ray Beard [REDACTED]

8/24/2022 4:01:50 PM

November 28, 2022

Honorable Mayor and City Council
City of Farmington Hills
Farmington Hills, MI

RE: Reappointment to the Employees' Retirement System Board

Dear Sirs and Mesdames:

It has been my honor and pleasure to serve as one of the Citizen Trustees on the City of Farmington Hills Employees' Retirement System Board since 2003. My current term is due to expire on December 31, 2022. I respectfully request that you approve my reappointment to this board.

During my tenure, the Pension fund and Post-Retirement Healthcare fund have experienced periods of robust growth, as well as difficult financial challenges. Thanks to careful planning, prudent diversification, and rigorous performance standards, our funds are well-positioned for the future demands. I am looking forward to the challenges of the coming years.

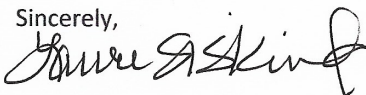
We have a team of highly qualified advisors who support the Board in carrying out our fiduciary responsibility to the Plans' members and beneficiaries. The seven Board members continuously review and monitor our investments, maintain and update our policies and procedures, and provide the necessary oversight to benefits administration. I am proud to be a member of this dedicated group of public servants.

My knowledge and expertise in the field of public employee retirement systems has solidified over the past 20 years. Four years ago, I retired as the Human Resources Director for the City of Southfield, where my duties included administration of their pension and retiree healthcare plans. Last year, I was elected by the Southfield system retirees to be their representative on the Southfield Employees Retirement System board. I also serve as Secretary/Treasurer of the board of the Michigan Association of Public Employee Retirement Systems (MAPERS). On the MAPERS board, I work to enhance training opportunities for pension board trustees, which in turn helps to secure these important financial resources for our plan as well as other public plans throughout Michigan.

I also want to take this opportunity to acknowledge the strong support the Farmington Hills Retirement Plan receives from the Mayor, City Council, and City Administration, including the Finance team. The Plan's solid financial position would not be possible without the foresight and commitment of all of you.

Thank you for the opportunity to serve my community in such a significant and important capacity.

Sincerely,



Lauri Siskind
Farmington Hills, MI

REPORT FROM THE CITY MANAGER TO CITY COUNCIL**December 12, 2022**

**SUBJECT: COMMERCIAL REHABILITATION DISTRICT REQUEST FOR ALDEN DEVELOPMENT GROUP, LLC
AKA: PUD 4, 2021, THE EMERSON**

- Alden Development Group (ADG), LLC is the developer for major residential project, The Emerson, on Northwestern Highway. City Council approved the PUD plan for the proposed development at its January 24, 2022 meeting.
- City Council last discussed this item at its October 24, 2022 Study Session for the consideration of a Commercial Rehabilitation District (CRD) and also held a public hearing proposing the CRD.
- ADG is requesting the creation of a Commercial Rehabilitation District (CRD) as a prerequisite to a Commercial Rehabilitation Certificate for project.
- The property is bounded by Northwestern Highway to the north, Highview Avenue to the east, Greening Street (extended) to the west, and Ludden Street (extended) to the south. The proposed CRD currently contains a single and partial two-story bowling alley of 19,920 square feet, a single story former residential dwelling of 1,424 square feet, and vacant land (See Attachment). Current business operations at the bowling alley consist of general office, recreational, food preparation, and dining activities.
- The proposed Emerson Luxury Lofts of Farmington Hills will include the demolition of the current buildings and the construction of two residential apartment buildings consisting of the Loft Building (250 units ranging from 1 to 3 bedrooms) and the Flats Building (66 units ranging from 1 to 3 bedrooms), and a parking garage that will accommodate 416 spaces.
- ADG has estimated that the proposed project represents \$76.5 million dollars of investment in the City. There are also several community benefits resulting from this project such as Pedestrian scale improvements, public dog park, the creation of several hundred construction-related jobs, and the enclosure of approximately 230 feet of county drain.
- Management and Farmington Hills Staff have met with the developer, Alden Development Group, to discuss the request for a Commercial Rehabilitation District and recommend that the City Council approve the district within the designated boundaries.
- The attached resolution has been drafted by the City Attorney, for City Council's consideration
- The request follows the City's tax abatement policy and that of the State.

Recommendation:

1. Consider the Approval of a Commercial Rehabilitation District for Alden Development Group, LLC within the designated project boundary, to be known as The Emerson Lofts Commercial Rehabilitation District No. 1 and authorize the City Manager and City Clerk to sign the attached resolution establishing a Commercial Rehabilitation District for the project and convey the resolution to Oakland County for their approval.

Attachments:

1. Request from ADG to establish Commercial Rehabilitation District.
2. Emerson Luxury Lofts of Farmington Hills PA 210 District Request sheet.
3. Draft Council resolution establishing a Commercial Rehabilitation District.
4. Aerial map of project/district location.

Prepared by: Cristia Brockway, Economic Development Director

Reviewed by: Gary Mekjian, City Manager

Approved by: Gary Mekjian, City Manager

**CITY OF FARMINGTON HILLS
COUNTY OF OAKLAND, MICHIGAN**

**RESOLUTION TO ESTABLISH A
COMMERCIAL REHABILITATION DISTRICT**

RESOLUTION NO. _____

At a regular meeting of the City Council of the City of Farmington Hills, County of Oakland, Michigan, held in the City Hall on December 12, 2022, at 7:30 p.m. Eastern Standard Time, with those present and absent being

PRESENT:

ABSENT:

the following preamble and resolution were offered by _____, and supported by _____:

WHEREAS, pursuant to PA 210 of 2005 (“Act 210”), the City of Farmington Hills has the authority to establish “Commercial Rehabilitation Districts” within the City of Farmington Hills at request of the owner or owners of property comprising at least 50% of all taxable value of the property located within the proposed district; and

WHEREAS, the Farmington Hills City Council has adopted the City of Farmington Hills Commercial Rehabilitation District Establishment and Exemption Certificate Policy (the “City CRD-CREC Policy”) for the primary purpose of, among others, considering some limited Commercial Rehabilitation Districts and Commercial Rehabilitation Exemption Certificates in the City in order to facilitate, encourage, and incentivize improvements to properties that will bring underutilized existing commercial properties meeting the City CRD-CREC Policy’s purposes, goals, and criteria into full utilization and compliance with current City land use plans and standards; and

WHEREAS, Farmington Hills Lofts LLC has filed a written request with the clerk of the City of Farmington Hills requesting the establishment of the Commercial Rehabilitation District for an area in the vicinity of Northwestern Highway between Greening Street and Highview Avenue located in the City of Farmington Hills hereinafter described, more than 50% of which is owned by Farmington Hills Lofts LLC; and

WHEREAS, prior to adoption of this resolution, written notice has been given by certified mail to Oakland County and all owners of real property located within the proposed district, as required by section 3(3) of Act 210; and

WHEREAS, on October 24, 2022, after providing public notice in accordance with Act 210, a public hearing was held at which time all residents and taxpayers of the City of Farmington Hills were afforded an opportunity to appear and be heard on the issue of establishing the proposed district as also required by Act 210; and

WHEREAS, the City Council deems it to be in the public interest of the City of Farmington Hills to establish the Commercial Rehabilitation District as proposed;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Farmington Hills that:

- (1) it is determined that the proposed district meets the requirements for a commercial rehabilitation district set forth in subsection 2(b) and subsections 3(1) and (2) of Act 210 and the criteria for a commercial rehabilitation district set forth in the City CRD-CREC Policy; and
- (2) the following described parcel(s) of land and the abutting alleyways situated in the City of Farmington Hills, County of Oakland, and State of Michigan, be and hereby are established as a Commercial Rehabilitation District, pursuant to the provisions of PA 210 of 2005, to be known as “The Emerson Commercial Rehabilitation District No.1”:

32905 Northwestern 22-23-02-102-013

T1N, R9E, SEC 2 PART OF W 1/2 OF NW 1/4 BEG AT SW COR LOT 15-BLK L OF 'FARMINGTON HEIGHTS', TH N 89-57-00 W 290 FT, TH N 00-03-00 E 115 FT, TH S 89-57-00 E 90 FT, TH N 00-03-00 E 115 FT, TH SELY ALG SLY LI FORD AVE SERVICE DR TO ELY LI LOT 32, TH N 01-28-30 E 87 FT, TH S 88-34-30 E 10.76 FT, TH S 52-20-00 E 187 FT, TH S 01-13-30 W 119.55 FT, TH N 89-57-00 W 82.10 FT, TH N 00-03-00 E 115 FT, TH N 88-34-30 W 40 FT, TH S 00-03-00 W 115 FT TO BEG, ALSO ALL OF LOTS 15 & 16-BLK L OF 'FARMINGTON HEIGHTS'

Vacant 22-23-02-102-002

T1N, R9E, SEC 2 PART OF W 1/2 OF NW 1/4, BEG AT SW COR OF LOT 141 'SUPERVISOR'S SUB NO 7', TH N 88-34-30 W 170 FT, TH N 01-33-00 E 151.08 FT, TH S 52-20-00 E 30.95 FT, TH S 01-33-00 W 17.73 FT, TH S 88-34-30 E 22.5 FT, TH N 01-33-00 E 1.25 FT, TH S 52-50-00 E 151.65 FT, TH S 01-33-00 W 26.46 FT TO BEG VACATED LOTS 142 - 149 & LOT 151 0.30 AF37D

Vacant 22-23-02-102-003

T1N, R9E, SEC 2 SUPERVISOR'S SUB NO 7 LOTS 140 & 141, ALSO THAT PART OF N 1/2 OF VAC FORD AVE LYING BETWEEN W LINE OF LOT 141 EXT SLY, & THE SWLY LINE OF NORTHWESTERN HWY

Vacant 22-23-02-102-005

T1N, R9E, SEC 2 FARMINGTON HEIGHTS LOTS 21 TO 24 INCL BLK L

Vacant 22-23-02-102-004

T1N, R9E, SEC 2 PART OF NW 1/4 TAKEN FOR HWY SERVICE RD LYING NLY OF PARCEL 23-02-102-006

Vacant 22-23-02-104-001

T1N, R9E, SEC 2 PART OF W 1/2 OF NW 1/4 BEG AT SE COR LOT 12-BLK M OF 'FARMINGTON HEIGHTS', TH N 89-57-00 W 250 FT, TH N 00-03-00 E 230 FT, TH S 89-57-00 E 150 FT, TH S 00-03-00 W 115 FT, TH S 89-57-00 E 100 FT, TH S 00-03-00 W 115 FT TO BEG 1.10 AVAC LOTS 1-12 & 21-27 BLK M

Vacant 22-23-02-104-005
T1N, R9E, SEC 2 FARMINGTON HEIGHTS LOTS 13 & 14 BLK M

32125 Highview 22-23-02-104-004
T1N, R9E, SEC 2 PART OF W 1/2 OF NW 1/4 BEG AT SE COR LOT 20-BLK
M OF 'FARMINGTON HEIGHTS', TH N 00-10-30 W 230 FT, TH N 89-57-00
W 262.20 FT, TH S 00-03-00 W 115 FT, TH S 89-57-00 E 140 FT, TH S 00-03-
00 W 115 FT, TH S 89-57-00 E 123.16 FT TO BEG 1.02 A VAC LOTS 15-20 &
28-40 BLK M

Vacant 22-23-02-106-001
T1N, R9E, SEC 2 FARMINGTON HEIGHTS LOTS 22, 23 & 24, ALSO W 15
FT OF LOT 25 BLK N

Vacant 22-23-02-106-002
T1N, R9E, SEC 2 FARMINGTON HEIGHTS E 5 FT OF LOT 25, ALSO ALL
OF LOTS 26, 27 & 28 BLK N

31151 Mulfordton 22-23-02-106-003
T1N, R9E, SEC 2 FARMINGTON HEIGHTS LOTS 29, 30 & 31 BLK N

31310 Ludden 22-23-02-106-016
T1N, R9E, SEC 2 FARMINGTON HEIGHTS LOTS 9 TO 17 INCL, ALSO
LOTS 32 TO 36 INCL BLK N

Vacant 22-23-02-106-015
T1N, R9E, SEC 2 FARMINGTON HEIGHTS LOT 37 BLK N

Vacant 22-23-02-106-005
T1N, R9E, SEC 2 FARMINGTON HEIGHTS LOT 38 BLK N

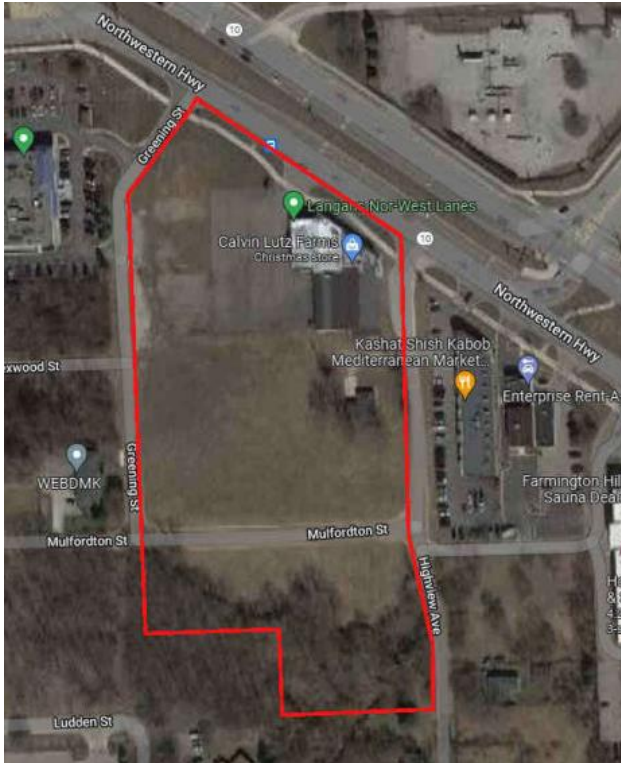
Vacant 22-23-02-106-006
T1N, R9E, SEC 2 FARMINGTON HEIGHTS LOT 39 BLK N

Vacant 22-23-02-106-007
T1N, R9E, SEC 2 FARMINGTON HEIGHTS LOTS 40 TO 42 INCL BLK N

Vacant 22-23-02-106-013
T1N, R9E, SEC 2 FARMINGTON HEIGHTS LOTS 19, 20 & 21 BLK N

Vacant 22-23-02-106-012
T1N, R9E, SEC 2 FARMINGTON HEIGHTS LOT 18 BLK N

And three abutting alleyways identified as (1) Mulfordton Street between
Greening Street and Highview Avenue, (2) Rexwood Street between Greening
Street and Highview Avenue and (3) a portion of Ludden Street up to Highway
Avenue



; and

(3) the City Clerk shall provide a copy of this resolution by certified mail to Oakland County.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

Clerk

I hereby certify that the foregoing constitutes a true and complete copy of Resolution No. ____ adopted by the City Council of the City of Farmington Hills, County of Oakland, Michigan at a regular meeting held on December 12, 2022.



August 24, 2022

Farmington Hills City Council
 Farmington Hills City Hall
 31555 West Eleven Mile
 Farmington Hills, MI 48336-1165

**RE: Request for the Establishment of a Commercial Rehabilitation District for 18
 Parcels Located in Farmington Hills, Oakland County, Michigan for Alden
 Development Group**

Honorable City Council:

Please accept this letter as a request to establish a Commercial Rehabilitation District (CRD) under Public Act 210, as amended for the 18 parcels located in Farmington Hills, Oakland County, Michigan (the “Property”), further described in Attachment A.

Company and Project Synopsis

Alden Development Group (ADG or the “Developer”) is a privately owned real estate and investment company with offices in Southfield and Birmingham, MI. ADG specializes in all areas of real estate development including acquisition, entitlement, development, management, and financing with over 150 years of combined strategic experience. ADG is currently overseeing new development projects totaling over \$400MM, consisting of luxury multi-family projects, mixed-use developments, and Class A office space. Recent successful developments include Brookside Residences in Birmingham, and the Village at Northville, in Northville Twp., Michigan. Combined, these two projects include 28 condos, 102 single-family homes, 64 townhomes, 283 multi-family units, and 88,000 square feet of commercial space.

The proposed CRD contains 18 parcels totaling 6.527 acres, as outlined in table below:

Address	Parcel ID	Acres
Unknown Address	22-23-02-104-005	0.106
Northwestern Highway	22-23-02-102-002	0.356
Northwestern Highway	22-23-02-102-003	0.046
Northwestern Highway	22-23-02-102-004	0.274
Unknown Address	22-23-02-102-005	0.224
32905 Northwestern Highway	22-23-02-102-013	1.607
Unknown Address	22-23-02-104-001	1.056
32125 Highview Avenue	22-23-02-104-004	1.016
31310 Ludden Street	22-23-02-106-016	0.739
Unknown Address	22-23-02-106-001	0.224
Unknown Address	22-23-02-106-002	0.172
31151 Mulfordton Street	22-23-02-106-003	0.158
Mulfordton Street	22-23-02-106-005	0.053
Mulfordton Street	22-23-02-106-006	0.053
Mulfordton Street	22-23-02-106-007	0.150
Unknown Address	22-23-02-106-012	0.053
Unknown Address	22-23-02-106-013	0.187
Mulfordton Street	22-23-02-106-015	0.053

***Request for Establishment of a Commercial Rehabilitation District
for 18 Parcels Located in Farmington Hills
for Alden Development Group***

The property is bounded by Northwestern Highway to the north, Highview Avenue to the east, Greening Street (extended) to the west, and Ludden Street (extended) to the south. The proposed CRD currently contains a single and partial two-story bowling alley of 19,920 square feet, a single-story former residential dwelling of 1,424 square feet, and vacant land. Current business operations at the bowling alley consist of general office, recreational, food preparation, and dining activities.

The proposed Emerson Luxury Lofts of Farmington Hills will include the demolition of the current buildings and the construction of two residential apartment buildings consisting of the Loft Building (250 units ranging from 1 to 3 bedrooms) and the Flats Building (66 units ranging from 1 to 3 bedrooms), and a parking garage that will accommodate 416 spaces.

PA 210 Request

This application documents the request for the establishment of a Commercial Rehabilitation District.

The proposed CRD is eligible as defined by Public Act 210, as amended because it is an area not less than 3 acres in size and consists of one or more parcels or tracts of land or a portion of a parcel or tract of land, that is a qualified facility. The parcel containing the bowling alley is eligible because it's a demonstrated commercial use over the past 15 years.

The developer intends to consolidate the parcels once they have been acquired, therefore making the consolidated parcel within the proposed CRD eligible.

Acquisition Timeline

The Property will be acquired by Alden Development Group in the Fall of 2022, with a construction timeline of 24 months starting in spring 2022.

Necessity for Tax Relief

Substantial investment is necessary to rehabilitate the existing area into a viable, long-term development. Since the beginning of the COVID-19 pandemic, the cost of construction has significantly increased and remains volatile. Coupled with the shortage of labor related to skilled trades and the increased demand for construction materials, construction costs have increased as much as 25% from pre-pandemic costs. In addition, rising interest rates have increased the costs of project financing.

Also factoring in the project investment is the City's request to include several infrastructure improvements to the surrounding project area, which is estimated to add approximately \$1,500,000 in additional costs. Due to these factors, the project would not be possible without the receipt of a Commercial Rehabilitation Tax Abatement, which would help to secure financing for the project by reducing operating costs (property taxes) and in turn allowing the project to meet commercial construction lender's minimum debt service standards.

***Request for Establishment of a Commercial Rehabilitation District
for 18 Parcels Located in Farmington Hills
for Alden Development Group***

Closing

Alden Development Group is excited to add the Emerson Lofts project to their existing assets in Oakland County and looks forward to working in partnership with Farmington Hills to ensure this project is successful and provides a lasting economic benefit to the City.

Respectfully submitted,



Tom Herbst
Alden Development Group, LLC
tom.herbst@dpkland.com
(248) 835-6557

Submitted with Assistance from:
Ryan Higuchi
PM Environmental, Inc.
higuchi@pmenv.com
(248) 414-1432

Attachments:

Attachment A: Detailed Project Description
Attachment B: Parcel Map

cc: Cristia Brockway, City of Farmington Hills

General Description

The requested Commercial Rehabilitation District (CRD) is bounded by Northwestern Highway to the north, Highview Avenue to the east, Greening Street (extended) to the west, and Ludden Street (extended) to the south. The proposed district contains 18 parcels, totaling approximately 6.527 acres. Currently, two of the parcels are developed, with a single two-story commercial building containing a bowling alley (19,920 square feet) on one parcel and one single-story residential dwelling (1,424 square feet) on another parcel. The remaining parcels are currently vacant. Historically, the southern parcels were developed prior to 1940 for residential purposes. A portion of the bowling alley was constructed between 1949 and 1951 with the west side addition completed between 1957 and 1963. It has since been operated as a bowling alley, with a restaurant within the bowling alley, since at least 1968, offices for a school equipment supplier between 1971 and 1987, and offices for a construction company within the bowling alley since at least 1999. Additionally, the parking lot and field have been utilized for retail sales of flowers and produce, as well as fireworks and Christmas trees since at least 2008.



Description of Proposed Use

The project involves the construction of two residential apartment buildings that include the Loft Building, a four-story wrap style building of approximately 283,000 total square feet, and the Flats Building, a three-story wrap style building of approximately 74,000 total square feet. The Loft Building will wrap around a parking garage and include several amenities that include three courtyards, a pool, and fitness center. The Flats Building will feature a dog park, covered (tucked-under) private garages, and full use of the Loft Building amenities.

Building	Stories	Parking Spaces	Unit Count	1-Bedroom	2-Bedroom	3-Bedroom
Loft Building	4	416	250	124	103	23
Flats Building	3	94	66	31	32	3
Total		510	316	155	135	26

Nature and Extent of the Rehabilitation

Prior to the construction of the Lofts and Flats Buildings, the asbestos containing materials will be abated from the existing buildings before they are demolished. The new buildings will be equipped with high quality architectural features that will include energy efficient heating, cooling and ventilation systems, energy efficient windows and doors, as well as modern kitchen and bathroom cabinetry, and energy-efficient appliances and fixtures.

In addition, the project will include several improvements to the surrounding City infrastructure. These improvements include:

- The paving of Rexwood, Greening, Mulfordton, Highview, and Ludden Streets,
- The construction of sanitary sewer along Greening, Mulfordton, and Highview Streets, as well as areas within the Southern Residential Service Area,
- Storm Sewer along Rexwood, Greening, Mulfordton, Highview, and Ludden Streets,

- Watermain along Greening, Mulfordton, and Highview Streets, as well as areas within the Southern Residential Service Area,
- Enclosure of approximately 230 linear feet of county drain,
- Sidewalk replacement/construction and landscape improvements along Northwestern Highway, Greening and Highview Streets,
- The extension of Ludden Street's right-of-way between Greening Street and Highview Street,
- The enclosure of approximately 230 feet of county drain, and
- The installation of sidewalks and landscaping along Northwestern Highway, Greening and Highview Streets.



Descriptive List of the Fixed Building Equipment

Renovations and new fixed building equipment and materials for the project include:

- Masonry
- Carpentry; including framing, kitchen cabinetry, vanities, trim work
- Thermal and Moisture Protection; roofing system, caulking and sealing, waterproofing
- Doors and Windows; curtain wall and exterior doors, interior doors/frames/hardware
- Mechanical; plumbing and HVAC
- Electrical; electrical work, security system, and communications
- Fire alarm/suppression system
- Finishes; drywall and steel studs/insulation, hard tile, hardwood/LVT flooring, painting
- Specialties; elevators, fire extinguishers, toilet accessories, and appliances.

Time Schedule

Construction activities are anticipated to commence in the fall of 2022 with a construction timeline of approximately 24 months.

Statement of Economic Advantages

Alden Development Group (ADG) intends to apply for a 10-year period under the provisions of a Public Act 210 Commercial Rehabilitation tax abatement. Funding for the complete rehabilitation is sourced from owner equity and permanent financing, with an estimated hard cost estimate of \$63.8 million, and an estimated total project investment of \$76.5 million.

The granting of the tax abatement will not result in any fewer taxes to the city in the short-term or long-term. On a short-term basis approximately 350 full-time equivalent (FTE) construction jobs will be created. On a long-term basis, the proposed development will create approximately 10 FTE jobs directly by the Developer. Other economic benefits include:

- The addition of two, high quality buildings along an established commercial corridor that will act as a gateway into the city
- Significant increase in property tax value
- Large scale infrastructure improvements that will facilitate the surrounding and adjacent properties for future development

- The addition of an estimated 630 new residents to the City of Farmington Hills
- Increased consumer spending and support of existing businesses within Farmington Hills
- Pedestrian scale improvements that fit placemaking and enhanced walkability that include improved sidewalks, streetscaping and a dog park

All taxes associated with the property are current as of the submission of this request.

The project is also being considered for a Brownfield Plan under Public Act 381. Following expiration of the 10-year abatement the building will deliver a significant increase in tax revenue.



Legal Descriptions

Parcel Number: 22-23-02-104-005

Address: Unknown Address

Acres: 0.106

Legal Description: T1N, R9E, SEC 2 FARMINGTON HEIGHTS LOTS 13 & 14 BLK M

Parcel Number: 22-23-02-102-002

Address: Northwestern Highway

Acres: 0.356

Legal Description: T1N, R9E, SEC 2 PART OF W 1/2 OF NW 1/4, BEG AT SW COR OF LOT 141 'SUPERVISOR'S SUB NO 7', TH N 88-34-30 W 170 FT, TH N 01-33-00 E 151.08 FT, TH S 52-20-00 E 30.95 FT, TH S 01-33-00 W 17.73 FT, TH S 88-34-30 E 22.5 FT, TH N 01-33-00 E 1.25 FT, TH S 52-50-00 E 151.65 FT, TH S 01-33-00 W 26.46 FT TO BEG VACATED LOTS 142 - 149 & LOT 151 0.30 AF37D

Parcel Number: 22-23-02-102-003

Address: Northwestern Highway

Acres: 0.046

Legal Description: T1N, R9E, SEC 2 SUPERVISOR'S SUB NO 7 LOTS 140 & 141, ALSO THAT PART OF N 1/2 OF VAC FORD AVE LYING BETWEEN W LINE OF LOT 141 EXT SLY, & THE SWLY LINE OF NORTHWESTERN HWY

Parcel Number: 22-23-02-102-004

Address: Northwestern Highway

Acres: 0.274

Legal Description: T1N, R9E, SEC 2 PART OF NW 1/4 TAKEN FOR HWY SERVICE RD LYING NLY OF PARCEL 23-02-102-006

Parcel Number: 22-23-02-102-005

Address: Unknown Address

Acres: 0.224

Legal Description: T1N, R9E, SEC 2 FARMINGTON HEIGHTS LOTS 21 TO 24 INCL BLK L

Parcel Number: 22-23-02-102-013

Address: 32905 Northwestern Highway

Acres: 1.607

Legal Description: T1N, R9E, SEC 2 PART OF W 1/2 OF NW 1/4 BEG AT SW COR LOT 15-BLK L OF 'FARMINGTON HEIGHTS', TH N 89-57-00 W 290 FT, TH N 00-03-00 E 115 FT, TH S 89-57-00 E 90 FT, TH N 00-03-00 E 115 FT, TH SELY ALG SLY LI FORD AVE SERVICE DR TO ELY LI LOT 32, TH N 01-28-30 E 87 FT, TH S 88-34-30 E 10.76 FT, TH S 52- 20-00 E 187 FT, TH S 01-13-30 W 119.55 FT, TH N 89-57-00 W 82.10 FT, TH N 00-03-00 E 115 FT, TH N 88-34-30 W 40 FT, TH S 00-03-00 W 115 FT TO BEG, ALSO ALL OF LOTS 15 & 16-BLK L OF 'FARMINGTON HEIGHTS'

Parcel Number: 22-23-02-104-001

Address: Unknown Address

Acres: 1.056

Legal Description: T1N, R9E, SEC 2 PART OF W 1/2 OF NW 1/4 BEG AT SE COR LOT 12-BLK M OF 'FARMINGTON HEIGHTS', TH N 89-57-00 W 250 FT, TH N 00-03-00 E 230 FT, TH S 89-57-00 E 150 FT, TH S 00-03-00 W 115 FT, TH S 89-57-00 E 100 FT, TH S 00-03-00 W 115 FT TO BEG 1.10 AVAC LOTS 1-12 & 21-27 BLK M

Parcel Number: 22-23-02-104-004

Address: 32125 Highview Avenue

Acres: 1.016

Legal Description: T1N, R9E, SEC 2 PART OF W 1/2 OF NW 1/4 BEG AT SE COR LOT 20-BLK M OF 'FARMINGTON HEIGHTS', TH N 00-10-30 W 230 FT, TH N 89-57-00 W 262.20 FT, TH S 00-03-00 W 115 FT, TH S 89-57-00 E 140 FT, TH S 00-03-00 W 115 FT, TH S 89-57-00 E 123.16 FT TO BEG 1.02 A VAC LOTS 15-20 & 28-40 BLK M

Parcel Number: 22-23-02-106-016

Address: 31310 Ludden Street

Acres: 0.739

Legal Description: T1N, R9E, SEC 2 FARMINGTON HEIGHTS LOTS 9 TO 17 INCL, ALSO LOTS 32 TO 36 INCL BLK N

Parcel Number: 22-23-02-106-001

Address: Unknown Address

Acres: 0.224

Legal Description: T1N, R9E, SEC 2 FARMINGTON HEIGHTS LOTS 22, 23 & 24, ALSO W 15 FT OF LOT 25 BLK N

Parcel Number: 22-23-02-106-002

Address: Unknown Address

Acres: 0.172

Legal Description: T1N, R9E, SEC 2 FARMINGTON HEIGHTS E 5 FT OF LOT 25, ALSO ALL OF LOTS 26, 27 & 28 BLK N

Parcel Number: 22-23-02-106-003

Address: 31151 Mulfordton Street

Acres: 0.158

Legal Description: T1N, R9E, SEC 2 FARMINGTON HEIGHTS LOTS 29, 30 & 31 BLK N

Parcel Number: 22-23-02-106-005

Address: Mulfordton Street

Acres: 0.053

Legal Description: T1N, R9E, SEC 2 FARMINGTON HEIGHTS LOT 38 BLK N

Parcel Number: 22-23-02-106-006

Address: Mulfordton Street

Acres: 0.053

Legal Description: T1N, R9E, SEC 2 FARMINGTON HEIGHTS LOT 39 BLK N

Parcel Number: 22-23-02-106-007
Address: Mulfordton Street
Acres: 0.150
Legal Description: T1N, R9E, SEC 2 FARMINGTON HEIGHTS LOTS 40 TO 42 INCL BLK N

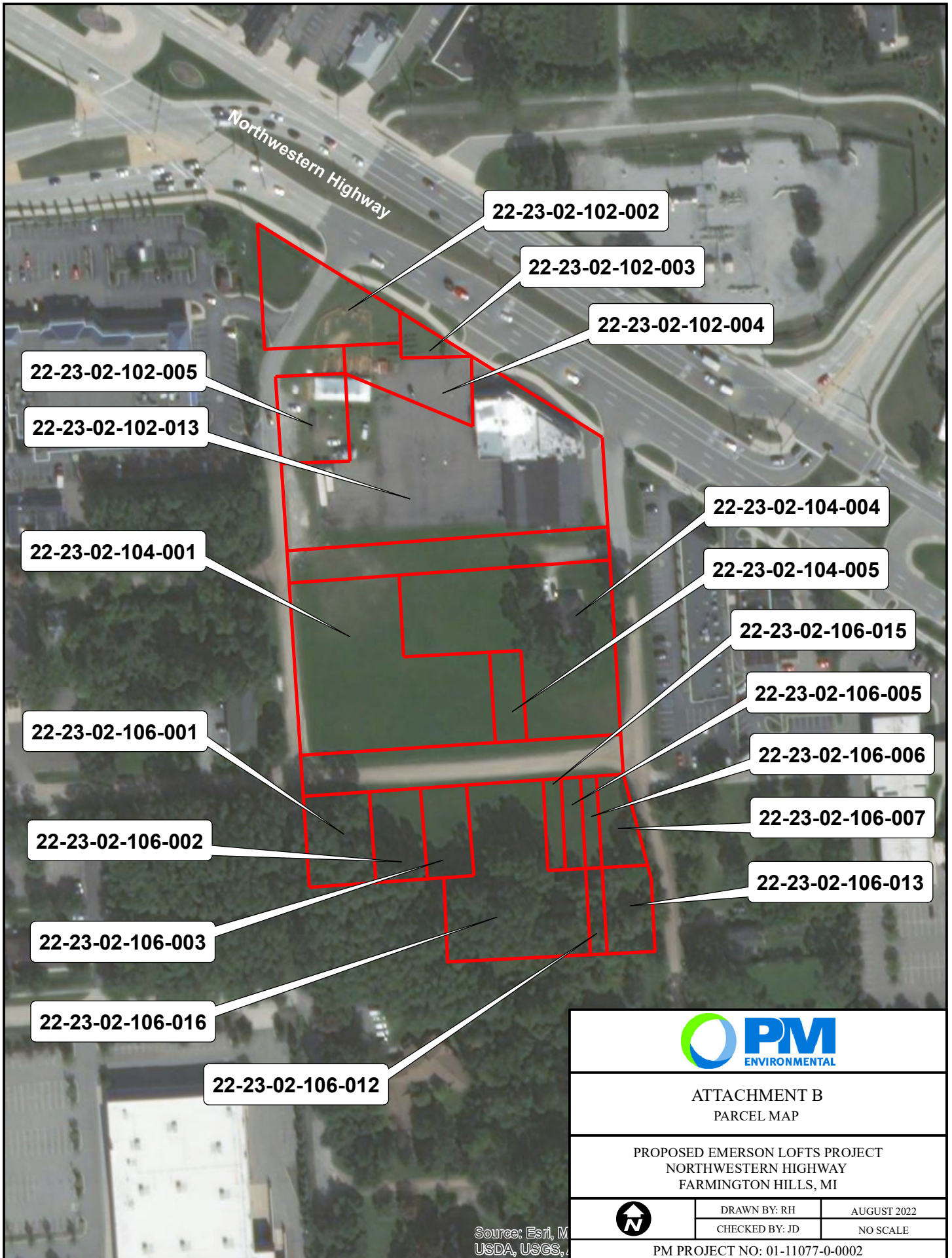
Parcel Number: 22-23-02-106-012
Address: Unknown Address
Acres: 0.053
Legal Description: T1N, R9E, SEC 2 FARMINGTON HEIGHTS LOT 18 BLK N

Parcel Number: 22-23-02-106-013
Address: Unknown Address
Acres: 0.187
Legal Description: T1N, R9E, SEC 2 FARMINGTON HEIGHTS LOTS 19, 20 & 21 BLK N

Parcel Number: 22-23-02-106-015
Address: Mulfordton Street
Acres: 0.053
Legal Description: T1N, R9E, SEC 2 FARMINGTON HEIGHTS LOT 37 BLK N

Attachment B





Northwestern Highway

22-23-02-102-002

22-23-02-102-003

22-23-02-102-004

22-23-02-102-005

22-23-02-102-013

22-23-02-104-004

22-23-02-104-001

22-23-02-104-005

22-23-02-106-015

22-23-02-106-001

22-23-02-106-005

22-23-02-106-006

22-23-02-106-002

22-23-02-106-007

22-23-02-106-013

22-23-02-106-003

22-23-02-106-016

22-23-02-106-012



ATTACHMENT B
PARCEL MAP

PROPOSED EMERSON LOFTS PROJECT
NORTHWESTERN HIGHWAY
FARMINGTON HILLS, MI



DRAWN BY: RH

AUGUST 2022

CHECKED BY: JD

NO SCALE

PM PROJECT NO: 01-11077-0-0002

Source: Esri, M
USDA, USGS,

THE EMERSON LUXURY LOFTS OF FARMINGTON HILLS

PA 210 District Request

Project Description

Redevelopment of currently obsolete Commercial property. Construction of two multi-story apartment buildings (3 and 4 stories) accommodating 316 total units ranging from 1 to 3 bedrooms that includes a parking garage and several amenities.

- Project Cost: \$79 million
- Construction Timeline: 24 months
- 620 new residents to the City.
- Creation of 350 jobs during construction period.

Commercial Rehabilitation Act Summary (PA 210)

The Commercial Rehabilitation Act encourages the rehabilitation of commercial property by abating the property taxes generated on the new investment for a period of time. This is done by capping the current existing taxable value of the property for a period of up to 10 years.

- The city would continue to collect the same local taxes based on the property's current taxable value.
- The abatement only affects local taxes (state taxes are not affected).

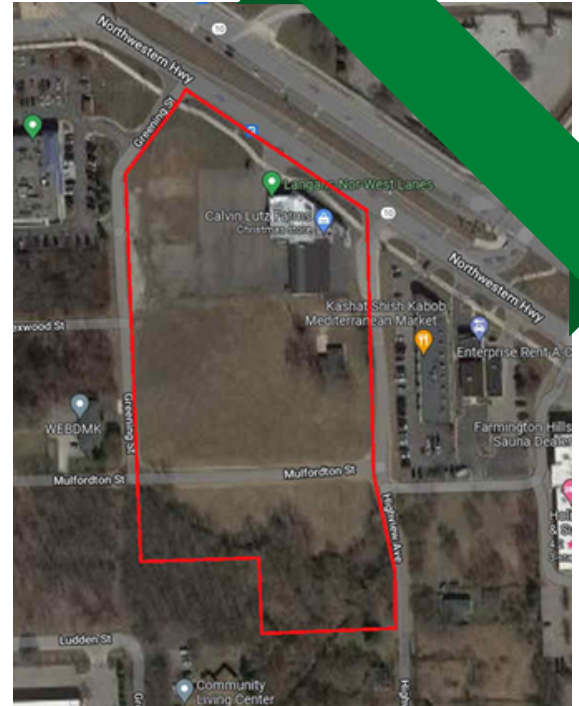
Purpose of PA 210 Request

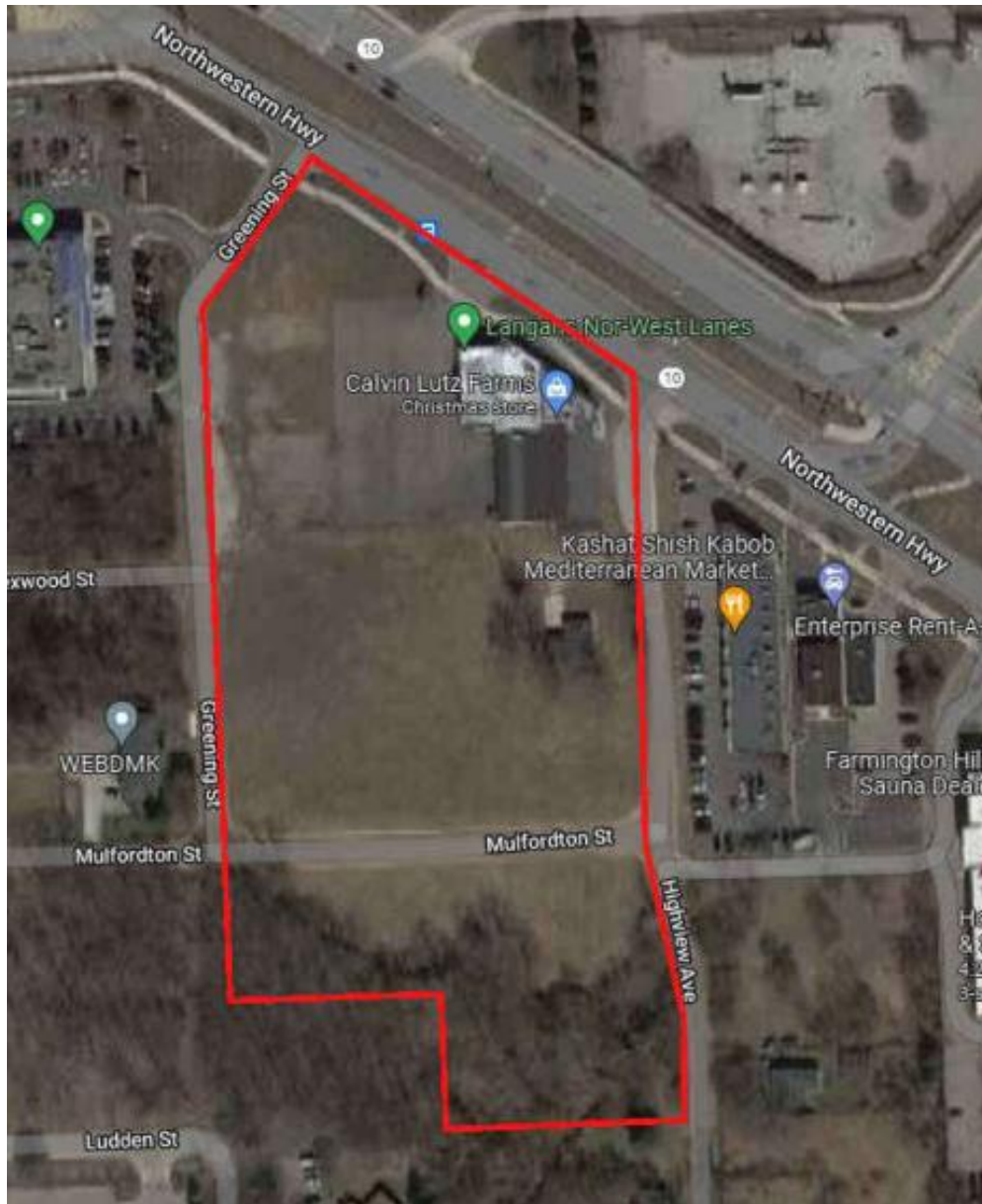
- To accommodate and help finance the approximately \$1.5 Million of additional costs related to off-site infrastructure improvements requested by the City to the area surrounding the project. Improvements include the paving of several city streets, the installation of storm and sanitary sewers, watermain extension, and enclosure of a county drain.
 - These improvements will provide the infrastructure to better position the surrounding properties for potential future developments.
- Construction materials have increased upwards of 25% since before the pandemic and they remain volatile.
- Labor shortages within the skilled trades work force have driven up to costs of construction.
- Interest rates have increased as much as 4% since January 2022.

PA 210 Timeline

PA 210 is a two-step process that first requires a PA 210 district to be established by City Council. The establishment of the district does not obligate the City to approve the abatement.

- The developer has requested City Council to establish the PA 210 district for the Emerson properties. Once the district is established, the developer would submit a certificate of exemption to enact the tax abatement.
- The developer anticipates submittal of the exemption certificate application to Council for approval sometime in 2023.
- If the exemption certificate is approved, the abatement would begin in 2024.





The Emerson District Proposal



OFFICE OF CITY CLERK

INTEROFFICE CORRESPONDENCE

TO: Mayor and City Council
FROM: Pamela B. Smith, City Clerk
DATE: December 12, 2022
SUBJECT: Amendment to City's Liquor Licensing Ordinance

Based on the City Council Study Session discussion at the study session held November 28, 2022, the attached amendments to the City's liquor licensing ordinances have been prepared by the City Attorney's Office for purposes of updating the licensing procedures to make them consistent with current state laws and City practices.

Considering the availability of two new quota licenses that are not proposed to be subject to the City's moratorium also being considered at this meeting, the attached updates are put forward for Council's consideration and adoption to enable them to be implemented and applied to future applications for new quota licenses.

ORDINANCE C-_____ -2023

CITY OF FARMINGTON HILLS
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE FARMINGTON HILLS CITY CODE BY AMENDING CHAPTER 4, "ALCOHOLIC LIQUORS," ARTICLE I, "IN GENERAL," AND ARTICLE II, "LICENSING," TO REVISE APPLICATION REQUIREMENTS AND PROCEDURES FOR THE APPROVAL OF NEW ON-PREMISES LIQUOR LICENSES.

THE CITY OF FARMINGTON HILLS ORDAINS:

Section 1 of Ordinance. Ordinance Amendment.

The Farmington Hills City Code, Chapter 4, "Alcoholic Liquors," Article I, "In General," Section 4-1, "Definitions," is hereby amended to add a definition for "On-Premises License" and to amend the last sentence of said section as follows:

On-premises license means a liquor license to sell alcoholic liquor and/or beer and/or wine and/or spirits at retail for consumption on the licensed premises, including Class C, tavern, resort, club, hotel, brewpub, and micro brewer licenses.

* * *

The definitions contained in the Michigan Liquor Control [Act Code of 1998, Act 8, P.A. of 1933 \(Ex. Sess.\) Public Act 58 of 1998](#), as amended [\(the "Act"\)](#), and in the Administrative Rules of the Michigan Liquor Control Commission [\(the "Rules"\)](#) are hereby adopted [and incorporated by reference to the extent they are not included in the above definitions and, for purposes of article 2 of this Chapter, to the extent the definitions in the Act or Rules are different from any of the above definitions, such definitions are adopted, incorporated herein by reference, and replace those stated above.](#)

Section 2 of Ordinance. Ordinance Amendment.

The Farmington Hills City Code, Chapter 4, "Alcoholic Liquors," Article II, "Licensing," is hereby amended to read as follows:

ARTICLE II. - LICENSING

Sec. 4-40. - Number of licenses permitted.

The city council may establish by resolution the number of establishments within the city in which [alcoholic liquor and/or beer and/or wine and/or spirits may be sold the sale for consumption of alcoholic liquor, beer, wine or spirits on the premises](#) shall be permitted. The number of such establishments may be less, but in no case greater than the number of such establishments permitted by law of this state.

Sec. 4-41. - State license.

No person shall engage in the business of selling alcoholic liquor, beer, wine or spirits for consumption on the premises of the business in the City of Farmington Hills ~~or elsewhere~~ without first obtaining an on-premises liquor license therefor, as required by this article and the statutes of the State of Michigan.

Sec. 4-42. - Council approval.

No person shall sell alcoholic liquor, beer, wine or spirits for consumption on the premises within the City of Farmington Hills without first having obtained the approval of the ~~council of the city~~ council of the application for the license as required by this article and the statutes of the State of Michigan.

Sec. 4-43. - Use of license in connection with restaurant operation required.

The council shall not approve any new application for a license to sell alcoholic liquor and/or beer and/or wine and/or spirits for consumption on the premises unless the use of the license shall be in connection with and incidental to a bona fide restaurant operation. The determination as to whether such operation exists or will exist shall be made by the council and a decision by a majority thereof shall be conclusive.

Sec. 4-44. - Application for on-premises license.

(a) In addition to such application(s) as may be required by the Michigan Liquor Control Commission for licensing by the State of Michigan, ~~application shall be made to the council to sell alcoholic liquor, beer, wine or spirit~~every applicant for an on-premises license shall submit an application, along with all additional documents required under this article.

(b) A separate application shall be filed in writing with the city clerk and forwarded to the departments of police, fire, planning and community development, and treasurer/finance; the application shall be signed by the applicant, if an individual, or by a duly authorized agent thereof, if a partnership, ~~or a corporation,~~ or a limited liability company, verified by oath or affidavit, and shall contain the following sworn statements and information:

(1) The name, age and address of the applicant in the case of an individual; or, in the case of a ~~co~~-partnership, the ~~persons entitled to share in the profits thereof~~ name and address of each partner shall be provided, and a copy of any partnership agreement attached; in the case of a privately-held corporation, the articles of incorporation, the objects for which organized, proof of the corporation's active status and good standing with the state of Michigan, the names and addresses of the officers, and directors; ~~and if a majority interest in the stock of such corporation is owned by one (1) person or his nominee, the name and address of such person~~ stockholders who own ten (10) percent or more of the corporate stock; or in the case of a limited liability company, the names and addresses of all members, managers, and assignees of membership interests shall be provided, and a copy of the articles of organization, and proof of the company's active status and good standing with the state of Michigan.

(2) For all individual applicants and for all partners, officers, directors, members and managers of non-individual applicants, the citizenship of the applicant person, his or her place of birth, and, if a naturalized citizen, the time and place of his or her naturalization.

(3) The character of business of the applicant, and the length of time the applicant and its partners, members, managers, officers, and directors have been in business of that character and in a business involving the sale of alcoholic liquor and/or beer and/or wine and/or spirits for consumption on or off the premises; and in the case of a corporation, the object for which it was formed.

(4) The length of time said applicant has been in business of that character; or in the case of a corporation, the date when its charter was issued. The type of license and any permits desired.

(5) The location address and legal description of the premises or place of business which is to be operated under such license.

(6) A statement whether applicant has operated or made application for a similar or another license on any premises other than described in this application, and the disposition of such license or application.

(7) A statement as to the applicant's character, experience, and financial ability to meet the obligations and business undertakings for which the license is to be issued, including a statement that the applicant and its officers, directors, managers, members, and partners, if any, have has never been convicted for a violation of any laws or ordinances regarding the sale of alcoholic liquor or of a felony and are is not disqualified to receive a license by reason of any matter of thing contained in this article or the laws of the State of Michigan.

(8) A statement that the applicant will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the City of Farmington Hills or the administrative rules of any regulatory agency in the conduct of its business.

(9) An accurate record and history, for the immediate preceding five (5) years, of any liquor license complaint violations by the applicant, by a corporation or entity the applicant has worked for or had a substantial interest in, or by a parent or subsidiary corporation of the applicant, or by any officers, directors, managers, members, and partners of the applicant for the immediate preceding five (5) years.

(10) The application shall be accompanied by building and site plans showing the entire structure and premises, and in particular the specific areas where the license is to be utilized. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities, and where appropriate, adequate plans for sound barriers and noise control.

(11) A complete copy of a fully executed deed, lease, or rental agreement, including any amendments, addendums, exhibits and other materials attached

thereto, providing the applicant the exclusive right of use, occupancy, and possession of the proposed licensed premises, including use for the on-premises sale and consumption of alcoholic liquor by the applicant.

(1~~2~~) The total cost in dollars to be expended by the licensee for the licensed premises.

(1~~2~~3) The menu for the proposed licensed establishment, together with a breakdown of the anticipated revenues from food and nonalcoholic beverages, alcoholic beverages and other revenues.

(13) Any other information determined by the City Clerk to be pertinent to the applicant and its application for the City's approval of an on-premises license.

(c) In the event of a change in any of the data or information required or furnished to the City under this section after an on-premises license has been issued, the holder of the on-premises license shall notify the City Clerk of each such change within ten (10) days after such change occurs.

Sec. 4-45. - Restrictions on licenses—Persons.

No such license shall be issued to:

(1) A person whose license has been revoked or not renewed for cause under this article, or under a comparable city ordinance or state law, whether in Michigan or elsewhere.

(2) A person who, at the time of application or renewal of any license issued hereunder, would not be eligible for such license upon a first application.

(3) A co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.

(4) A corporation, other than a public corporation, if any officer, manager or director thereof, or a stock owner or stockholders owning in the aggregate more than five (5)ten (10) -percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason.

(5) A limited liability company, if any member, manager or assignee owning a ten (10) percent membership interest or more would not be eligible to receive a license hereunder for any reason.

(~~5~~6) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses qualifications similar to those required of the licensee.

(67) A person who has been convicted of a crime punishable by imprisonment in excess of one (1) year under the law under which he or she was convicted; a crime involving theft, dishonesty or false statement (including tax evasion) regardless of punishment; or has been convicted of a crime or found responsible for a violation of any federal or state law or Administration Rules of the Michigan Liquor Control Commission concerning the manufacture, possession or sale of alcoholic liquor, or similar violation of another state or country.

(78) A person who does not own the premises for which a license is sought or does not have a lease therefor for the full period for which the license is issued.

(89) Any law enforcement official or any member of the council, or to any such official having interest in any way, either directly or indirectly, in manufacture, sale or distribution of alcoholic liquor.

Sec. 4-46. - Same—Premises.

No on-premises license shall be issued to operate ~~on at a~~ premises:

(1) Where there exists a violation of the applicable building, electrical, mechanical, plumbing, ~~or~~ fire prevention, or property maintenance codes, applicable zoning regulations, or applicable public health regulations.

(2) Unless the sale of beer, wine or spirits is shown to be in connection with and incidental to a bona fide restaurant operation (see also Section 4-41).

(3) Where it is determined ~~by a majority of the council~~ that the premises do not, or will not reasonably soon after commencement of operations, have adequate off-street parking, lighting, refuse disposal facilities, noise or nuisance control, or such new construction or remodeling as proposed would not be completed.

(4) Where council determines ~~by majority vote~~ that the location proposed for a licensed liquor establishment will have an adverse effect on the health, safety, and welfare of the community, with consideration given to traffic safety conditions, the impact of the establishment on city policing and code enforcement activities, accessibility to major streets or highways, distance from public or private schools, proximity to other similarly situated licensed liquor facilities, impact on adjacent residential districts, zoning classifications and the availability of parking.

(5) Where council determines that the licensed premises will not sufficiently or satisfactorily benefit the community, with consideration given to the effects or impact that the issuance of the license will have upon the economic development of the city or surrounding area, the public need or convenience for the issuance of the liquor license for the business facility at the location proposed, the character and extent of investment in improvements to the building, premises, and general area, and such other considerations as the council may deem proper.

Sec. 4-47. - Term of license.

Approval of a license shall be for a period of one (1) year subject to review by the council upon continued compliance with the regulations of this article. Approval of a license shall be with the understanding that any necessary remodeling or new construction for the use of the license shall be completed within six (6) months of the action of the council or the Michigan Liquor Control Commission approving such license, whichever last occurs. Any unusual delay in the completion of such remodeling or construction may subject the license to revocation.

Sec. 4-48. - Annual license review.

The council may undertake a review of any license at any time for purposes of making recommendations to the Michigan Liquor Control Commission regarding renewal of said licenses. Council shall consider whether a licensed establishment has been operated during the existing license year in a manner consistent with the provisions of this chapter and all other applicable laws and regulations and whether continued operation of the licensed establishment is reasonably likely to affect adversely investment in real property in the neighborhood of the establishment, and this consideration shall include, inter alia, entertainment, events or promotions, and whether impact upon the neighborhood is otherwise contrary to the peace, order and tranquility of the community.

Sec. 4-49. - Revocation of license.

Each establishment within the city for which a liquor license is granted shall be operated and maintained in accordance with all applicable laws and regulations, and in a clean and sanitary manner, meeting the approval of the health department. Upon any violation of this section or any section of this chapter, the council may, after notice and hearing, request the Liquor Control Commission to revoke such license as hereinafter provided.

Sec. 4-50. - Procedure for recommendation of nonrenewal or revocation.

(a) Before filing any objection to renewal or request for revocation of a license with the Michigan Liquor Control Commission, council shall serve the licensee by first class mail, mailed not less than ~~seven (7)~~ ten (10) days prior to hearing, with notice of a hearing, which notice shall contain the following:

- (1) Notice of proposed action.
- (2) Reasons for the proposed action.
- (3) Date, time and place of hearing.
- (4) A statement that the licensee may present evidence, any testimony, and confront adverse witnesses and has the right to be represented by counsel.

(b) Said hearing shall be open to the public and notice of said public hearing shall be mailed to each residence within three hundred (300) feet of the property of the licensed establishment; and shall be published in a newspaper of general circulation in the City of Farmington Hills.

(c) Following hearing, the council shall submit to the license holder and the commission a written statement of its findings and determination.

(d) No license shall be ~~revoked or not renewed unless revoked or not renewed by~~ recommended for revocation or nonrenewal except by a roll call vote of five (5) members ~~elect~~ of the council.

Sec. 4-51. - Criteria for nonrenewal or revocation.

The council may recommend nonrenewal or revocation of a license to the Michigan Liquor Control Commission upon a determination by it that, based upon a preponderance of the evidence presented at public hearing, any of the following exists:

(1) Violation of any of the restrictions on licenses set forth in sections 4-45 and/or 4-46, or any provision of this chapter or any other law or ordinance or statute and the Administrative Rules or provision of the Michigan Liquor Control Act Code of 1998, as amended.

(2) Maintenance of a nuisance upon the premises, including, but not limited to, any of the following:

- a. Existing violations of building, zoning, health, fire prevention, property maintenance, or regulatory codes.
- b. A pattern of patron conduct in the neighborhood of the licensed establishment which is in violation of the law and/or disturbs the peace, order and tranquility of the neighborhood.
- c. Failure to maintain the grounds and exterior of the licensed establishment, including litter, debris, refuse blowing or being deposited on adjoining properties.
- d. Entertainment without a permit and/or entertainment which disturbs the peace, order and tranquility of the neighborhood.
- e. Any advertising, promotion or activity which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed establishment.

(3) A material change in those conditions, statements, or representations contained in the written application by the licensee, upon which the city council based its approval of an on-premises license, when that change is found, in the judgment of the city council, to be contrary to the best interest of the city residents or to constitute a basis upon which an on-premises license may be denied under sections 4-45, 4-46, and 4-53 of this article.

(4) A holder of a license or permit has been convicted of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor or a controlled substance.

(5) The premises do not or will not reasonably soon have adequate off-street parking, lighting, refuse disposal facilities, screening, noise or nuisance control where a nuisance does or will exist.

(6) A violation of any section of this chapter or of the rules and regulations of the liquor control commission.

Sec. 4-52. - License approval procedure.

City Council may deny an application for an on-premises license on the basis of an applicant's failure to comply with the requirements of this article, for any of the reasons provided under this article, or for any other reason within its lawful discretion. No license under this chapter shall be approved unless approved by a roll call vote of five (5) members ~~elect~~ of the council.

Sec. 4-53. - Approval of city departments.

Before the approval of the council is given of the issuance, renewal or transfer of a liquor license, the application for such issuance, renewal or transfer shall be referred to the following city departments: Planning and community development, police, fire and treasurer/finance. The written report of all such departments certifying compliance with all applicable laws and regulations shall be received by the city ~~manager~~ clerk before such application shall be approved by the council.

Sec. 4-54. - Payment of obligations to city.

All personal property taxes and all real property taxes and all other obligations due and payable to the city shall be paid which relate to any premises for which a liquor license is sought to be used before the council shall approve the issuance, transfer or renewal of such license.

Sec. 4-55. - Discretion of council.

Nothing in this chapter shall be construed to require the council to approve any application nor to limit the discretion granted to the council by law or by Section 17 of Act No. 8 of the Public Acts of Michigan of the 1933 Extra Session (MCL 436.17, MSA 18.988) Section 501 of Public Act 58 of 1998 (MCL 436.1501), as amended, except as expressly provided for in this chapter.

Sec. 4-56. - ~~Bowling establishments. Reserved.~~

~~In cases where the sale of alcoholic liquor for consumption on the premises is conducted in connection with a bowling alley, all sale, delivery and/or consumption of alcoholic liquor shall be carried on within the limits of an area physically separated by walls from the premises where the bowling is carried on. The walls shall extend from the~~

~~floor to the ceiling and access doors shall be kept closed except when actually being used for ingress or egress. No alcoholic liquor shall be sold, delivered and/or consumed within the area devoted to bowling at any time unless a concourse permit is approved by the city and issued by the Liquor Control Commission. Violation of this provision shall be considered to be grounds for the council to request the revocation or refuse to approve the renewal of the liquor license for such establishment.~~

Section 3 of the Ordinance. Repealer.

All ordinances, parts of ordinances, or sections of the City Code in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect and the Farmington Hills Ordinance Code shall remain in full force and effect amended only as specified above.

Section 4 of the Ordinance. Severability.

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated, and such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 5 of the Ordinance. Savings.

The amendment of the Farmington Hills Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Farmington Hills Code of Ordinances set forth in this Ordinance.

Section 6 of the Ordinance. Effective Date.

The provisions of this Ordinance are ordered to take effect twenty-one (21) days after enactment.

Section 7 of the Ordinance. Enactment.

This Ordinance is declared to have been enacted by the City Council of the City of Farmington Hills at a meeting called and held on the ____ day of _____, 2023 and ordered to be given publication in the manner prescribed by law.

Ayes:
Nays:
Abstentions:
Absent:

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

I, the undersigned, the qualified and acting City Clerk of the City of Farmington Hills, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance adopted by the City Council of the City of Farmington Hills at a meeting held on the ____ day of _____, 2023, the original of which is on file in my office.

PAMELA B. SMITH, City Clerk
City of Farmington Hills

DRAFT

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF FARMINGTON HILLS

RESOLUTION NO. R-_____ -22

FIRST AMENDMENT TO RESOLUTION R-152-22 ESTABLISHING A
MORATORIUM ON THE ISSUANCE OF ON-PREMISES LIQUOR LICENSES

At a regular meeting of the City Council of the City of Farmington Hills, County of Oakland, State of Michigan, held on December 12, 2022, at 7:30 o'clock p.m., Eastern Daylight Savings Time, with those present and absent being,

PRESENT: _____

ABSENT: _____

WHEREAS, on September 12, 2022, this City Council adopted Resolution No. R-152-22, which, for the reasons stated in said Resolution, imposed a temporary moratorium barring, for a period of ninety (90) days, the acceptance of applications for any of the five (5) new, on-premises liquor licenses that were available to the City at that time, subject to certain terms and conditions; and

WHEREAS, based on the status and progress of work on the City's Master Plan and discussions regarding the Master Plan in conjunction with the extent and manner in which the City's liquor licensing may play into and could help facilitate those concurrent master planning efforts and future development objectives, City Council has decided that the moratorium should be extended for an additional two hundred and seventy (270) days and only three (3) of the available licenses need to remain subject to the moratorium for such purposes; and

WHEREAS, City Council finds that all other recitations and portions of Resolution R-152-22 remain applicable and are not in need of modification.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Farmington Hill that Resolution R-152-22 is hereby amended to: (a) extend the temporary moratorium established thereunder for an additional two hundred and seventy (270) days; (b) said moratorium shall only apply to three (3) of the five (5) available new Class C on-premises liquor licenses; and (c) any references to a ninety (90) day moratorium shall include the additional two hundred and seventy (270) days added by this Resolution.

IT IS FURTHER RESOLVED that Resolution R-152-22 shall remain in full force and effect as amended hereby.

IT IS FURTHER RESOLVED that notice of Resolution R-152-22 and this Resolution shall be posted at the City Hall throughout the period of the moratorium established thereby, including any further extensions thereof.

AYES:
NAYES:
ABSENT:
ABSTENTIONS:

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 12th day of December, 2022, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my official signature, this ____ day of _____, 2022.

PAMELA B. SMITH, City Clerk
City of Farmington Hills

REPORT FROM THE CITY MANAGER TO CITY COUNCIL—December 12, 2022

SUBJECT: Award of Bid—Pick-Up Truck Upfitting and Snowplows

ADMINISTRATIVE SUMMARY:

- A request for proposals (RFP) was issued through the Michigan Intergovernmental Trade Network (MITN) e-procurement system by the City of Rochester Hills, RFP-RH-20-023 and opened on March 18, 2020. The initial term is for three (3) years with an option to extend for two (2) additional years.
- The RFP was a seven-community cooperative effort, with the City of Rochester Hills acting as lead agency and included the cities of Farmington Hills, Rochester Hills, Auburn Hills, Madison Heights, Livonia, Huntington Woods, and Bloomfield Township. The proposal was developed with the intent to create a multi-year, comprehensive, cooperative contract for any MITN agency to procure an initial order of 20+ single and tandem-axle dump trucks and related equipment for snow and ice control. Participating in a cooperative purchase provides cost savings for the City of Farmington Hills due to the buying power of the cooperative.
- The proposed purchase provides three (3) front mounted snowplows that will be installed on the recently ordered 2022 DPS pick-up trucks (CMR 9-22-83).
- Based on past experience, purchasing the plows separately has resulted in greater cost savings to the City, rather than as a dealership option on the original truck purchase. Note vehicle upfitting also includes cab guard, custom lighting and electrical.
- The recommended award complies with the City's specifications and is within budget. Funding for this purchase is provided in the Capital Improvement Budget for FY 22/23.
- The recommended vendor is Truck & Trailer Specialties of Dutton, Michigan. Truck & Trailer has provided and installed plows as well as other winter maintenance equipment for the City in the past with high quality and workmanship.

RECOMMENDATION:

IT IS RESOLVED that the City Council of Farmington Hills authorize the City Manager to approve a purchase order with Truck & Trailer Specialties in the amount of \$29,100.00 for the purchase and installation of three (3) pick-up truck snowplows, cab guards and lighting upgrades.

Prepared by: Derrick Schueller, DPW Superintendent
Michelle Aranowski, Senior Buyer

Departmental Authorization: Karen Mondora, P.E., Director, Department of Public Services
Kelly Monico, Director, Department of Central Services

Approved by: Gary Mekjian, P.E., City Manager

REPORT FROM THE CITY MANAGER TO CITY COUNCIL**December 12, 2022****SUBJECT: AWARD OF PURCHASE OF TURN OUT GEAR AND HOODS****ADMINISTRATIVE SUMMARY**

- Proposals were accepted for turn out gear for the Fire Department. Notification was sent to forty-two (42) vendors (including twenty-two (22) vendors that hold the classification of minority owned, woman owned, veteran owned, disabled, disadvantaged or service disabled). Statements of Qualifications were received from four (4) vendors with a final proposal submitted by three (3) vendors.
- Due to the vital nature of this equipment, price was only one of the factors in determining award. Staff utilized a three-step proposal process for evaluation of products. First, vendors submitted Statements of Qualifications (SOQ) for consideration and reference checks. From the SOQ's all four (4) firms were deemed "qualified" to submit samples for evaluation
- Vendors were then notified and scheduled dates to provide their gear to be evaluated by our firefighters. Firefighters evaluated the gear and hoods based on general movement, comfort and ease of use/cleaning. Utilizing this process, City and Fire Department staff is recommending Conway Shield (Lakeland gear) as the lowest and most qualified vendor for turnout gear. Their pricing was competitive, their references outstanding, their staff is knowledgeable regarding current industry standards and their product offering was evaluated with the highest point award for fit, comfort, durability, flexibility, harness use and comfort. The City of Farmington Hills has purchased goods and services from Conway Shield, in the past, and is confident in their ability to provide quality equipment and customer service.
- Firefighters evaluated the particulate hoods provided and determined that the McQueen Equipment (Formally Apollo Fire, Globe) hood was the most comfortable and quietest hood. The particulate layer of the hood which blocks over 95% of particulates from the neck area creates sound with movement. This hood has sandwiched this material between layers of cloth with a stitching pattern that greatly reduces the sound created with movement.
- Funding for turnout gear is budgeted in the 2022/2023 Fire Department Operating Budget.

SHORT LIST EVALUATION-ATTACHED**RECOMMENDATION**

- In view of the above, it is recommended that City Council authorize the City Manager to issue a purchase order to Conway Shield (Representing Lakeland Fire) for 122 sets of turnout gear for a total of \$326,942.92 and a purchase order to Macqueen Emergency (Formally Apollo Fire, representing Globe Guard) 240 hoods for a total of \$27,600.
- It is additionally recommended that City Council authorize future budgeted purchases for turnout gear to Conway Shield and Macqueen Equipment for two (2) years with one or more administration-approved extensions not to exceed a total of three (3) additional years, under the same terms and conditions, through mutual consent by the City of Farmington Hills and each awarded vendor.

Prepared by: Michelle Aranowski, Senior Buyer**Reviewed by: Kelly Monico, Director of Central Services****Reviewed by: Jason Olszewski, Deputy Fire Chief****Reviewed by: Jon Unruh, Fire Chief****Approved by: Gary Mekjian, City Manager**

ITEMS	Macqueen Emergency - Formally Apollo Fire Orion Township, MI	Allied Fire Sales and Service Spring Lakes, MI	Conway Shield New Berlin, WI
	Unit Price	Unit Price	Unit Price
ATHLETIC FIT TURNOUT PANTS	\$1,425.00	\$998.00	\$1,100.98
ATHLETIC FIT TURNOUT JACKET	\$1,820.00	\$1,385.00	\$1,507.53
TURNOUT SUSPENDERS	Included	Included	\$38.75
PANT TOOL POCKET UPGRADE	Included	\$117.00	\$19.10
KNEE PADDING UPGRADE	Included	\$23.00	\$13.50
ADDED ARAMID PANT POCKET LINERS (SET)	Included	\$40.00	Included
COAT POCKET; SEMI BELLOWS ONLY (SET)	Included	\$21.00	Included
HAND WARMER ADD ON TO BELLOWS POCKET (SET)	Included	\$49.00	Included
AIRFLOW BACK PADDING		\$102.00	
AIRFLOW SHOULDER PADDING		\$34.00	
GRAND TOTAL	\$3,245.00	\$2,769.00	\$2,679.86

PARTICULATE HOOD	\$115.00	\$150.00	\$112.00
VALUE ADD OR SPECIAL PRICING			
ADDITIONAL PRICING FOR XL COAT	Above size 60 check, add 30%	N/C	Sizes over 60, add 20%
ADDITIONAL PRICING FOR SMALL COAT	N/C	N/C	N/C
ADDITIONAL PRICING FOR XL PANT	N/C	N/C	Sizes over 60, add 20%
ADDITIONAL PRICING FOR SMALL PANT	N/C	N/C	N/C
50/50 PANT POCKET DIVIDER		\$11.00	
COAT POCKET; FULL BELLOWS ONLY (SET)		\$33.00	
PANTS W/NEOPRENE LEG GATOR ONLY; STD POCKETS		\$957.00	
GORE NOMEX BLEND PARTICULATE BLOCKING HOOD (WHITE)		\$130.00	
GORE NOMEX BLEND PARTICULATE BLOCKING HOOD (BLACK)		\$150.00	
CO-26 LETTERING FOR LAST NAMES ON TAILS			\$5.45 PER LETTER
3" EXTENSION OF OUTER SHELL AND LINER (ONLY IF NEEDED)			\$80.90
SHELL AND LINER EXPANSION GUSSETS (ONLY IF NEEDED)			\$34.43
SHELL AND LINER FULL BELLY CUT (ONLY IF NEEDED)			\$174.50
GLOBE GUARD PARTICULTE SYSTEM IN BUNKER PANTS	Included in pricing above		
% OFF MANUFACTURER'S LIST PRICE FOR ADDITIONAL ITEMS NOT INCLUDED	40%	10%	NOT AVAILABLE
% INCREASE BEGINNING IN YEAR 3 OF THE AWARD	8%	10%	NOT AVAILABLE

**REPORT FROM THE CITY MANAGER TO CITY COUNCIL
December 12, 2022**

SUBJECT: AWARD OF BID FOR DOOR REPLACEMENT, MAINTENANCE AND SERVICE

ADMINISTRATIVE SUMMARY

- Sealed bids were solicited, publicly opened and read aloud on November 3, 2022, for As Needed Door Replacement, Maintenance and Services for several city facilities. The invitations were sent to thirty-four (34) contractors (including eight (8) vendors that hold the classification of minority owned, woman owned, veteran owned, disabled, disadvantaged or service disabled) with two (2) responding.
- Specifications require vendors to provide semi-annual preventative maintenance for an assortment of doors; including but not limited to: entry doors, overhead bay doors, garage door, miscellaneous doors, openers tracks and associated hardware. The following city facilities will be utilizing this agreement for said maintenance: City Hall, Police Department, Fire Stations #1-#5, Parks & Golf Maintenance Building + Cold Storage, Golf Club Driving Range, Founder's Park (all 3 locations), Pioneer Park Concession, Public Works, Ice Arena, 47th District Court & Farmington Hills Community Center (Hawk). Due to the nature of these repairs, specialized experience and licensing are required.
- In addition, throughout the year, miscellaneous repairs and emergency repair may be required at these facilities and prices were obtained.
- The bid requires vendors to quote a cost for semi-annual preventative maintenance at each facility, an hourly labor rate plus a fixed percentage addition on all parts used in repair, additionally, a price for emergency services for a response within two (2) hours on-site.
- The contract period is for one (1) year with the option to renew for five (5) additional one (1) year extensions. Department of Public Services, Department of Special Services and Central Services Staff evaluated both bids. Vendors were evaluated on price, experience and references. Staff determined that Allied Building Service Co. of Detroit, Inc. is the most qualified bidder. They have experience in all areas required, their pricing was competitive, and they have already been performing repairs for the City of Farmington Hills for a few months with satisfactory results.
- All repairs are budgeted as part of each department's building maintenance accounts.

BID TABULATION-ATTACHED

RECOMMENDATION

In view of the above, it is recommended that City Council authorize the City Manager to approve all maintenance, repairs and services as needed for approximately \$15,000 per year with one or more administration approved extensions, not to exceed a total of five (5) additional years, under the same terms and conditions upon mutual consent by the City and Allied Building Service Co. of Detroit, Inc (woman owned).

Prepared by: Michelle Aranowski, Senior Buyer

Reviewed by: Kelly Monico, Director of Central Services

Reviewed by: Karen Mondora, Directory of Public Services

Approved by: Gary Mekjian, City Manager

LN	ITEMIZED BID DESCRIPTION	Altech Doors, LLC. Livonia, MI	Allied Building Service Co. of Detroit Inc. Detroit, MI
		TOTAL COST PER YEAR FOR SEMI-ANNUAL PREVENTATIVE MAINTENANCE	
	Itemized Bid		
1	City Hall - 31555 W. 11 Mile Road	\$525.00	180.00
2	Police Department - 31655 W. 11 Mile Road	\$804.25	180.00
3	Fire Station #5 - 31455 W. 11 Mile Road	\$9,698.00	640.00
4	Fire Station #4 - 28711 Drake Road	\$6,877.50	480.00
5	Fire Station #3 - 29260 Grand River	\$6,877.50	480.00
6	Fire Station #2 - 28225 Middlebelt Road	\$1,740.50	360.00
7	Fire Station #1 - 35725 Nine Mile Road	\$6,877.50	480.00
8	Parks & Golf Maintenance Bldg + Cold Storage - 38111 Interchange Drive	\$12,587.25	1,200.00
9	Farmington Hills Golf Club Driving Range - 37777 W. 11 Mile Road	\$1,110.50	220.00
10	Founder's Park (all 3 locations) - 36000 W Eight Mile Road	\$1,305.25	800.00
11	Pioneer Park Concession - 29885 Farmington Road	\$375.00	180.00
12	DPW - 27245 Halsted Road	\$19,000.00	3,760.00
13	Farmington Hills Community Center (HAWK) - 29995 12 Mile Road	\$5,147.25	1,300.00
14	Ice Arena - 35500 W Eight Mile Road	\$2,544.50	500.00
15	47th District Court - 31605 W 11 Mile Road	\$850.00	300.00
	Preventative Maintenance Total	\$76,320.00	\$11,060.00
	REQUESTED REPAIR SERVICE Performed after receipt of City purchase order		
	Hourly rate for general labor	\$187.50	\$90.00
	Parts - Cost + %	50%	15-20%
	EMERGENCY SERVICE As requested will be responded to within two (2) hours on-site		
	Hourly rate for labor 7 a.m. to 4:30 p.m. weekdays	\$225.00	\$90.00
	Hourly rate for labor 4:30 p.m. to 7 a.m. weekdays	\$225.00	\$135.00
	Hourly rate for labor on weekends and holidays	\$375.00	\$135.00
	CAPITAL IMPROVEMENT Provision & installation of new equipment - Performed after receipt of City purchase		
	Hourly rate for labor Contractor employees	\$187.50	\$90.00
	Parts - Cost + %	50%	15-20%
	Subcontractor charges + %	No bid	15-20%
	Price escalator beginning year 2	8%	5%

**REPORT FROM THE CITY MANAGER TO CITY COUNCIL
December 12, 2022**

SUBJECT: AWARD OF BID FOR PORTABLE LAVATORIES

ADMINISTRATIVE SUMMARY

- Sealed bids were solicited, publicly opened and read aloud on December 1, 2022, for Portable Lavatories for several city facilities. The invitations were sent to twenty (20) vendors (including seven (7) vendors that hold the classification of minority owned, woman owned, veteran owned, disabled, disadvantaged or service disabled) with three (3) responding.
- Specifications required vendors to provide per unit/per month rate for portable lavatories the city provides at multiple sites throughout the city. These city site include the following types of locations: schools, parks and fields. In addition, the city provides portable lavatories during specials events that takes at various times throughout the year.
- The bid requires vendors to submit a cost per month for providing a standard units, handicap units and additional cleaning as requested. The bid also asked for pricing in regard to furnishing portable lavatories for special events for a one (1) day event or multiple day events.
- The contract period is for one (1) year with the option to renew for four (4) additional one (1) year extensions. Department of Special Services, Parks & Golf Department and Central Services Staff evaluated the bids. Vendors were evaluated on price, experience and references. Staff determined that John's Sanitation is the most qualified bidder. John's Sanitation is the current vendor, and the city has been satisfied with their service.
- The service for the portable lavatories will be funded out of the Capital Account.

BID TABULATION-ATTACHED

RECOMMENDATION

In view of the above, it is recommended that City Council authorize the City Manager to approve as needed for approximately \$15,000 per year with one or more administration approved extensions, not to exceed a total of four (4) additional years, under the same terms and conditions upon mutual consent by the City and John's Sanitation (woman owned).

Prepared by: Michelle Aranowski, Senior Buyer, Department of Central Services

Reviewed by: April Heier, Parks Supervisor, Department of Special Services

Reviewed by: Brian Moran, Deputy Director, Department of Special Services

Reviewed by: Ellen Schnackel, Director of Special Services

Approved by: Gary Mekjian, City Manager

RECOMMEND FOR AWARD

LN	ITEMIZED BID STANDARD PRICING	Tiles in Style LLC, DBA TAZA Supplies South Holland, IL	Turner Sanitation Lake Orion, MI	John's Sanitation South Lyon, MI
		Unit Price	Unit Price	Unit Price
	Itemized Bid			
	Per Unit, Per Month	\$415.00	\$110.00	\$80.00
	Per Handicap Accessible Unit, Per Month	\$415.00	\$145.00	\$135.00
	Per Unit, Additional Requested Cleaning/Service	\$415.00	\$25.00	\$25.00
	Total	\$1,245.00	\$280.00	\$240.00
	SPECIAL EVENT PRICING FOR EV ENTS LOCATED WITHIN FARMINGTON HILLS/FARMINGTON	Unit Price	Unit Price	Unit Price
	Per Unit, Per Month	\$715.00	\$110.00*	\$98.00
	Per Handicap Accessible Unit, Per Month	\$715.00	\$145.00*	\$150.00
	Per Unit, Additional Requested Cleaning/Service	\$715.00	\$25.00	\$50.00*
	Per Unit, Per Event Portable Hand Wash Station, Serviced Weekly	\$850.00	\$85.00	\$150.00
	Per Unit, Per Day, Additional Wash Station Service	\$850.00	\$25.00	\$75.00
	Total	\$3,845.00	\$390.00	\$523.00
Prices listed herein will increase % each year beginning in year two (2) of award		17%	0%	10%

Bid notification was sent to over 20 contractors. We received zero "No Bids."

*Delivery free for special events is \$90.00. Unit price included 1 weekly cleaning

*Minimum charge per event \$185

REPORT FROM THE CITY MANAGER TO CITY COUNCIL

December 12, 2022

SUBJECT: BOND AUTHORIZING RESOLUTION FOR CAPITAL IMPROVEMENT BONDS**ADMINISTRATIVE SUMMARY**

City Council previously adopted a Bond Authorizing Resolution to sell capital improvement bonds to finance Capital Improvement Fund Projects at its October 10, 2022 meeting.

Adoption of that Resolution started a 45-day Notice of Intent period, wherein 10% or more of the electors of the City were allowed to file a petition to require a vote of the people to issue the bond.

The 45-day period has expired, and no petition has been received. The City may now consider the attached Bond Authorizing Resolution, which if adopted by City Council, would enable the Administration to issue bonds at the most financially advantageous time. The current timeline for the sale of the bonds would be early to mid February, with the flexibility for the City to adapt the timing to market conditions.

This resolution was drafted by our Bond Attorney Jeffrey Aranoff of Miller Canfield, LLC, and will finance up to \$7 million out of the City's nearly \$39 million of budgeted capital improvement projects.

RECOMMENDATION**The City Council adopt the attached Bond Authorizing Resolution.**

Prepared by: Thomas Skrobola, Finance Director

Approved by: Gary Mekjian, Interim City Manager

RESOLUTION AUTHORIZING
2023 CAPITAL IMPROVEMENT BONDS
(LIMITED TAX GENERAL OBLIGATION)

CITY OF FARMINGTON HILLS
County of Oakland, State of Michigan

Minutes of a regular meeting of the City Council of the City of Farmington Hills, County of Oakland, State of Michigan (the “City”), held on December 12, 2022 at 7:30 p.m., prevailing Eastern Time.

PRESENT: Members: _____

ABSENT: Members: _____

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS, the City does hereby determine that it is necessary to pay all or part of the to acquire, construct, furnish and equip capital improvements in the City, including a) barrier free improvements, b) City hall equipment retrofits and replacement, c) police building and site improvements, d) security system equipment, e) electric vehicle charging stations, f) City hall and police department underground fuel tank replacement, g) replacement of interior lighting fixtures, and h) other capital improvement projects indicated in the City’s CIP Plan, together with other necessary improvements and all demolition, site improvements and all appurtenances and attachments (the “Projects”); and

WHEREAS, to finance the cost of the Projects, the City Council deems it necessary to borrow the principal amount of not to exceed Seven Million Dollars (\$7,000,000) and issue capital improvement bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended (“Act 34”) to pay the cost of the Projects; and

WHEREAS, a notice of intent for bonds was published in accordance with Act 34 which provides that the capital improvement bonds may be issued without a vote of the electors of the City unless a proper petition for an election on the question of the issuance of the bonds is filed with the City Clerk within a period of forty-five (45) days from the date of publication and no such petition was filed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Authorization of Bonds; Bond Terms. Bonds of the City designated **2023 CAPITAL IMPROVEMENT BONDS (LIMITED TAX GENERAL OBLIGATION)** (the “Bonds”) are hereby authorized to be issued in the aggregate principal sum of not to exceed Seven Million Dollars

(\$7,000,000) for the purpose of paying the cost of the Projects and costs of issuance of the Bonds. The issue shall consist of bonds in fully-registered form of the denomination of \$5,000, or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, numbered consecutively in order of registration, dated as of the date of delivery, or such other date as determined by the City Manager or Finance Director (each an "Authorized Officer"), at the time of sale of the Bonds. The Bonds shall bear interest, mature and be payable at the times and in the manner set forth in Sections 6 and 7 hereof and as shall be finally determined by an Authorized Officer at the time of sale of the Bonds; provided, however, that the final maturity date of the Bonds shall be not later than October 1, 2043.

The Bonds shall be sold at public sale at a price not less than 100% and not more than 115% of the principal amount thereof.

The Bonds shall be subject to redemption prior to maturity in the manner and at the times and prices set forth in Sections 6 and 7 hereof and if term bonds are selected by the original purchaser of the Bonds, then the Bonds will be subject to mandatory redemption in accordance with the foregoing referenced maturity schedule at par.

Interest shall be payable to the registered owner of record as of the 15th day of the month prior to the payment date for each interest payment. The record date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. Interest shall be payable to the registered owner of record as of the 15th day of the month preceding the payment date for each interest payment. The principal of the Bonds shall be payable at the designated office of a bank or trust company to be selected by the City prior to the publication of the notice of sale for the Bonds as the transfer agent for the Bonds (the "Transfer Agent"). The Bonds may be issued in book-entry only form through The Depository Trust Company in New York, New York ("DTC") and the City Treasurer is authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Bonds in book-entry only form and to make such changes in the Bond Form within the parameters of this resolution as may be required to accomplish the foregoing.

2. Execution of Bonds. The Bonds of this issue shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and the City Clerk and shall have the seal of the City, or a facsimile thereof, printed or impressed on the Bonds. No Bond executed by facsimile signature shall be valid until authenticated by an authorized officer or representative of the Transfer Agent. The Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the purchaser or other person in accordance with instructions from the City Treasurer upon payment of the purchase price for the Bonds in accordance with the bid therefor when accepted.

3. Transfer of Bonds. The Transfer Agent shall keep the books of registration for this issue on behalf of the City. Any Bond may be transferred upon such registration books by the registered owner of record, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the City shall execute and the Transfer Agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The Transfer Agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the

transfer.

Unless waived by any registered owner of Bonds to be redeemed, official notice of redemption shall be given by the Transfer Agent on behalf of the City. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers (and in the case of partial redemption) the called amounts of each certificate; the place where the Bonds called for redemption are to be surrendered for payment; and that interest on the Bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date.

In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

4. Limited Tax Pledge; Debt Retirement Fund; Defeasance of Bonds. The City hereby pledges its limited tax full faith and credit for the prompt payment of the Bonds. The City shall, each year budget the amount of the debt service coming due in the next fiscal year on the principal of and interest on the Bonds and shall advance as a first budget obligation from its general funds available therefor, or, if necessary, levy taxes upon all taxable property in the City subject to applicable constitutional, statutory and charter tax rate limitations, such sums as may be necessary to pay such debt service in said fiscal year.

The City Treasurer is authorized and directed to open a depository account with a bank or trust company designated by the City Council, to be designated **2023 CAPITAL IMPROVEMENT BONDS DEBT RETIREMENT FUND** (the “Debt Retirement Fund”), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Bonds as they mature.

In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the Bonds, shall be deposited in trust, this resolution shall be defeased and the owners of the Bonds shall have no further rights under this resolution except to receive payment of the principal of, premium, if any, and interest on the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

5. Construction Fund; Proceeds of Bond Sale. The City Treasurer is authorized and directed to open a separate depository account with a bank or trust company designated by the City Council, to be designated **2023 CAPITAL IMPROVEMENT BONDS CONSTRUCTION FUND** (the “Construction Fund”), and deposit into said Construction Fund the proceeds of the Bonds less accrued interest, if any, which shall be deposited into the Debt Retirement Fund. The amounts specified by an Authorized Officer at the time of sale of the Bonds from the net proceeds of sale of the Bonds (including proceeds of the good faith deposit received at the time of sale) shall be deposited to the appropriate account in the Construction Fund to be used to pay for the Projects and the costs of issuance of the Bonds. Except for investment pending disbursement and as herein provided, the moneys in each

account in the Construction Fund shall be used solely to pay the costs of the Projects, the costs of issuance of the Bonds, as such costs become due and payable and, as may be necessary, to rebate arbitrage earnings, if any, to the United States Department of Treasury as required by the Internal Revenue Code of 1986, as amended (the "Code").

6. Bond Form. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF OAKLAND

CITY OF FARMINGTON HILLS

2023 CAPITAL IMPROVEMENT BOND
(LIMITED TAX GENERAL OBLIGATION)

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
____%	October 1, ____	_____, 2023	

Registered Owner:

Principal Amount: Dollars

The City of Farmington Hills, County of Oakland, State of Michigan (the “City”), acknowledges itself to owe and for value received hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Maturity Date specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on _____ 1, 20__ and semiannually thereafter. Principal of this bond is payable at the designated corporate trust office of _____, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner not less than sixty (60) days prior to any interest payment date (the “Transfer Agent”). Interest on this bond is payable to the registered owner of record as of the fifteenth (15th) day of the month preceding the interest payment date as shown on the registration books of the City kept by the Transfer Agent by check or draft mailed to the registered owner of record at the registered address. For prompt payment of this bond, both principal and interest, the full faith, credit and resources of the City are hereby irrevocably pledged.

This bond is one of a series of bonds of even Date of Original Issue aggregating the principal sum of \$ _____, issued for the purpose of paying the cost of certain capital improvements for the City. This bond is issued under the provisions of Act 34, Public Acts of Michigan, 2001, as amended, and a duly adopted resolution of the City.

Bonds of this issue maturing in the years 2023 to 2033, inclusive, shall not be subject to redemption prior to maturity. Bonds or portions of bonds of this issue in multiples of \$5,000 maturing in the year 2034 and thereafter shall be subject to redemption prior to maturity, at the option of the City, in any order of maturity and by lot within any maturity, on any date on or after October 1, 2033, at par and accrued interest to the date fixed for redemption.

[Insert Term Bond redemption provisions, if necessary.]

In case less than the full amount of an outstanding bond is called for redemption, the Transfer Agent, upon presentation of the bond called in part for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given to the registered owner of any bond or portion thereof called for redemption by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the

registered address of the registered owner of record. A bond or portion thereof so called for redemption shall not bear interest after the date fixed for redemption provided funds are on hand with the Transfer Agent to redeem said bond or portion thereof.

This bond is transferable only upon the registration books of the City kept by the Transfer Agent by the registered owner of record in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the resolution authorizing this bond and upon the payment of the charges, if any, therein prescribed.

This bond, including the interest thereon, is payable as a first budget obligation from the general funds of the Issuer, and the Issuer is required, if necessary, to levy ad valorem taxes on all taxable property in the Issuer for the payment thereof, subject to applicable constitutional, statutory and charter tax rate limitations.

It is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this bond and the series of bonds of which this is one, exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the City, including this bond and the series of bonds of which this is one, does not exceed any constitutional or statutory debt limitation.

This bond is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.

IN WITNESS WHEREOF, the City, by its City Council, has caused this bond to be signed in its name with the facsimile signatures of its Mayor and its City Clerk and a facsimile of its corporate seal to be printed hereon, all as of the Date of Original Issue.

CITY OF FARMINGTON HILLS
County of Oakland
State of Michigan

By _____
Its Mayor

(SEAL)

By _____
Its City Clerk

(Form of Transfer Agent's Certificate of Authentication)

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described herein.

Transfer Agent

By _____
Authorized Signatory

Authentication Date: _____, 2023

[Bond printer to insert form of assignment]

7. Notice of Sale. The City Clerk is authorized to fix a date of sale for the Bonds and to publish a notice of sale of the Bonds in *The Bond Buyer*, New York, New York, which notice of sale shall be in substantially the following form:

OFFICIAL NOTICE OF SALE

\${_____}*

CITY OF FARMINGTON HILLS
COUNTY OF OAKLAND, STATE OF MICHIGAN
2023 CAPITAL IMPROVEMENT BONDS
(LIMITED TAX GENERAL OBLIGATION)

**Subject to adjustment as set forth in this Notice of Sale*

Bids for the purchase of the above bonds will be received in the manner described in this Official Notice of Sale on _____, _____, 2023, until __:__ .m., prevailing Eastern Time, at which time and place said bids will be opened and read. The award or rejection of bids will occur on the same date.

ELECTRONIC BIDS: Bidders may submit bids for the purchase of the above bonds as follows:

Electronic bids may be submitted to the Municipal Advisory Council of Michigan at munibids@macmi.com; provided that electronic bids must arrive before the time of sale and the bidder bears all risks of transmission failure.

Electronic bids will also be received on the same date and until the same time by Bidcomp/Parity as agent of the undersigned. Further information about Bidcomp/Parity, including any fee charged, may be obtained from Bidcomp/Parity, Anthony Leyden or CLIENT SERVICES, 1359 Broadway, Second Floor, New York, New York 10010, (212) 849-5021. IF ANY PROVISION OF THIS NOTICE OF SALE SHALL CONFLICT WITH INFORMATION PROVIDED BY BIDCOMP/PARITY, AS THE APPROVED PROVIDER OF ELECTRONIC BIDDING SERVICES, THIS NOTICE SHALL CONTROL.

Bidders may choose any means or location to present bids but a bidder may not present a bid in more than one location or by more than one means.

BOND DETAILS: The bonds will be registered bonds of the denomination of \$5,000 or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, originally dated as of the date of delivery, numbered in order of registration, and will bear interest from their date payable on [April 1, 2023] and semiannually thereafter.

The bonds will mature on the 1st day of October in each of the years as follows:

2023	\$330,000	2031	\$480,000
2024	\$345,000	2032	\$500,000
2025	\$360,000	2033	\$525,000
2026	\$380,000	2034	\$555,000
2027	\$395,000	2035	\$580,000
2028	\$415,000	2036	\$610,000
2029	\$435,000	2037	\$635,000
2030	\$455,000		

***ADJUSTMENT OF TOTAL PAR AMOUNT OF BONDS AND PRINCIPAL MATURITIES:** The City reserves the right to decrease the aggregate principal amount of the bonds after receipt of the bids and prior to final award, if necessary, so that the purchase price of the bonds will provide an amount determined by the City to be sufficient to construct the projects and to pay costs of issuance of the bonds. The adjustments, if necessary, will be in increments of \$5,000. The purchase price will be adjusted proportionately to the increase or decrease in issue size, but the interest rates specified by the successful bidder for all maturities will not change. The successful bidder may not withdraw its bid as a result of any changes made within these limits.

*ADJUSTMENT TO PURCHASE PRICE: Should any adjustment to the aggregate principal amount of the bonds be made by the City, the purchase price of the bonds will be adjusted by the City proportionally to the adjustment in principal amount of the bonds. The adjusted purchase price will reflect changes in the dollar amount of the underwriter's discount and original issue discount/premium, if any, but will not change the per-bond underwriter's discount as calculated from the bid and initial reoffering prices.

PRIOR REDEMPTION OF BONDS: Bonds maturing in the years 2023 to 2033 inclusive, shall not be subject to redemption prior to maturity. Bonds or portions of bonds in multiples of \$5,000 maturing in the year 2034 and thereafter shall be subject to redemption prior to maturity, at the option of the City, in any order of maturity and by lot within any maturity, on any date on or after October 1, 2033, at par and accrued interest to the date fixed for redemption.

In case less than the full amount of an outstanding bond is called for redemption, the transfer agent, upon presentation of the bond called for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given to the registered owner of any bond or portion thereof called for redemption by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered address of the registered owner of record. A bond or portion thereof so called for redemption shall not bear interest after the date fixed for redemption provided funds are on hand with the transfer agent to redeem said bond or portion thereof.

TERM BOND OPTION: The initial purchaser of the bonds may designate any one or more maturities as term bonds. The amounts of the maturities which are aggregated in a designated term bond shall be subject to mandatory redemption on October 1 of the years and in the amounts set forth in the above maturity schedule at a redemption price of par, plus accrued interest to the date of mandatory redemption. Term bonds or portions thereof mandatorily redeemed shall be selected by lot. Any such designation must be made at the time bids are submitted and must be listed on the bid.

INTEREST RATE AND BIDDING DETAILS: The bonds shall bear interest at rate or rates not exceeding 6.50% per annum, to be fixed by the bids therefor, expressed in multiples of 1/8 or 1/100 of 1% or both. The interest on any one bond shall be at one rate only and all bonds maturing in any one year must carry the same interest rate. The difference between the highest and lowest interest rates bid shall not exceed two and one-half percent (2.5%) per annum. **THE INTEREST BORNE BY BONDS MATURING IN ANY ONE YEAR SHALL NOT BE LESS THAN THE INTEREST RATE BORNE BY BONDS MATURING IN THE PRECEDING YEAR.** No proposal for the purchase of less than all of the bonds or at a price less than 100% or more than 115% of their par value will be considered.

BOOK-ENTRY ONLY: The bonds will be issued in book-entry only form as one fully registered bond per maturity and will be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository for the bonds. Purchase of the bonds will be made in book-entry-only form, in the denomination of \$5,000 or any multiple thereof. Purchasers will not receive certificates representing their interest in bonds purchased. It will be the responsibility of the purchaser to obtain DTC eligibility. Failure of the purchaser to obtain DTC eligibility shall not constitute cause for a failure or refusal by the purchaser to accept delivery of and pay for the bonds.

TRANSFER AGENT AND REGISTRATION: Principal shall be payable at the principal corporate trust office of _____, _____, _____, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner of record not less than 60 days prior to an interest payment date. Interest shall be paid by check mailed to the registered owner of record as shown on the registration books of the City as of the 15th day prior to an interest payment date. The bonds will be transferred

only upon the registration books of the City kept by the transfer agent.

PURPOSE AND SECURITY: The bonds are authorized for the purpose of paying the cost of acquiring and constructing certain capital improvements for the City. The bonds will be a first budget obligation of the City, payable from the general funds of the City including the collection of ad valorem taxes on all taxable property in the City subject to applicable constitutional, statutory and charter tax rate limitations. The rights or remedies of bondholders may be affected by bankruptcy, insolvency, fraudulent conveyance or other laws affecting creditors' rights generally now existing or hereafter enacted and by the application of general principles of equity including those relating to equitable subordination.

AWARD OF BONDS-TRUE INTEREST COST: The bonds will be awarded to the bidder whose bid produces the lowest true interest cost determined in the following manner: the lowest true interest cost will be the single interest rate (compounded on [April 1, 2023] and semi-annually thereafter) necessary to discount the debt service payments from their respective payment date to the date of closing, in an amount equal to the price bid, excluding accrued interest. Each bidder shall state in its bid the true interest cost to the City, computed in the manner specified above.

TAX MATTERS: In the opinion of Miller, Canfield, Paddock and Stone, P.L.C., bond counsel, under existing law, assuming compliance with certain covenants, interest on the bonds is excludable from gross income for federal income tax purposes as described in the opinion, and the bonds and interest thereon are exempt from all taxation by the State of Michigan or any taxing authority within the State of Michigan except inheritance and estate taxes and taxes on gains realized from the sale, payment or other disposition thereof.

ISSUE PRICE:

(a) The winning bidder shall assist the City in establishing the issue price of the bonds and shall execute and deliver to the City at closing an "issue price" or similar certificate setting forth the reasonably expected initial offering price to the public or the sales price or prices of the bonds, together with the supporting pricing wires or equivalent communications, substantially in the form attached either as Appendix ____ or Appendix ____ to the Preliminary Official Statement for the bonds, with such modifications as may be appropriate or necessary, in the reasonable judgment of the winning bidder, the City and bond counsel.

(b) The City intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining "competitive sale" for purposes of establishing the issue price of the bonds) will apply to the initial sale of the bonds (the "Competitive Sale Requirements") because:

- (1) the City is disseminating this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;
- (2) all bidders shall have an equal opportunity to bid;
- (3) the City anticipates receiving bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and
- (4) the City anticipates awarding the sale of the bonds to the bidder who submits a firm offer to purchase the bonds at the lowest true interest cost, as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the bonds, as specified in the bid.

(c) In the event that all of the Competitive Sale Requirements are not satisfied, the City shall so advise the winning bidder. The City will not require bidders to comply with the “hold-the-offering price rule” (as described below), and therefore does not intend to use the initial offering price to the public as of the sale date of any maturity of the bonds as the issue price of that maturity, though the winning bidder, in consultation with the City, may elect to apply the “hold-the-offering price rule.” Bids will not be subject to cancellation in the event the Competitive Sale Requirements are not satisfied. Unless a bidder intends to apply the “hold-the-offering price rule” (as described below), bidders should prepare their bids on the assumption that all of the maturities of the bonds will be subject to the 10% Test (as described below). The winning bidder must notify the City of its intention to apply either the “hold-the-price rule” or the 10% Test at or prior to the time the bonds are awarded.

If the winning bidder does not request that the “hold-the-offering price rule” apply to determine the issue price of the bonds, then the following two paragraphs shall apply:

- (1) The City shall treat the first price at which 10% of a maturity of the bonds (the “10% Test”) is sold to the public as the issue price of that maturity, applied on a maturity-by-maturity basis. The winning bidder shall advise the City if any maturity of the Bonds satisfies the 10% Test as of the date and time of the award of the bonds; and
- (2) Until the 10% Test has been satisfied as to each maturity of the bonds, the winning bidder agrees to promptly report to the City the prices at which the unsold bonds of that maturity have been sold to the public. That reporting obligation shall continue, whether or not the closing date has occurred, until the 10% Test has been satisfied as to the bonds of that maturity or until all bonds of that maturity have been sold.

If the winning bidder does request that the “hold-the-offering price rule” apply to determine the issue price of the bonds, then the following three paragraphs shall apply:

- (1) The winning bidder, in consultation with the City, may determine to treat (i) pursuant to the 10% Test, the first price at which 10% of a maturity of the bonds is sold to the public as the issue price of that maturity and/or (ii) the initial offering price to the public as of the sale date of any maturity of the bonds as the issue price of that maturity (the “hold-the-offering price rule”), in each case applied on a maturity-by-maturity basis. The winning bidder shall advise the City if any maturity of the bonds satisfies the 10% Test as of the date and time of the award of the bonds. The winning bidder shall promptly advise the City, at or before the time of award of the bonds, which maturities of the bonds shall be subject to the 10% Test or shall be subject to the hold-the-offering price rule or both.
- (2) By submitting a bid, the winning bidder shall (i) confirm that the underwriters have offered or will offer the bonds to the public on or before the date of the award at the offering price or prices (the “initial offering price”), or at the corresponding yield or yields, set forth in the bid submitted by the winning bidder, and (ii) if the hold-the-offering-price rule applies, agree, on behalf of the underwriters participating in the purchase of the bonds, that the underwriters will neither offer nor sell unsold bonds of any maturity to which the hold-the-offering-price rule shall apply to any person at a price that is higher than the initial offering price to the public during the period starting on the sale date and ending on the earlier of the following:
 - (A) the close of the fifth (5th) business day after the sale date; or

- (B) the date on which the underwriters have sold at least 10% of that maturity of the bonds to the public at a price that is no higher than the initial offering price to the public;

The winning bidder shall promptly advise the City when the underwriters have sold 10% of that maturity of the bonds to the public at a price that is no higher than the initial offering price to the public, if that occurs prior to the close of the fifth (5th) business day after the sale date.

- (3) The City acknowledges that, in making the representation set forth above, the winning bidder will rely on (i) the agreement of each underwriter to comply with the hold-the-offering-price rule, as set forth in an agreement among underwriters and the related pricing wires, (ii) in the event a selling group has been created in connection with the initial sale of the bonds to the public, the agreement of each dealer who is a member of the selling group to comply with the hold-the-offering-price rule, as set forth in a selling group agreement and the related pricing wires, and (iii) in the event that an underwriter is a party to a retail distribution agreement that was employed in connection with the initial sale of the bonds to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the hold-the-offering-price rule, as set forth in the retail distribution agreement and the related pricing wires. The City further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the hold-the-offering-price rule and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a retail distribution agreement to comply with its corresponding agreement regarding the hold-the-offering-price rule as applicable to the bonds.

(d) By submitting a bid, each bidder confirms that: (i) any agreement among underwriters, any selling group agreement and each retail distribution agreement (to which the bidder is a party) relating to the initial sale of the bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such retail distribution agreement, as applicable, to (A) report the prices at which it sells to the public the unsold bonds of each maturity allotted to it until it is notified by the winning bidder that either the 10% Test has been satisfied as to the bonds of that maturity or all bonds of that maturity have been sold to the public and (B) comply with the hold-the-offering-price rule, if applicable, in each case if and for so long as directed by the winning bidder and as set forth in the related pricing wires; and (ii) any agreement among underwriters relating to the initial sale of the bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter that is a party to a retail distribution agreement to be employed in connection with the initial sale of the bonds to the public to require each broker-dealer that is a party to such retail distribution agreement, as applicable, to (A) report the prices at which it sells to the public the unsold bonds of each maturity allotted to it until it is notified by the winning bidder or such underwriter that either the 10% Test has been satisfied as to the bonds of that maturity or all bonds of that maturity have been sold to the public and (B) comply with the hold-the-offering-price rule, if applicable, in each case if and for so long as directed by the winning bidder or such underwriter and as set forth in the related pricing wires.

(e) Sales of any bonds to any person that is a related party to an underwriter shall not constitute sales to the public for purposes of this Notice of Sale. Further, for purposes of this Notice of Sale:

- (1) “public” means any person other than an underwriter or a related party,

- (2) “underwriter” means (i) any person that agrees pursuant to a written contract with the City (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the bonds to the public and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) to participate in the initial sale of the bonds to the public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the bonds to the public);
- (3) a purchaser of any of the bonds is a “related party” to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (i) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (ii) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (iii) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other); and
- (4) “sale date” means the date that the bonds are awarded by the City to the winning bidder.

LEGAL OPINION: Bids shall be conditioned upon the approving opinion of Miller, Canfield, Paddock and Stone, P.L.C., attorneys of Detroit, Michigan, a copy of which opinion will be furnished without expense to the purchaser of the bonds at the delivery thereof. The fees of Miller, Canfield, Paddock and Stone, P.L.C. for services rendered in connection with such approving opinion are expected to be paid from bond proceeds. Except to the extent necessary to issue its approving opinion as to validity of the above bonds, Miller, Canfield, Paddock and Stone, P.L.C. has not been requested to examine or review and has not examined or reviewed any financial documents, statements or materials that have been or may be furnished in connection with the authorization, issuance or marketing of the bonds, and accordingly will not express any opinion with respect to the accuracy or completeness of any such financial documents, statements or materials.

DELIVERY OF BONDS: The City will furnish bonds ready for execution at its expense. Bonds will be delivered without expense to the purchaser through DTC in New York, New York, or such other place to be agreed upon. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the bonds, will be delivered at the time of delivery of the bonds. If the bonds are not tendered for delivery by twelve o’clock noon, prevailing Eastern Time, on the 45th day following the date of sale, or the first business day thereafter if said 45th day is not a business day, the successful bidder may on that day, or any time thereafter until delivery of the bonds, withdraw its proposal by serving notice of cancellation, in writing, on the undersigned in which event the City shall promptly return the good faith deposit. Payment for the bonds shall be made in Federal Reserve Funds.

CUSIP NUMBERS: It is anticipated that CUSIP identification numbers will be printed on the bonds, but neither the failure to print such numbers on any bonds nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with terms of the purchase contract. All expenses in relation to the printing of CUSIP numbers on the bonds shall be paid for by the City; provided, however, that the CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of and shall be paid for by the purchaser.

OFFICIAL STATEMENT: A preliminary Official Statement that the City deems to be final as of its date, except for the omission of information permitted to be omitted by Rule 15c2-12 of the Securities and Exchange Commission, has been prepared and may be obtained from PFM Financial Advisors LLC, financial advisors to the City, at the address and telephone listed under FINANCIAL ADVISOR below. PFM Financial

Advisors LLC will provide the winning bidder with an electronic copy of the final Official Statement within 7 business days from the date of sale to permit the purchaser to comply with Securities and Exchange Commission Rule 15c2-12. Within 24 hours of the time of sale, the purchaser may request printed copies of the Official Statement from PFM Financial Advisors LLC. The purchaser agrees to pay the cost of additional copies.

BOND INSURANCE AT PURCHASER’S OPTION: If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of the bidder/purchaser, the purchase of any such insurance policy or the issuance of any such commitment shall be at the option and expense of the purchaser of the Bonds. Any and all increased costs of issuance of the Bonds resulting from such purchase of insurance shall be paid by the purchaser, except that if the City has requested and received a rating on the Bonds from a rating agency, the City shall pay the fee for the requested rating. Any other rating agency fees shall be the responsibility of the purchaser. **FAILURE OF THE MUNICIPAL BOND INSURER TO ISSUE THE POLICY AFTER THE BONDS HAVE BEEN AWARDED TO THE PURCHASER SHALL NOT CONSTITUTE CAUSE FOR FAILURE OR REFUSAL BY THE PURCHASER TO ACCEPT DELIVERY OF THE BONDS FROM THE CITY.**

CONTINUING DISCLOSURE: As described more fully in the Official Statement, the City has agreed to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Council, on or prior to the sixth month after the end of each fiscal year commencing with the fiscal year ended June 30, 2023, (i) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year, generally consistent with the information contained or cross-referenced in the Official Statement relating to the bonds, (ii) timely notice of the occurrence of certain material events with respect to the bonds and (iii) timely notice of a failure by the City to provide the required annual financial information on or before the date specified in (i) above.

BIDDER CERTIFICATION: NOT “IRAN-LINKED BUSINESS” By submitting a bid, the bidder shall be deemed to have certified that it is not an “Iran-Linked Business” as defined in Act 517 Michigan Public Acts of 2012, being MCL 129.311 et. seq.

MUNICIPAL ADVISOR: Further information relating to the bonds may be obtained from PFM Financial Advisors LLC, 555 Briarwood Circle, Suite 333, Ann Arbor, Michigan 48108. Telephone (734) 994-9700. Fax (734) 994-9710.

ENVELOPES containing the bids should be plainly marked “Proposal for 2023 Capital Improvements Bonds (Limited Tax General Obligation).”

THE RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

Pam Smith
City Clerk

8. Useful Life of Projects. The estimated period of usefulness of the Projects is hereby declared to be not less than twenty (20) years.

9. Official Statement; Qualification for Insurance; Ratings. Any Authorized Officer is authorized and directed to cause the preparation and circulation of a preliminary and final Official Statement with respect to the Bonds; to procure qualification of the Bonds for a policy of municipal bond insurance if deemed appropriate by the City's financial advisor; and to obtain ratings on the Bonds.

10. Continuing Disclosure. The City agrees to enter into a continuing disclosure undertaking for the benefit of the holders and beneficial owners of the Bonds in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, and any Authorized Officer is hereby authorized to execute such undertaking prior to delivery of the Bonds.

11. Authorization of Other Actions. The Authorized Officers are each individually hereby authorized to adjust the final Bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing are authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), including but not limited to, determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, series designation, the place of delivery and payment, and other matters, *provided* that the principal amount of Bonds issued shall not exceed the principal amount authorized in this resolution, the interest rate per annum on the Bonds shall not exceed six and one-half percent (6.5%), and the Bonds shall mature in not more than twenty (20) annual principal installments. The Authorized Officers are each authorized and directed to take all other actions necessary or advisable, and to make such other filings with any parties, including the Michigan Department of Treasury, to enable the sale and delivery of the Bonds as contemplated herein.

12. Award of Sale of Bonds. Each of the Authorized Officers is hereby authorized on behalf of the City to award the sale of the Bonds to the bidder whose bid meets the requirements of law and which produces the lowest true interest cost to the City computed in accordance with the terms of the Official Notice of Sale as published.

13. Bond Counsel. Miller, Canfield, Paddock and Stone, P.L.C. is hereby approved as bond counsel for the Bonds, notwithstanding periodic representation in unrelated matters of parties or potential parties to the transaction contemplated by this resolution.

14. Municipal Advisor. PFM Financial Advisors LLC is retained as the registered municipal advisor to the City in connection with the issuance of the Bonds.

15. Rescission. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

AYES: Members:_____

NAYS: Members:_____

RESOLUTION DECLARED ADOPTED.

Pam Smith, City Clerk

I 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, County of Oakland, State of Michigan, at a regular meeting held on December 12, 2022, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Pam Smith, City Clerk

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FIRE

FARMINGTON HILLS


Office of the Fire Chief
Jon Unruh

INTEROFFICE CORRESPONDENCE

To: City Manager Gary Mekjian
From: Fire Chief Jon Unruh
Subject: 10.01A request: Madison Gardenhire/Andre Gardenhire
Date: November 30, 2022

In compliance with the City Charter Article X, Section 10.01 A, we are requesting City Council review the hiring of Career Firefighter Madison Gardenhire, daughter of Shift Lieutenant Andre Gardenhire.

The Fire Department has established a memorandum of understanding (MOU) between the City and the Farmington Hills Firefighters Association/IAFF Local 2659. This MOU is an understanding between the IAFF and the City in relation to employment of relatives by blood, marriage, or previously married within the second degree of consanguinity or affinity as outlined in the Charter of the City of Farmington Hills, Article X, Section 10.01 A. At no time shall listed employees bid for or be placed on the same shift, nor shall they work at the same station.

The Fire Department respectfully requests the City Council's approval for the hiring of Career Firefighter Madison Gardenhire.

Name: Career Firefighter Madison Gardenhire to be hired on January 9, 2023
Employment: Career Firefighter Madison Gardenhire, assigned to Station 4, assigned to 4/10 Shift
Shift Lieutenant Andre Gardenhire Station 5, assigned to B Shift
Justification: The listed department employees are both members of the Local 2659 and are aware of the inability to work on the same assigned shift and station at any time. We do not see this being a concern and are requesting the approval of the hiring of Madison.

Authorized by:



Jon Unruh

Approved by:

Gary Mekjian

MINUTES
CITY OF FARMINGTON HILLS
FARMINGTON HILLS CITY COUNCIL
CITY HALL - COMMUNITY ROOM
NOVEMBER 28, 2022 – 6:00PM

The study session meeting of the Farmington Hills City Council was called to order by Mayor Pro-Tem Bruce at 6:00pm.

Council Members Present: Boleware (arrived at 6:58pm) Bridges, Bruce, Knol, Massey and Newlin

Council Members Absent: Barnett

Others Present: City Manager Mekjian, City Clerk Smith, Assistant City Manager Valentine, Directors Kettler-Schmult, Mondora and Winn and City Attorney Joppich

DISCUSSION ON PENDING LIQUOR LICENSE REQUESTS/MORATORIUM

City Clerk Smith explained that Council had approved a moratorium on the 5 new quota liquor licenses back in September, 2022 for a period of 90 days, which will be expiring on December 12, 2022. She stated that in light of the discussion surrounding the master plan and the expiration of the moratorium coming up, she wanted to update City Council on the status of liquor license requests/inquiries. She noted that the city has received one application for a liquor license from Tomatoes Apizza on Halsted Road and they are aware of the moratorium and city policy to review new applications 3 times a year in January, May and September. The city has also received several inquiries and the applicant and one potential applicant has sent an email or letter to Council expressing their interest.

Staff is seeking direction from City Council at this time as to whether they would like to extend the moratorium, which would come back to Council at their regular meeting on December 12, 2022 and if so, would they want to extend the moratorium to all licenses or only a few or are they inclined to let the moratorium expire at which time the city would bring any applications for a license before Council at a regular meeting in January per the city policy.

Council inquired about the past discussion regarding updating the liquor license ordinance. Attorney Joppich explained that updates were needed to the ordinance as part of bringing it up to date with state standards and that discussion folded into the discussion on the master plan updates and amending the ordinance to allow for cigar bars or jazz bars or similar facilities that would not necessarily be considered a bona fide restaurant that is a requirement under the current ordinance.

Discussion was held by Council and the consensus was to extend the moratorium for 3 of the 5 licenses for a period of 9 months to better coincide with the timeline of the master plan and ordinance updates and to allow the other 2 licenses to be issued per city policy.

Attorney Joppich suggested having the ordinance updates to bring the ordinance into compliance with state standards come before Council at the next meeting so that any new requests could be processed under that updated ordinance. It was confirmed that this would not include removing the requirement for the establishment to be a bona fide restaurant at this time and that amendment would be considered with the master plan ordinance updates.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT UPDATE

Charmain Kettler-Schmult, Director of Planning and Community Development, reviewed various projects within the city, many of which had come before City Council for site plan or Planned Unit Development (PUD) approval in the recent past.

City Council inquired about the requirements for redevelopment liquor licenses. City Clerk Smith stated that she had the information regarding the district that was approved and qualifications requirements in her office and could get that information to Council.

City Manager Mekjian suggested holding a study session on redevelopment licenses in early 2023.

City Council inquired about the status of the following projects or property condition to which staff indicated they would review and report back:

- Former Ginopolis site that was to be developed as a senior assisted living facility
- Storage and restoration site – Grand River and Orchard Lake Road
- Strip Mall on Orchard Lake Road across from ACE Hardware
- Property at Folsom and Orchard Lake Roads

It was suggested that the city is more aggressive with enforcement of properties and buildings when possible and to look into the possibility of any of the properties might qualify for funding to assist with property or building maintenance.

DEPARTMENT OF PUBLIC SERVICES CONSTRUCTION UPDATE

Karen Mondora, Director of Public Services, reviewed the following:

- 2022 Accomplishments for major and local road construction – she noted that staff was proposing to extend the Heritage Hills/Wedgewood Commons project out a year to add another phase due to costs
- 2022 Annual Program Accomplishments
- 2022 Water Main & Sanitary Accomplishments

Council inquired about the increase in costs. Director Mondora stated that costs for this year were locked in earlier in the year; however, she did expect an increase in pricing next year.

Director Mondora presented Council with before and after photos from the road construction projects. She went on to review the 2023 proposed local and major road construction project and how the city had applied for federal funding 5 years ago for some of the projects. She explained that her department is often questioned why certain projects are being done simultaneously with other State or County road projects and part of that is due to when the federal funding is awarded and available. Director Mondora also reviewed 2023 major road construction projects for other entities including the Oakland County Road Commission, GLWA and MDOT and proposed 2023 utility projects.

Council questioned the design of the mound that is at the round-a-bout in front of Aldi adding that they felt it was too high and could cause more accidents and was not aesthetically pleasing.

Director Mondora responded that staff had a call into the design team already regarding that mound as it was their understanding that it was an intentional design feature to slow traffic. She added that they had

previously discussed public art or lighting at that round-a-bout and will follow up with the Oakland County Road Commission.

City Manager Mekjian asked for an update from Director Mondora on the Rockridge, which she provided to City Council.

ADJOURNMENT:

The study session meeting adjourned at 7:25pm

Respectfully submitted,

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

Pamela B. Smith, City Clerk

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