

**AGENDA**  
**CITY COUNCIL STUDY SESSION**  
**NOVEMBER 28, 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](http://www.fhgov.com)

1. Call Study Session to Order
2. Roll Call
3. [Discussion on Pending Liquor License Requests/Moratorium](#)
4. [Department of Public Services Construction Update](#)
5. [Department of Planning and Community Development Update](#)
6. 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.



OFFICE OF CITY CLERK

**INTEROFFICE CORRESPONDENCE**

**TO:** Mayor and City Council  
**FROM:** Pamela B. Smith, City Clerk  
**DATE:** November 28, 2022  
**SUBJECT:** Pending liquor license requests

At a previous study session held on July 11, 2022, City Council discussed the current liquor license ordinance and policy and it was mentioned that the city now has 5 quota liquor licenses available.

At your regular meeting of September 12, 2022, City Council adopted a resolution establishing a moratorium on issuance of the quota licenses for a period of 90 days based on review of the city's master plan and anticipated update. This moratorium expires December 12, 2022.

Since that time, the city has had 3 inquiries and one application submitted for a city quota license. The city's policy is to review new liquor licenses three times a year in January, May and September.

This information is being provided so that Council can consider whether to extend the moratorium (and extend it to all or a few of the licenses) or to allow the moratorium to expire and proceed with review of new liquor license applications according to current policy.

***Attachments:***

Minutes from the study session of July 11, 2022

Minutes from the regular session meeting of September 12, 2022

Memo and adopted resolution establishing the moratorium on September 12, 2022 for a period of 90 days.

Current city policy for review of liquor licenses

MINUTES  
CITY OF FARMINGTON HILLS  
FARMINGTON HILLS CITY COUNCIL  
CITY HALL - COMMUNITY ROOM  
JULY 11, 2022 – 6:30PM

The study session meeting of the Farmington Hills City Council was called to order by Mayor Barnett at 6:31pm.

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, Police Chief King and City Attorney Joppich

**LIQUOR LICENSE ORDINANCE AND POLICY REVIEW**

Gary Mekjian, City Manager, stated that he wanted to bring this issue back to Council following discussions regarding the smoking lounges and not allowing liquor for those establishments and the fact that the city liquor license ordinance requires a license to be in conjunction with a bona fide restaurant.

Steve Joppich, City Attorney, stated that the city has an ordinance in place regarding liquor licenses as well as a policy, both of which were adopted many years ago. The requirement that the liquor licenses is in conjunction with a bona fide restaurant was mentioned at a previous meeting and it was suggested by Council that they consider eliminating that provision. In reviewing that change, it provided an opportunity to update provisions throughout the ordinance. When staff met to review those changes, more questions came from that meeting and the need for more direction from Council.

Mayor Barnett inquired about the possibility of creating social districts and the financial or legal ramifications of that and who would own the districts.

Attorney Joppich replied that the liquor licensed establishments would have the majority of the liability but the city could also have some liability depending on the incident that were to occur.

Discussion was held on the possibility of creating social districts, allowing for food trucks and temporary event licenses allowing for the sale of alcohol in city parks during summer concerts or at other events.

Police Chief King confirmed that one could apply to the State Liquor Control Commission for various temporary event liquor licenses within the same year on one application.

It was suggested that Council consider creating areas for these types of uses during the master plan discussions and perhaps allowing for these used through the zoning ordinance and special use permits. It was also noted that the special use permits could have certain restrictions to allow for some of the uses discussed such as tasting rooms, social district areas, wine bars, etc., but does not open it up entirely for large night clubs throughout the city. The city needs more direction on areas to target during the master plan discussions, which could be accomplished during the work group meetings that include both members of Council and the Planning Commission.

Council consensus was to move in this direction allowing for a community atmosphere and more social district areas as they feel the city has been too conservative.

It was mentioned that there are two separate issues being discussed and that was the ordinance and eliminating the need for a liquor license to be in conjunction with a bona fide restaurant and community events that would require only a temporary liquor license.

Discussion continued on the type of limitations that could be established such as hours of operation, size of the business, etc., which all led back to allowing for a special use permit through the zoning ordinance and incorporating this during the master plan process.

It was suggested that the city meet with the Michigan Restaurant Association or Food and Beverage Association and with developers to discuss the economics when considering restrictions to get a better idea of the location and size that would be successful.

Clerk Smith also mentioned that there is the city policy to consider for future quota licenses. Mayor Barnett added that the city also has a redevelopment district that was approved for redevelopment liquor licenses that do not come from the city's quota but require financial qualification. She felt that there was development within that district that may qualify.

City Manager Mekjian summarized that the direction from Council was for the following:

- Have the work group subcommittee comprised of 3 members of Council and 3 members of the Planning Commission culminate ideas and discuss areas for social districts with staff during master plan discussions
- Wait until the master plan is complete to modify the ordinance but research through other communities and through the Associations mentioned to gather information to be included in a future ordinance amendment
- Review and pursue options for temporary event liquor licenses

**ADJOURNMENT:**

The study session meeting adjourned at 7:22pm.

Respectfully submitted,



Pamela B. Smith, City Clerk

MINUTES  
CITY OF FARMINGTON HILLS  
CITY COUNCIL MEETING  
CITY HALL – COUNCIL CHAMBER  
SEPTEMBER 12, 2022 – 7:30 PM

The regular session meeting of the Farmington Hills City Council was called to order by Mayor Barnett at 7:32pm.

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

Council Members Absent: Boleware

Others Present: City Manager Mekjian, City Clerk Smith, Assistant City Manager Valentine, Directors Kettler-Schmult, Mondora, Monico and Schnackel, Police Chief King and City Attorney's Joppich and Young

**PLEDGE OF ALLEGIANCE**

Mayor Barnett led the pledge of allegiance.

**APPROVAL OF REGULAR SESSION MEETING AGENDA**

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

MOTION CARRIED 6-0.

**CORRESPONDENCE**

There was no correspondence acknowledged received.

**CONSENT AGENDA**

MOTION by Bridges, support by Massey, to approve consent agenda items #5 through #12 and #14, as read.

Roll Call Vote:

Yeas: BARNETT, BRIDGES, BRUCE, KNOL, MASSEY, AND NEWLIN

Nays: NONE

Absent: BOLEWARE

Abstentions: NONE

MOTION CARRIED 6-0.

MOTION by Massey, support by Bridges, to approve consent agenda item #13, as read.

Roll Call Vote:

Yeas: BARNETT, BRIDGES, KNOL, MASSEY, AND NEWLIN

Nays: NONE

Absent: BOLEWARE

Abstentions: BRUCE

MOTION CARRIED 5-0-1-1.

**CONSENT AGENDA ITEMS FOR DISCUSSION**

There were no consent agenda items discussed.

**PUBLIC QUESTIONS AND COMMENTS**

There were no public questions or comments.

**COUNCIL MEMBERS COMMENTS AND ANNOUNCEMENTS**

Council made the following comments and announcements:

- Acknowledged an event in the honor of the Anniversary of September 11<sup>th</sup>
- Farmington SAFE Resource Fair to be held in the Council Chamber on October 12<sup>th</sup> from 6:30pm-8:30pm
- Acknowledged the Police Officer and Firefighter of the Year
- Wished Councilmember Bruce a happy birthday

**CITY MANAGER UPDATE**

City Manager Mekjian made the following comments:

- The cannabis public outreach sessions will be held on October 3<sup>rd</sup> at 6pm and October 4<sup>th</sup> at 9am at City Hall
- The City Open House will be held on October 8<sup>th</sup> from noon-3pm

**NEW BUSINESS**

**CONSIDERATION OF APPEAL OF A FREEDOM OF INFORMATION ACT (FOIA) REQUEST DATED AUGUST 1, 2022.**

City Clerk Pam Smith explained that the appeal before City Council was with regard to a FOIA request submitted by Mr. DeWard that was denied by her office as the records simply do not exist. With regard to the communications requested, two prior requests for similar information were also denied back in 2018. She added that while the city has many documents relating to special assessment districts (SAD's), it is impossible to know if any were used in the production of the 2018 memo to which Mr. DeWard referred to in his FOIA request. Clerk Smith added that the two of the staff members that were here 4 years ago when the memo was drafted are also no longer with the city.

Mr. DeWard read portions of the 2018 memo from City Manager Boyer that he believed proved that there must have been documents used in the creation of the memo that were not provided to him. He also expressed concern that this memo was issued and there was no discussion at a City Council meeting regarding refunds on special assessment districts. He believes there are homeowners due a refund amounting to over \$550,000 per the City Charter. Mr. DeWard stated that he was the one who brought forth the fact that special assessments were not being certified as required and then this memo was issued.

Mayor Barnett asked Mr. DeWard to please explain what he is appealing under FOIA and what documents he believes exist that the city is not providing.

Mr. DeWard responded that he doesn't know what documents were reviewed by Mr. Boyer and other staff in preparation of the memo. He assumes if a memo was created with all of this information that there must have been documents used to create the memo and attachment. He also asked how Mr. Boyer could have certified the special assessments without reviewing any documentation and expressed concern that he did so through a memo to council and not in a public meeting.

Mayor Barnett commented that Mr. DeWard is making assumptions that documents exist and has also sent Council emails that are accusatory and border on defamation.

Mr. DeWard reiterated that he believes there are homeowners due a refund amounting to a total of over \$550,000. He believed that Clerk Smith said there may be documents.

Clerk Smith reiterated that the city has many special assessment records but there is no way of determining what records, if any, were used in the creation of the memo as requested by Mr. DeWard as there are no communications or emails as such and those employees are no longer with the City.

City Attorney Joppich added that the FOIA does not require the Clerk to track down former employees to determine what records, if any, might have been reviewed. In response to Council regarding further recourse Mr. DeWard may have, he stated that if the decision by the Clerk is upheld by Council, Mr. DeWard has the right to take his appeal further to Oakland County Circuit Court.

Mr. DeWard stated that he does not agree and feels that the Clerk has indicated there may be records. He is adamant that various homeowners are due over \$550,000 and he is not giving up on this effort. He commented that apparently the Council does not agree as he has written emails in the past and none of Council has agreed.

Mayor Barnett stated that she understands that Mr. DeWard believes homeowners are due more money including himself and alluded to prior appeals by Mr. DeWard and emails by Mr. DeWard where he has asserted that records must exist.

Mr. DeWard inquired what appeals Mayor Barnett was referring.

Attorney Joppich clarified that Mr. DeWard has submitted over the past 6 or 7 years 70+ FOIA requests and he is aware of at least one or possibly two other appeals that he brought in connection with those prior requests. A number of those requests asked for documents relating to various special assessment districts and charges and costs associated to those so a fairly good amount of material has been provided to Mr. DeWard on many of the special assessment districts over the years and perhaps some of that information supports this memo and worksheet attached. While not directly related to the appeal, a lot has been said about the city not responding to Mr. DeWard or agreeing with him regarding additional refunds; however, the city has responded to Mr. DeWard and did so through his office since the city was in litigation with Mr. DeWard. He noted that in at least five different letters he attempted to explain why the city believes no additional refunds were due to homeowners and the fact that many refunds were provided to homeowners as a result of the local road millage.

Mr. DeWard requested for the Council to waive the attorney-client privilege in order to provide him a copy of the attorney letter that was exempt per FOIA with regard to his request.

Mayor Barnett stated that she would not authorize providing attorney-client privilege documents. She asked that Mr. DeWard take a couple more minutes with his statement and then Council would hear from Attorney Young on the FOIA appeal.

Mr. DeWard reiterated that he is seeking any records relative to the production of the memo in question that was sent to the Mayor and Council and a memo he feels resulted in denying residents over \$550,000. He stated that he quoted a number of comments in the memo he believes relate to documents and requested staff take another look to determine if any documents are available. He does not know how the spreadsheet was created without any documents.

City Attorney Young explained that this appeal is made with respect to a FOIA request for specific documents. Upon receipt of the FOIA request, the City Clerk's Office reviewed past historical records

and determined that no such documents exist other than one specific public record that specifically answered the request made by Mr. DeWard and the one record was a communication between the City Attorney and at the time the highest administrative official in the city so the attorney-client privilege applies. The case law cited in his memo to Council indicates that just because a person believes their must be more records is not a basis to establish a FOIA violation and it is impossible in this case because even if we were to go back in time the city's retention policy would have applied and those records would not exist today. You have a request for information that is not present or protected by privilege and there is no basis to waive this privilege. He added that under FOIA, the city is not required to provide a report or summarize voluminous material that might have been reviewed to create a record or create a new document.

MOTION by Bruce, support by Massey, that the City Council of Farmington Hills hereby affirms the Clerk's denial of Mr. DeWard's August 9, 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 has certified, under Section 5(5)(b) of the FOIA, that no other documents exist in response to Mr. DeWard's FOIA request other than the single email communication exempt for disclosure under the attorney-client privilege.
- 3) The City's response is consistent with the City Clerk's responses to Mr. DeWard's prior FOIA requests for the same or similar information.
- 4) Mr. DeWard has not provided any information showing that the City Clerk failed to conduct an exhaustive search for pertinent records, that there are documents that should have been provided to him in response to his August 2022 FOIA request, or that the City erroneously withheld any documents that would have satisfied his request.

MOTION CARRIED 6-0.

**CONSIDERATION OF ADOPTION OF A RESOLUTION ESTABLISHING A MORATORIUM ON THE ISSUANCE OF ON-PREMISES LIQUOR LICENSES.**

Charmain Kettler-Schmult, Director of Planning and Community Development, reported to Council that the city was informed by the Michigan Liquor Control Commission of five (5) additional quote licenses that are available to the city. The city is requesting a moratorium on issuance of those licenses through the resolution provided to Council as the city is reviewing the current ordinance pertaining to liquor licensing and updating language per state law and there are ongoing efforts to update the city's master plan and reevaluate the development and redevelopment objectives.

The proposed resolution would place a moratorium on issuing the license for a period of 180 days with the option to extend that time frame and also provided a "relief valve" by setting forth a process by which an aggrieved property owner or business petitioner may have a hearing before City Council to demonstrate that they meet certain conditions for relief from the moratorium. The moratorium will allow for City Staff, the Planning Commission, and City Council to carefully consider the relationship between future land uses and liquor licensing as it relates to implementing the City's vision.



Some Council members expressed concern with the 180 days and that placing a moratorium on the issuance of all 5 licenses does not come across as business friendly and welcoming to new businesses. A moratorium of 90 days was suggested or a compromise to only place a moratorium on only two or three of the quota licenses rather than all five.

Attorney Joppich clarified that City Council has the authority to extend or terminate the resolution at any time and that it could apply to all five license or only and that is also up to Council. He stated that while the Council could review the language of the current ordinance and update some of the language to mirror state law, it would most likely have to come back to City Council once the master plan is complete to include any further language to allow for social districts and certain establishments that may not be considered a bona fide restaurant.

Discussion continued and other members of Council agreed with 180 days in order to allow for the master plan process to proceed as prior discussions of Council included creating social districts and areas where future liquor licensed establishments could be located but not necessarily in conjunction with a bona fide restaurant, which is now required by city ordinance.

It was noted that larger development areas may qualify for redevelopment licenses that would not come out of the city's quota licenses.

MOTION by Bridges, support by Newlin, to establish a temporary 180-day Moratorium on the Issuance of On-Premises Liquor Licenses.

MOTION by Massey, support by Knol, to amend the motion to establish a temporary 90-day Moratorium on the Issuance of On-Premises Liquor Licenses with all other provisions of the resolution remaining including possible extensions.

Mayor Barnett called a vote on the motion to amend.

MOTION TO APPROVE THE AMENDMENT CARRIED 4-2  
(Barnett and Bridges opposed, Boleware absent)

Attorney Joppich clarified that Council is adopting a resolution establishing this moratorium so based on the amended motion just made, that resolution would be modified to change 180 days to 90 days within the resolution with all other provisions remaining as submitted to Council.

Mayor Barnett called for a vote on the main motion as amended.

MOTION CARRIED 6-0

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF FARMINGTON HILLS  
RESOLUTION NO. R-152-22

RESOLUTION 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 September 12, 2022, at 7:30 o'clock p.m., Eastern Daylight Savings Time, with those present and absent being,

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

WHEREAS, the City of Farmington Hills has come to learn that the Michigan Liquor Control Commission has five (5) on-premises liquor licenses available to the City, as a result of a population increase in the 2020 federal census and possibly other reasons; and

WHEREAS, pursuant to Section 501 of the Michigan Liquor Control Code, being MCL 436.1501(2), an application for a license to sell liquor on premises must be approved by the legislative body in which the applicant's place of business is located before the license is granted by the Liquor Control Commission; and

WHEREAS, upon examination by the City Council, City Staff, and City Attorney, it has been determined that the provisions of Chapter 4 of the City Code of Ordinances, which sets forth the requirements for approval of new on-premises licenses and other alcohol related matters, is in need of review and updating based on changes in state laws, ongoing master planning efforts of the City, re-evaluation of the City's development and redevelopment objectives, and considerations relating to the current character of the City; and

WHEREAS, City Council finds that with the availability of five (5) additional liquor licenses for issuance in the City, it is appropriate to carefully study, review, and evaluate the manner in which the City's liquor licensing and regulations may play into and could help facilitate the City's concurrent master planning efforts and future development objectives; and

WHEREAS, the City Council hereby finds that it is in the public interest to impose a temporary moratorium on applications for new on-premises liquor licenses in order to undertake such a study, review, and evaluation, and to determine the types and extent of amendments to Chapter 4 of the City Code that may be warranted under the circumstances.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Farmington Hill that a temporary moratorium be imposed barring the acceptance of applications for new, on-premises liquor licenses for a period of ninety (90) days, or the date that the City Council repeals this Resolution, whichever occurs first.

IT IS FURTHER RESOLVED that during the aforementioned 90-day moratorium, or any extension thereof, the City Council, together with the Planning Commission, City Staff, City Attorney, and appropriate consultants, shall attend to the following undertakings:

- 1) study, review, and evaluate the City's ongoing master planning efforts, development and redevelopment objectives, and current character (in all or specific areas of the City), and whether and how the City's liquor licensing and regulations, including potential amendments of same, may play into and could help support, facilitate, and maintain consistency with such efforts, objectives, and character;
- 2) study, review, and evaluate whether any of the current regulations in Chapter 4 of the City Code relating to liquor licensing are outdated or no longer necessary or in the best interest of the community, giving due consideration to public health, safety, and welfare and other relevant factors;

- 3) study, review, and evaluate changes in state liquor laws and the extent such changes warrant updates and amendments to Chapter 4 of the City Code; and
- 4) based on the above studies, reviews, and evaluations, determine the types and extent of amendments to Chapter 4 of the City Code that may be warranted under the circumstances, and if warranted, prepare and process such amendments with City Council.

IT IS FURTHER RESOLVED that this moratorium may be reviewed and extended based on the timing of the master planning process or other reasons determined by City Council, in its discretion, to require and justify an extension of the period of time needed to complete the above undertakings.

IT IS FURTHER RESOLVED that an aggrieved property owner or business petitioner may request and be entitled to a hearing before the City Council for the purpose of attempting to demonstrate that the moratorium will preclude all viable economic use of their property or otherwise violate applicable provisions of state or federal law. Said petitioner shall, in writing and directed to the City Clerk, request a hearing that describes the grounds for the request. The hearing shall be held at a City Council meeting within forty-five (45) days of receipt of the request. Upon concluding the hearing, the City Council shall determine whether the petitioner has made the required demonstration and if so, shall grant relief from the moratorium.

IT IS FURTHER RESOLVED that notice of the Resolution shall be posted at the City Hall throughout the 90-day period, or any extension granted.

AYES:	BARNETT, BRIDGES, BRUCE, KNOL, MASSEY AND NEWLIN
NAYES:	NONE
ABSENT:	BOLEWARE
ABSTENTIONS:	NONE

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN            )  
   ) ss.  
 COUNTY OF OAKLAND        )

**CONSIDERATION OF APPROVAL OF AN APPOINTMENT TO THE BEAUTIFICATION COMMISSION.**

MOTION by Bridges, support by Knol, that the City Council of Farmington Hills hereby confirms the Mayor’s recommendation to appoint Jarel Readous to the Beautification Commission with a term ending February 1, 2023.

MOTION CARRIED 6-0.

**CONSENT AGENDA**

**RECOMMENDED APPROVAL OF AWARD OF CONTRACT FOR THE KENDALLWOOD SUBDIVISION #1 WATER MAIN REPLACEMENT PROJECT TO BRICCO EXCAVATING COMPANY, LLC IN THE AMOUNT OF \$5,344,382.00. CMR 9-22-79**

MOTION by Bridges, support by Massey, that the City Council of Farmington Hills hereby approves the award of the Kendallwood Subdivision #1 Water Main Replacement Project to the lowest competent bidder, Bricco Excavating Company, LLC of Oak Park, Michigan, in the amount of \$5,344,382.00, and

IT IS FURTHER RESOLVED, that the City Council authorizes the City Manager and City Clerk to execute the contract on behalf of the City.

Roll Call Vote:

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

MOTION CARRIED 6-0.

**RECOMMENDED APPROVAL OF AWARD OF BID FOR AS NEEDED BUILDING TRADES TO COMMONWEALTH ENERGY FOR APPROXIMATELY \$35,000 PER YEAR; WITH EXTENSIONS. CMR 9-22-80**

MOTION by Bridges, support by Massey, that the City Council of Farmington Hills hereby authorizes the City Manager to approve all repairs as needed for approximately \$35,000 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 Commonwealth Energy.

Roll Call Vote:

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

MOTION CARRIED 6-0.

**RECOMMENDED APPROVAL OF AWARD OF BID FOR JANITORIAL SUPPLIES FOR CITY HALL AND POLICE DEPARTMENT TO LOWER HURON CHEMICAL & SUPPLY CO. INC. FOR AN ESTIMATED AMOUNT OF \$20,000 AND POTTY-PRODUCTS FOR AN ESTIMATED AMOUNT OF \$5,000 PER YEAR; WITH EXTENSIONS. CMR 9-22-81**

MOTION by Bridges, support by Massey, that the City Council of Farmington Hills hereby authorizes the City Manager to approve all budgeted purchases and issue purchase orders to Lower Huron Chemical & Supply Co. Inc., for an estimated amount of \$20,000.00 and Potty-Products for an estimated amount of \$5,000.00 per 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.

Roll Call Vote:

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

MOTION CARRIED 6-0.

**RECOMMENDED APPROVAL OF PURCHASE OF POLICE CANINE WITH SHALLOW CREEK KENNELS IN THE AMOUNT OF \$8,900 AND TRAINING WITH OAKLAND POLICE ACADEMY, PATROL DOG ACADEMY IN THE AMOUNT OF \$5,000. CMR 9-22-82**

MOTION by Bridges, support by Massey, that the City Council of Farmington Hills hereby authorizes the City Manager to issue a purchase order to:

- Oakland Police Academy, Patrol Dog Academy in the amount of \$5,000.00 (Training)
- Shallow Creek Kennels in the amount of \$8,900.00 (Dog Purchase)

Roll Call Vote:

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

MOTION CARRIED 6-0.

**RECOMMENDED APPROVAL OF PURCHASE OF TEN (10) VEHICLES WITH SIGNATURE FOR IN THE AMOUNT OF \$420,839 AND PURCHASE OF EIGHT (8) VEHICLES WITH TODD WENZEL BUICK GMC IN THE AMOUNT OF \$276,627. CMR 9-22-83**

MOTION by Bridges, support by Massey, that the City Council of Farmington Hills hereby authorizes the City Manager to issue purchase order(s) as follows:

- 1) To Signature Ford for ten (10) vehicles in the amount of \$420,839
- 2) To Todd Wenzel Buick GMC for eight (8) vehicles in the amount of \$276,627

Roll Call Vote:

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

MOTION CARRIED 6-0.

**RECOMMENDED APPROVAL OF A RESOLUTION RECOGNIZING ALLIANCE CATHOLIC FOUNDATION AS A NON-PROFIT ORGANIZATION OPERATING IN THE COMMUNITY FOR THE PURPOSE OF OBTAINING A CHARITABLE GAMING LICENSE.**

MOTION by Bridges, support by Massey, that the City Council of Farmington Hills hereby approves the Local Governing Body Resolution for Gaming Licenses Issued by the Bureau of State Lottery, recognizing Alliance Catholic Foundation as a non-profit organization operating in the community for the purpose of obtaining a Charitable Gaming License.

Roll Call Vote:

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

MOTION CARRIED 6-0.

**RECOMMENDED APPROVAL OF CITY COUNCIL STUDY SESSION MEETING MINUTES OF AUGUST 15, 2022.**

MOTION by Bridges, support by Massey, that the City Council of Farmington Hills hereby approves the City Council study session meeting minutes of August 15, 2022.

Roll Call Vote:

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

MOTION CARRIED 6-0.

**RECOMMENDED APPROVAL OF CITY COUNCIL REGULAR SESSION MEETING MINUTES OF AUGUST 15, 2022.**

MOTION by Bridges, support by Massey, that the City Council of Farmington Hills hereby approves the City Council regular session meeting minutes of August 15, 2022.

Roll Call Vote:

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

MOTION CARRIED 6-0.

**RECOMMENDED APPROVAL OF CITY COUNCIL REGULAR SESSION MEETING MINUTES OF AUGUST 22, 2022.**

MOTION by Bridges, support by Massey, that the City Council of Farmington Hills hereby approves the City Council regular session meeting minutes of August 22, 2022.

Roll Call Vote:

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

MOTION CARRIED 6-0.

**RECOMMENDED APPROVAL OF CITY COUNCIL SPECIAL MEETING MINUTES OF SEPTEMBER 6, 2022.**

MOTION by Massey, support by Bridges, that the City Council of Farmington Hills hereby approves the City Council special meeting minutes of September 6, 2022.

Roll Call Vote:

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

MOTION CARRIED 5-0-1-1.

**ADDITIONS TO AGENDA**

There were no additions to the agenda.

**ATTORNEY REPORT**

The attorney report was received by Council.

**ADJOURNMENT**

MOTION by Bridges, support by Knol, to adjourn the regular session City Council meeting at 8:57pm.

MOTION CARRIED 6-0.

Respectfully submitted,

Pamela B. Smith, City Clerk



## **Inter-Office Correspondence**

**DATE:** September 8, 2022 (September 12, 2022)

**TO:** Gary Mekjian, City Manager

**FROM:** Charmaine Kettler-Schmult, Director of Planning and Community Development

**SUBJECT:** Temporary 180-Day Moratorium on the Issuance of On-Premises Liquor Licenses

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**Request:** Approval of a resolution establishing a temporary 180-day moratorium on the issuance of on-premises liquor licenses

### **Background:**

The City of Farmington Hills anticipates that an additional five (5) liquor licenses will be made available by the Michigan Liquor Control Commission for locations within the City. Such additional liquor licenses are based on updated population data from the 2020 Census. The City's liquor licenses are approved by City Council.

There is currently a review of the City's Code of Ordinances to update language pertaining to liquor licensing in the Code based on state law, ongoing master planning efforts, and the reevaluation of the City's development and redevelopment objectives. The moratorium puts a halt on approvals for 180 days, with the option to extend.

The moratorium provides a "relief valve" by setting forth a process by which an aggrieved property owner or business petitioner may have a hearing before City Council to demonstrate that they meet certain conditions for relief from the moratorium.

The moratorium will allow for City Staff, the Planning Commission, and City Council to carefully consider the relationship between future land uses and liquor licensing as it relates to implementing the City's vision.

### **Suggested Motions:**

*Approval:*

RESOLVE that City Council APPROVE the attached temporary 180-day moratorium on the issuance of on-premises liquor licenses.



*Denial:*

RESOLVE that City Council DENY the attached temporary 180-day moratorium on the issuance of on-premises liquor licenses.

**Prepared by:** Erik Perdonik, City Planner

**Department Authorization:** Charmaine Kettler-Schmult, Director of Planning and Community Development

**Attachments:**

- **Draft Resolution Establishing a Moratorium on the Issuance of On-Premises Liquor Licenses**

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF FARMINGTON HILLS

RESOLUTION NO. R-152-22

RESOLUTION 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 September 12, 2022, at 7:30 o'clock p.m., Eastern Daylight Savings Time, with those present and absent being,

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

WHEREAS, the City of Farmington Hills has come to learn that the Michigan Liquor Control Commission has five (5) on-premises liquor licenses available to the City, as a result of a population increase in the 2020 federal census and possibly other reasons; and

WHEREAS, pursuant to Section 501 of the Michigan Liquor Control Code, being MCL 436.1501(2), an application for a license to sell liquor on premises must be approved by the legislative body in which the applicant's place of business is located before the license is granted by the Liquor Control Commission; and

WHEREAS, upon examination by the City Council, City Staff, and City Attorney, it has been determined that the provisions of Chapter 4 of the City Code of Ordinances, which sets forth the requirements for approval of new on-premises licenses and other alcohol related matters, is in need of review and updating based on changes in state laws, ongoing master planning efforts of the City, re-evaluation of the City's development and redevelopment objectives, and considerations relating to the current character of the City; and

WHEREAS, City Council finds that with the availability of five (5) additional liquor licenses for issuance in the City, it is appropriate to carefully study, review, and evaluate the manner in which the City's liquor licensing and regulations may play into and could help facilitate the City's concurrent master planning efforts and future development objectives; and

WHEREAS, the City Council hereby finds that it is in the public interest to impose a temporary moratorium on applications for new on-premises liquor licenses in order to undertake such a study, review, and evaluation, and to determine the types and extent

of amendments to Chapter 4 of the City Code that may be warranted under the circumstances.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Farmington Hill that a temporary moratorium be imposed barring the acceptance of applications for new, on-premises liquor licenses for a period of ninety (90) days, or the date that the City Council repeals this Resolution, whichever occurs first.

IT IS FURTHER RESOLVED that during the aforementioned 90-day moratorium, or any extension thereof, the City Council, together with the Planning Commission, City Staff, City Attorney, and appropriate consultants, shall attend to the following undertakings:

- 1) study, review, and evaluate the City's ongoing master planning efforts, development and redevelopment objectives, and current character (in all or specific areas of the City), and whether and how the City's liquor licensing and regulations, including potential amendments of same, may play into and could help support, facilitate, and maintain consistency with such efforts, objectives, and character;
- 2) study, review, and evaluate whether any of the current regulations in Chapter 4 of the City Code relating to liquor licensing are outdated or no longer necessary or in the best interest of the community, giving due consideration to public health, safety, and welfare and other relevant factors;
- 3) study, review, and evaluate changes in state liquor laws and the extent such changes warrant updates and amendments to Chapter 4 of the City Code; and
- 4) based on the above studies, reviews, and evaluations, determine the types and extent of amendments to Chapter 4 of the City Code that may be warranted under the circumstances, and if warranted, prepare and process such amendments with City Council.

IT IS FURTHER RESOLVED that this moratorium may be reviewed and extended based on the timing of the master planning process or other reasons determined by City Council, in its discretion, to require and justify an extension of the period of time needed to complete the above undertakings.

IT IS FURTHER RESOLVED that an aggrieved property owner or business petitioner may request and be entitled to a hearing before the City Council for the purpose of attempting to demonstrate that the moratorium will preclude all viable economic use of their property or otherwise violate applicable provisions of state or federal law. Said petitioner shall, in writing and directed to the City Clerk, request a hearing that describes the grounds for the request. The hearing shall be held at a City Council meeting within forty-five (45) days of receipt of the request. Upon concluding the

hearing, the City Council shall determine whether the petitioner has made the required demonstration and if so, shall grant relief from the moratorium.

IT IS FURTHER RESOLVED that notice of the Resolution shall be posted at the City Hall throughout the 90-day period, or any extension granted.

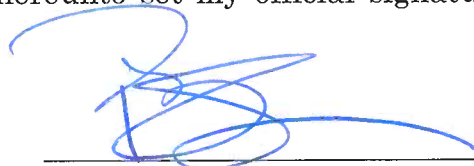
AYES: BARNETT, BRIDGES, BRUCE, KNOL, MASSEY AND NEWLIN  
NAYES: NONE  
ABSENT: BOLEWARE  
ABSTENTIONS: NONE

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 12<sup>th</sup> day of September, 2022, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my official signature, this 13<sup>th</sup> day of September, 2022.



\_\_\_\_\_  
PAMELA B. SMITH, City Clerk  
City of Farmington Hills

# CITY OF FARMINGTON HILLS

## LIQUOR LICENSE POLICY

WHEREAS, the City Council of the City of Farmington Hills has the authority to approve the issuance of new liquor licenses for consumption on the premises to certain parties, and

WHEREAS, the City Council of the City of Farmington Hills must endeavor to cause the greatest benefit to the community from the use of its approval powers in the matter of the issuance of such licenses;

NOW, THEREFORE, BE IT RESOLVED, that the City Council shall consider the following guidelines in connection with the approval of the remaining licenses for use in the City of Farmington Hills:

1. Compatibility of proposed use with the surrounding land uses with attention to the effect the proposed location would have on the economic development of the area.
2. Compatibility of proposed use with abutting roadways with attention to the traffic circulation and traffic impact on the surrounding area.
3. The proximity of the proposed use to similar existing operations and establishments already serving alcohol will be taken into consideration.
4. The proximity of the proposed use to office service and commercial enterprises so as to accommodate the tenants and their employees shall be taken into consideration.
5. Consideration shall be given to the proximity of the proposed use to residential, school, and church districts with reference to the possible adverse effect such use may have on such districts.
6. Consideration shall be given as to the effect in general the issuance of the license would have on the health, welfare, and safety of the general public.
7. Consideration will be given to the effect the proposed location would have in contributing to the economic stability or revitalization of areas within the City.

BE IT FURTHER RESOLVED, that the City Council shall consider the following guidelines in connection with the applicant for a license:

- (1) The applicant's general management experience and business reputation in connection with the operation of similar facilities.
- (2) The applicant's moral character with special consideration being given to any past criminal convictions for crimes involving moral turpitude, violence, or alcoholic liquor violations by the applicant or those whom he intends to manage the proposed facility.
- (3) The existence of adequate financial resources for the establishment and operation of the proposed licensed business in proportion to the type and size of the proposed business.
- (4) If a corporation applies for the licenses, the word "applicant" used in this Resolution shall be considered to include the current corporate officers.

BE IT FURTHER RESOLVED, that prior to the hearing on all new applications for liquor licenses for consumption on the premises and transfers of location applications for such licenses, the applicant shall meet the following conditions within a stated period of time and submit to the City Council the following:

- (1) That a preliminary site plan showing the location of the proposed building, the architectural design, building elevations, and other pertinent physical features of the proposed building to be constructed on the premises be submitted to the City Clerk to be conveyed to the City's Planning/Building and Fire Departments for recommendation.
- (2) That the floor plans, seating arrangements, the interior design, and the type of furniture and fixtures to be used in the proposed restaurant facilities be submitted to the City Clerk to be conveyed to the City's Planning/Building and Fire Departments for recommendation.
- (3) If the building is already constructed, then in addition to the above the applicant shall furnish any proposed renovation to both the interior and exterior of the premises or any proposed building alterations, to meet and comply with all existing City Codes and Ordinances; with these plans to be submitted to the City Clerk and conveyed to the City's Planning/Building and Fire Departments for recommendation.
- (4) That the applicant's experience, financial capability, history of experience as a licensee, proposed food service menus and other facts or proposals pertinent to the operation of the proposed facility be submitted to the City Clerk for conveyance to the Police Department for recommendation.
- (5) A statement as to when applicant intends to commence construction or renovation of the proposed building or facility and when applicant expects to complete such construction and place such license into full operation.
- (6) The applicant shall also furnish such other material as it may deem pertinent to the consideration of the application by the Council.
- (7) That the findings and recommendations of the Planning/Building, Fire and Police Department are forwarded to the City Clerk and, following which, all such findings and recommendations are placed on the City Council Agenda by the City Clerk and that approval of such licenses shall be contingent upon the application for and receipt of site plan approval, building permits, zoning changes and other necessary approvals by the City of Farmington Hills within six (6) months after the approval.
- (8) That construction be started within six (6) months after the issuance of a license, unless specifically altered by the City Council, at which time the progress of the applicant in meeting all of the above stated conditions will be reported to the City Council.
- (9) That no floor plan, building elevation, site plan, seating arrangement, kitchen layout or other pertinent facts, drawings or documents submitted to the City of Farmington Hills at the time of their approval may be changed, unless it is a reasonable improvement in design or service function of the facility, at such time the applicant seeks approval at any of the other administrative divisions of the City, nor upon final construction of buildings or alterations of them.

- (10) That the failure of any applicant to meet any of the above conditions may be reasons, but not necessarily the only reasons, for the City Council to deny the annual renewal of any of the licenses issued and further that a review of any license which has not been activated by the licensee will be conducted by the City Council and if satisfactory performance pursuant to the above conditions is not found, then the City Council reserves the right to withdraw its approval and deny the license at the time of review or at the time of annual renewal.

BE IT FURTHER RESOLVED, that the aforesaid provisions are to be considered as only guidelines for the applicant and this City Council, and nothing in this Resolution shall be construed to prevent this City council from deleting or adding to such guidelines in its discretion, and no applicant shall be considered to have acquired any vested interest in the issuance of a license by complying with any of the guidelines until the approval for the issuance of the license is given by this City Council.

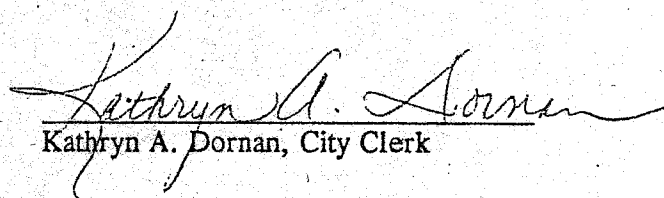
BE IT FURTHER RESOLVED, that all applications for a license shall be made to the City Council on forms which are to be obtained from the City Clerk's Office and upon completion of the information required on such forms to be filed with the City Clerk.

BE IT FURTHER RESOLVED, that any applicant who shall make any statement either orally or in writing to the City Council for the purpose of inducing this City Council to approve the issuance of a license, which statement is false or fraudulent, shall be deemed to have forfeited the right to such approval, and this City Council reserves the right to withdraw its approval or if a license has already been issued, to request the Michigan Liquor Control Commission to revoke such license or to request the Michigan Liquor Control Commission to deny the renewal of any license issued to such applicant. Any material deviation made by the applicant without the consent of this City Council in connection with the proposed construction or renovation of the building and the restaurant facilities shall be deemed to constitute such false and fraudulent statement.

BE IT FURTHER RESOLVED, that City Council shall conduct hearings on applications, if any are pending or available, three times each year, this being during the months of January, May and September at regularly scheduled Council meetings.

BE IT FURTHER RESOLVED, that nothing in this Resolution should be construed as a representation by this City Council that the issuance of the remaining licenses will be approved, and this City Council further reserves the right to withhold hearings on any applications until at some future time to be designated by this City Council.

Approved by Council this 12th day of December, 1994.

  
Kathryn A. Dornan, City Clerk



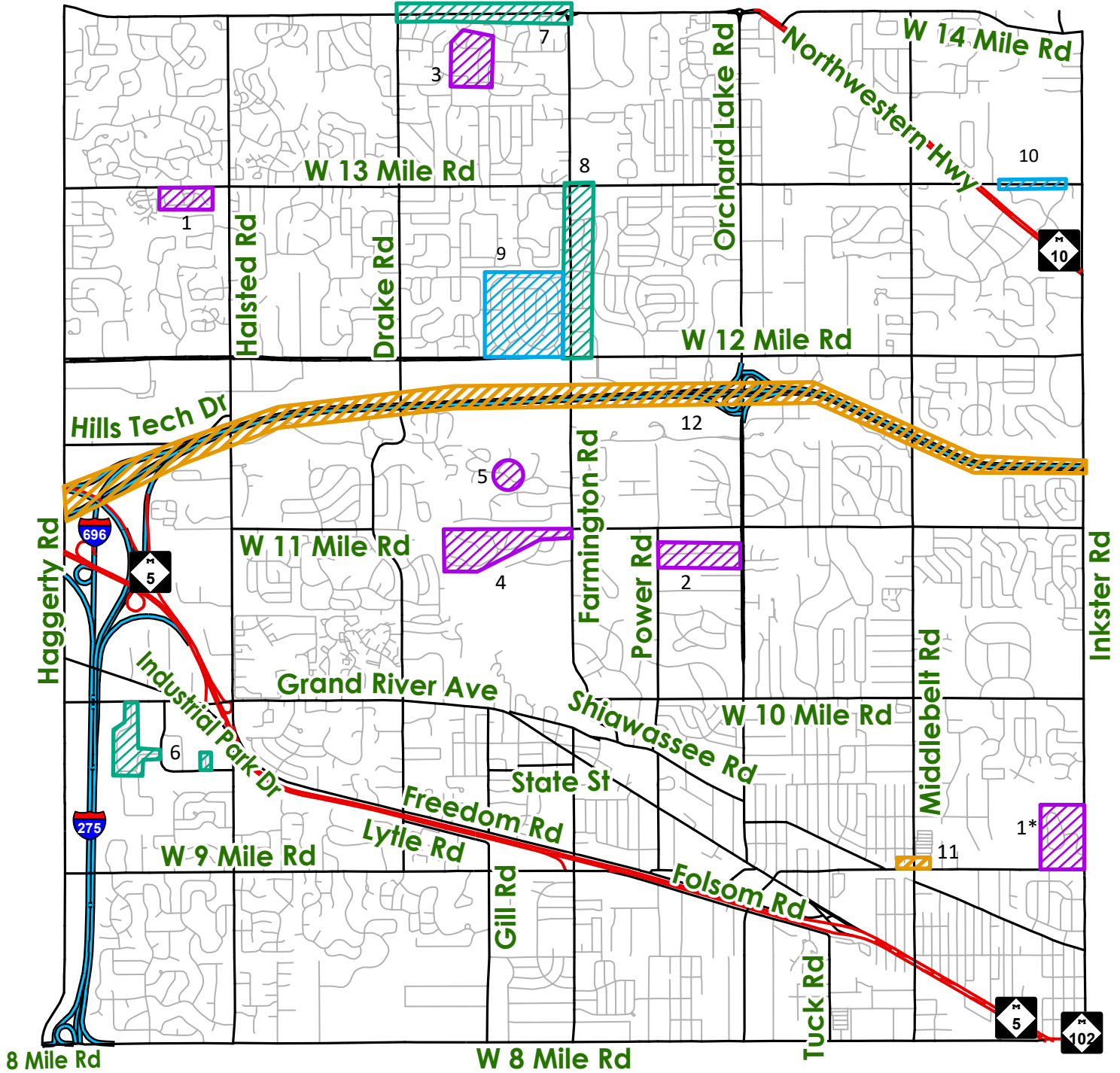
**INTEROFFICE CORRESPONDENCE**

**DATE:** November 28, 2022  
**TO:** Mayor and City Council  
**FROM:** Karen Mondora, Director of Public Services  
**SUBJECT:** Public Services Construction Update

Jim Cubera and I will be providing City Council with a review of the 2022 construction projects as well as a preview of the planned work for 2023. We will be discussing major and local roads, water mains, sanitary sewer, and drains. We will also review the Federal funds allocated to two of our 2023 major road projects. Our presentation will also include an overview of work planned by our regional partners including RCOC, MDOT, and GLWA.



# City of Farmington Hills Department of Public Services 2023 Construction Projects



- |   |   |   |   |
|---|---|---|---|
| <p><b>Local Road:</b> </p> <ol style="list-style-type: none"> <li>1. 2023 Local Rehab HMA</li> <li>2. Hull Road-Gravel Conversion</li> <li>3. Heritage Hills Phase 3</li> <li>4. Normandy Hills Subdivision</li> <li>5. Quaker Valley Culverts</li> </ol> | <p><b>Major Road:</b> </p> <ol style="list-style-type: none"> <li>6. Farmington Freeway Industrial Park, Phase 2</li> <li>7. 14 Mile Rd-Drake Rd to Farmington Rd</li> <li>8. Farmington Rd-12 Mile Rd to 13 Mile Rd</li> </ol> | <p><b>Watermain:</b> </p> <ol style="list-style-type: none"> <li>9. Kendallwood Watermain, Phase 1</li> <li>10. 13 Mile Rd-Watermain Extension</li> </ol> | <p><b>MDOT/RCOC:</b> </p> <ol style="list-style-type: none"> <li>11. Middlebelt Culvert Replacement</li> <li>12. I-696 Road Reconstruction</li> </ol> |
|---|---|---|---|

\* If funding is available



2022/2023

Construction  
Update

November 28, 2022

# 2022 Accomplishments

## Major Roads (\$12.3 Million)

- 14 Mile: Farmington to Orchard Lake
  - \$1.9M in Federal Funds
- Shiawassee Road: 9 Mile to Hawthorne St
- Farmington Freeway Industrial Park (Commerce Drive)  
Phase 1 of 4
- Interchange Drive

## Local Roads (\$9.4 Million)

- Heritage Hills/Wedgewood Commons, Phase 2
- Rockridge Lane
- Chatsworth Road
- Whitlock Gravel Road Conversion
- Local Road Resurfacing Projects
  - Ruth/Randall/River Glen/Salisbury/Ambeth

# 2022 Annual Program Accomplishments

- **Asphalt and concrete replacement programs, \$1,595,000**
- **Joint and crack sealing program (concrete), \$90,000**
- **Over-banding program (asphalt), \$55,000**
- **Flex Seal Program (concrete and asphalt), \$255,000**
- **Major Road Sidewalk replacement program, \$150,000**

# **2022 Water Main & Sanitary Accomplishments**

- **Quaker Valley Subdivision – Water Main extension, \$1.6M**
- **Normandy Hills Subdivision – Water Main extension, \$2.7M**
- **Salvador Street – Water Main and Sanitary Sewer extension, \$310K**
- **\$2M Sanitary Sewer Lining Program**
- **\$500,000 Sanitary Sewer Lift Station improvements**

# 14 Mile Road

Before



After



# Shiawasse Rd

Before



After



# Commerce Drive

Before



After





# Interchange Drive

Before



After



# Heritage Hills

Before



After



# Rockridge Lane

Before



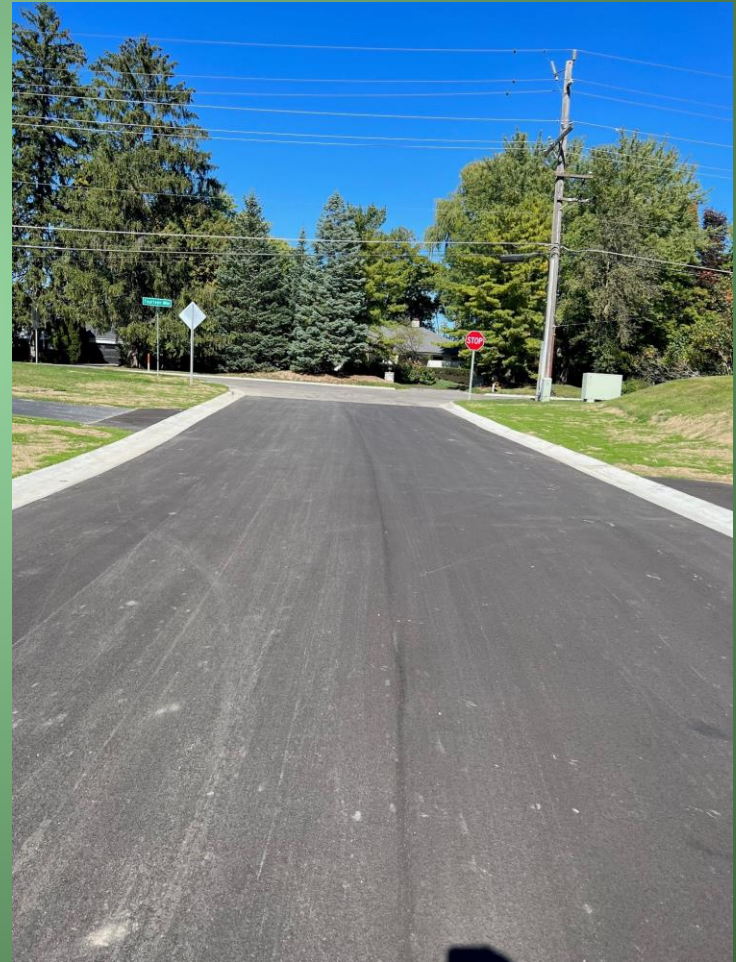
After

# Chatsworth Road

Before



After



# Whitlock Street

Before



After



# 2023 Local Road Reconstruction Projects

- **Goal: \$10 Million in construction**
- **Consistent with budget recommendations**
- **Candidate Projects**
  - **Heritage Hills/Wedgewood Commons, Phase 3**
  - **Normandy Hills Subdivision**
  - **Hull Road Gravel Road Conversion**
  - **1 - 2 Local Road Resurfacing Projects\***

# Heritage Hills Phase 3 Before



# Normandy Hills Subdivision - Before



# Hull Road - Before





# Proposed 2023 Major Road Construction

## Major Roads (\$15.5 Million)

- Farmington Road (12 Mile to 13 Mile), \$5.6M, Federal Aid \$2M
- 14 Mile Road (Drake to Farmington), \$3.3M, Federal Aid \$1.6M
- Farmington Freeway Industrial Park, Phase 2 (of 4), \$6.6M

Farmington Road  
(12 Mile to 13 Mile)  
Before



14 Mile Road  
(Drake to Farmington)  
Before



# Farmington Freeway Industrial Park, Phase 2 Before



# 2023 Major Road Construction

- **RCOC: Middlebelt Rd Culvert (N of 9 Mile)**
- **GLWA: 8Mile/14 Mile Rd Looping project**
  - Current through December 2023
- **MDOT: I-696, I-275 to Lahser Rd**
  - Late 2022 through 2025 Construction
  - Full reconstruction, including OLR interchange
- **MDOT: I-96 Flex Route Reconstruct**
  - Spring 2022 through 2024
  - I-275 to Kent Lake Rd (12 Miles)
  - Rebuild all eastbound and westbound lanes and shoulders.  
Accommodate active traffic management system.



# 2023 Utility Projects

- **Kendallwood Water Main, Phase 1 of 4, \$6.2M**
- **13 Mile Water Main Extension, \$900K**
- **Kimberley Water Main, \$8M**
- **Quaker Valley Bridge and Culvert, \$2.5M**

# Questions?





***Inter-Office Correspondence***

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**DATE:** November 22, 2022

**TO:** Gary Mekjian, City Manager

**FROM:** Charmaine Kettler-Schmult, Director, Planning and  
Community Development Department

**SUBJECT:** November 28, 2022, Planning and Community Development Citywide Update

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The Planning and Community Development Department periodically updates City Council on significant projects occurring within the City of Farmington Hills. A number of projects have been approved from 2019 to 2022. A summary of projects currently underway and a map of their locations are attached.

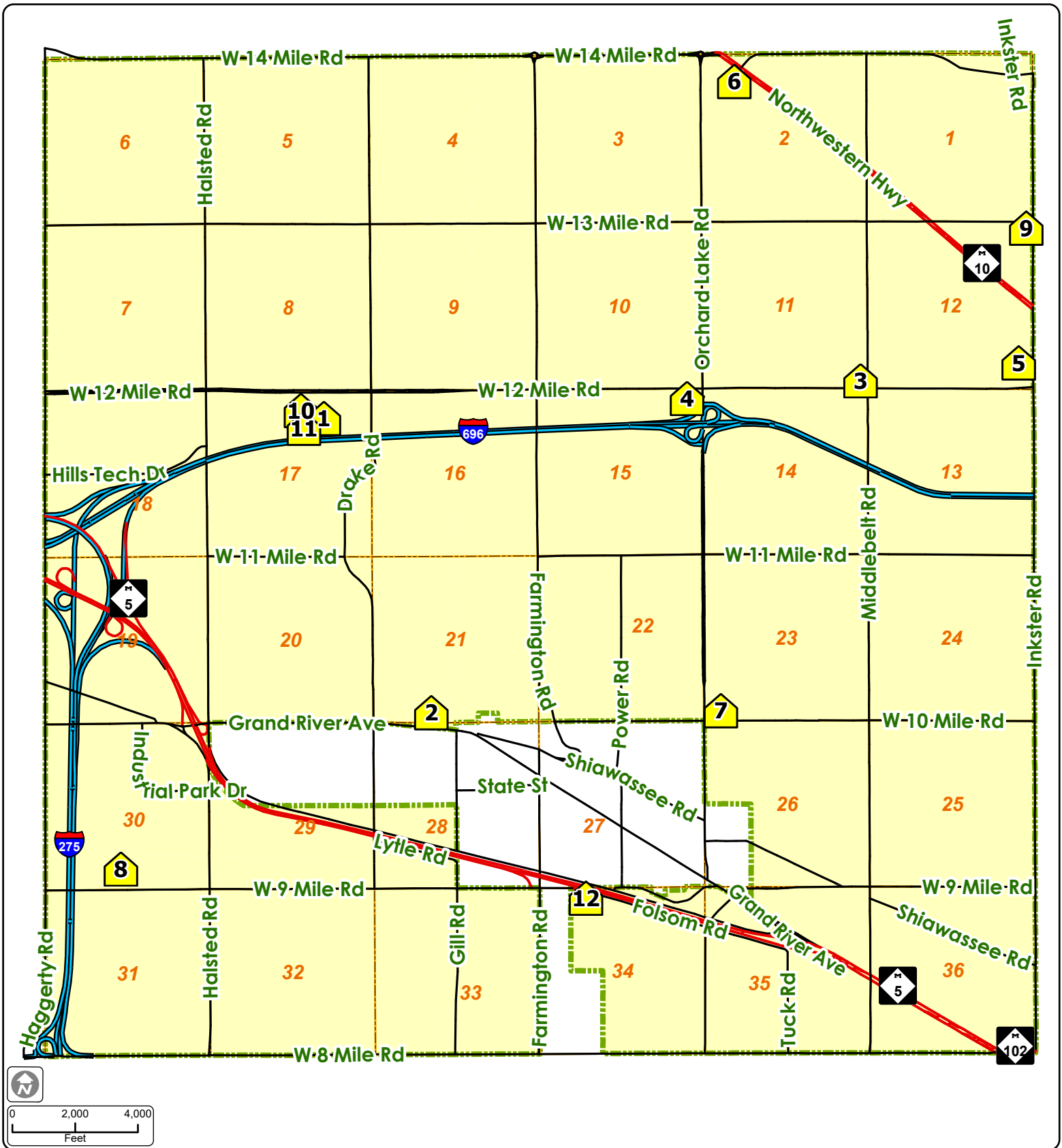
Planning and Community Development staff will be present at the study session on November 28, 2022 to offer additional information and answer questions.

**Attachments:**  
[Projects listing 2022](#)  
[Map of Projects](#)

Project	Location and parcel ID	Permits or Progress	Construction Value
<b>1) JST Corp</b> SP 61-4-2019, New Office, part of PUD 5, 1993 Offices and testing facility, 5 buildings for auto supplier 78,406 sqft. on 9.34 Acres	35917 Twelve Mile, 17-201-015	Permits for Engineering Building and Test Lab, floors, footings, and underground	Engineering Bldg; Construction value \$15,500,000 Construction value Test Lab Bldg. \$17,000,000
<b>2) Jing-Jin</b> Rezoned from B-3 to LI-1, front parcel for new building Interior alteration and factory renovation 73,667 sqft. of manufacturing and 10,227 sqft of office	34700 Grand River Parcels 21-376-020 & 021	Permits for existing building interior alt and factory renovation for parcel 21-376-020. Not started on 021.	Interior partition value \$20,000 Factory Reno value \$4,821,785.  New building not started
<b>3) Harbor Retirement</b> Rezoning to RC-2 and Site Plan 62-5-2019 Assisted Senior Living – 90 beds on 4.02 acres	27815 Middlebelt Rd. parcels 11-477-109, 014 & 013	Permit was applied for in 2019, New Building, permit closed no progress	New building not started
<b>4) Manor Senior Living/Radisson conversion</b> PUD Plan 1, 2021, Site Plan 54- 2-2021 Convert existing Hotel 217 rooms to independent (56), assisted (51) and memory care (21) Senior Living - 4.95 acres	31525 Twelve Mile, parcel 15-201 270	Permit applied for 12- 20-2021, renovation to Senior living. 146,946 sq. Being reviewed in Engineering, under construction	Construction value on renovation, \$8,000,000
<b>5) Sarah Fisher</b> PUD Plan 2, 2021, Skilled Nursing Facility 100 bed and Condominiums (64 attached and 30 detached) by Optalis and Robertson Brothers on 31.5 Acres of historic property	27400 Twelve Mile 12-476-008	PUD agreement in process - No permits	Estimated value \$30 million
<b>6) Emerson</b> PUD 4, 2021 (no site plan) (2) multiple-family residential apartment buildings, (4) story 250 unit & (3) story 66 unit buildings on 6.226 Acres.	Nine parcels in Sec 2.  South side of Northwestern Highway, between Greening Street and Highview Avenue	PUD agreement and road vacations in process - No permits	\$76.5 million estimated investment
<b>7) Emerald Park</b> by Sherr Development and Pulte Homes Cluster and Open Space Plan 54- 2-2019, 44 Homes on 19 acres	Parcel 23-351-035	Permits for 22 homes applied	Each home construction value \$265,000 Selling for \$469,000
<b>8) Chasewood</b> by Umlor Group for Pulte Cluster Site & Open Space Plan 60-10-2020 28 homes on 10 acres	Parcel 30-300-019	No permits	Construction value unknown, Selling for \$459,990



<p>9) <b>Hills of Franklin</b> Robertson Brothers Consent Judgement #125 9 homes</p>	<p>Parcel 12-228-001 thru- 009</p>	<p>No permits, working with Engineering on roads and utility</p>	<p>Construction value unknown, Advertised as starting at \$1,349,990 per home</p>
<p><b>10) Kojaian, Restaurant/Retail</b> Farmington Hills VII Corp Inv LLC Amend PUD 5, 1993, Site Plan 65-10-2021- Two buildings 9,833 sqft. total on 2.59 acres</p>	<p>12 Mile and Investment Dr. Part of parcel 17-201- 014</p>	<p>No permits</p>	<p>New building not started</p>
<p>11) <b>Kojaian, Two 4 story Office</b> Farmington Hills VII Corp Inv, LLC Amend PUD 5, 1993, Site Plan 58-4-2022 Two 150,000 sqft Office Buildings on 18.11 acres</p>	<p>South side of Twelve Mile between Drake and Investment Dr. Part of parcel 17-201- 014</p>	<p>No permits</p>	<p>New building not started</p>
<p><b>12) TQM North America, New</b> Automotive Tool and Die Interior Alteration of Existing Building 21,642 sqft.</p>	<p>32715 Folsom, Parcel Parcel 34-126-038</p>	<p>Interior Alteration building permit in review.</p>	<p>Base investment \$750,000</p>



## 2022 Development Projects

City of Farmington Hills, Michigan



SOURCE: City of Farmington Hills GIS, 2022  
Oakland County GIS, 2022



## 2022 Development Projects

- |                        |                               |
|------------------------|-------------------------------|
| 1. JST Corp            | 8. Chasewood                  |
| 2. Jing-Jin            | 9. Hills of Franklin          |
| 3. Harbor Retirement   | 10. Kojian Restaurant/Retail  |
| 4. Manor Senior Living | 11. Kojian Two-4 Story Office |
| 5. Sarah Fisher        | 12. TQM North America         |
| 6. Emerson             |                               |
| 7. Emerald Park        |                               |

**AGENDA**  
**CITY COUNCIL MEETING**  
**NOVEMBER 28, 2022 – 7:30PM**  
**CITY OF FARMINGTON HILLS**  
**31555 W ELEVEN MILE ROAD**  
**FARMINGTON HILLS, MICHIGAN**  
Telephone: 248-871-2410 Website: [www.fhgov.com](http://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
2. Introduction of New Police Canine Ozzie
3. Presentation and Acceptance of the City’s FY 2021/2022 [Audit Results](#)

**CORRESPONDENCE**

**CONSENT AGENDA** - (See Items No. 6 - 12)

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**

**NEW BUSINESS:**

4. Consideration of an [appeal of a Freedom of Information Act \(FOIA\) Request](#) dated September 26, 2022.
5. 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](#)

**CONSENT AGENDA:**

6. 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](#)
7. Recommended adoption of a resolution authorizing reimbursement of eligible spongy moth suppression activities under Oakland County's Moth Suppression Program. [CMR 11-22-111](#)
8. 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](#)
9. Recommended approval of [request for employment](#) under Section 10.01A of the City Charter for a Senior Division Van Driver.
10. Recommended approval of canceling the [December 26, 2022](#) City Council regular session meeting.
11. Recommended approval of City Council [study session meeting minutes](#) of November 14, 2022
12. Recommended approval of City Council [regular session meeting minutes](#) of November 14, 2022.

**ADDITIONS TO AGENDA**

**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 Audit Results Year Ended June 30, 2022



*Presented by*

**Jamie Rivette, CPA, CGFM**

**November 28, 2022**



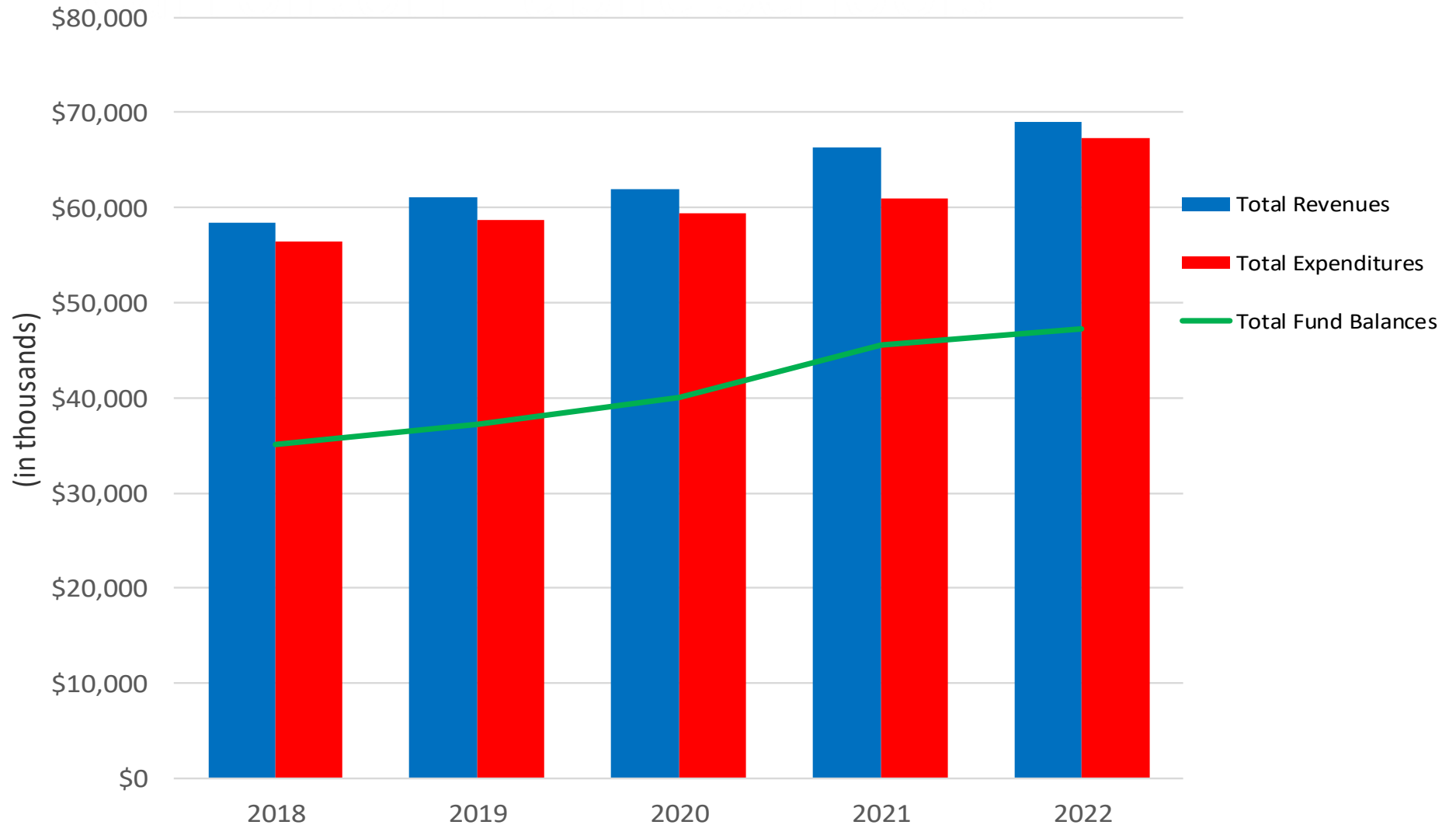
# City of Farmington Hills

## **Audit Opinion**

- The purpose of an audit
- Management's responsibility
  - Preparation and fair presentation in accordance with GAAP
  - Design, implementation and maintenance of internal controls
- Auditors' responsibility
  - Express opinions on the financial statements based on our audit
- Unmodified opinion – highest level of assurance

# City of Farmington Hills

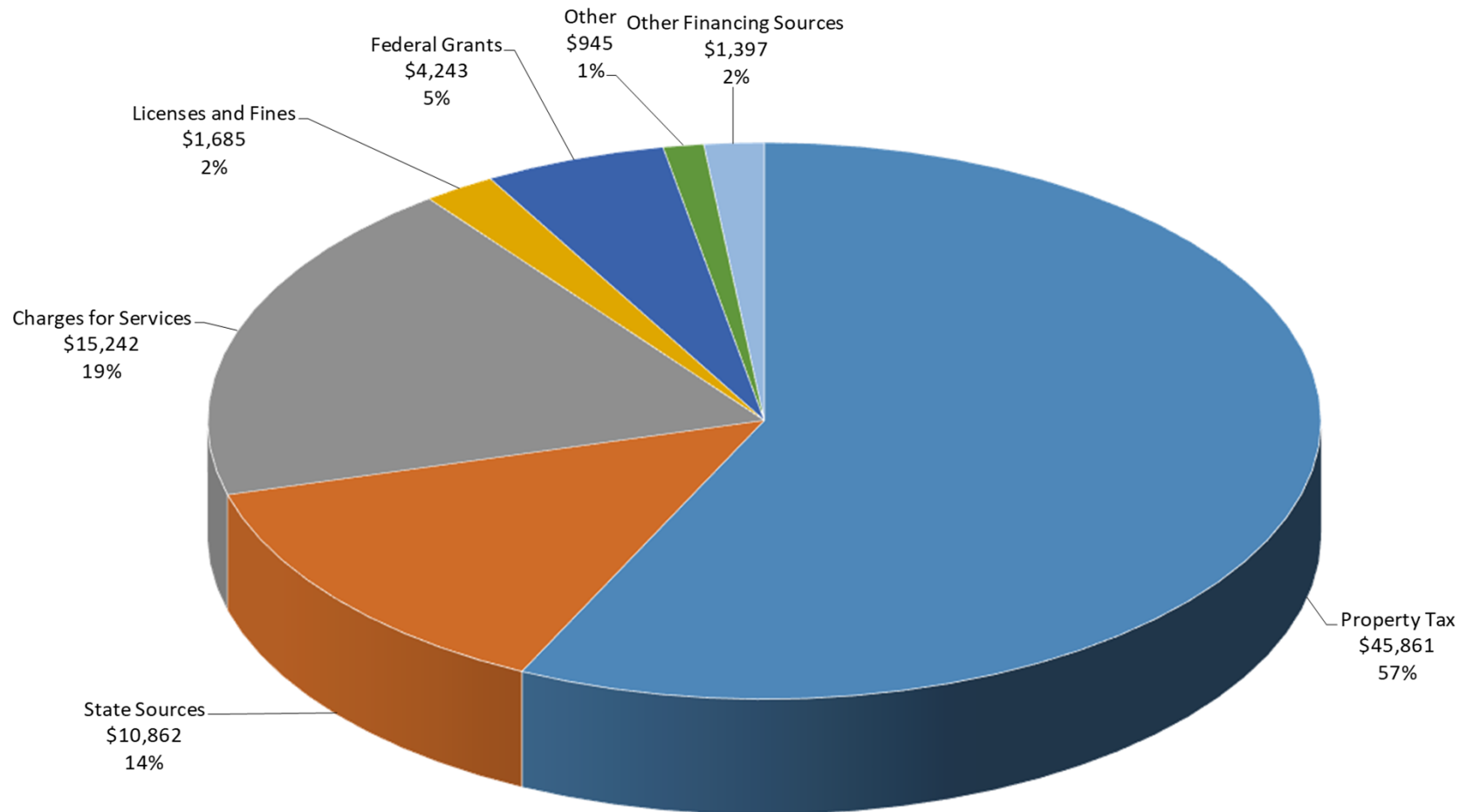
## General Fund Revenues, Expenditures, Other Financing Sources (Uses) and Fund Balances



# City of Farmington Hills

## General Fund and Public Safety Fund Revenues and Other Financing Sources - \$80,235

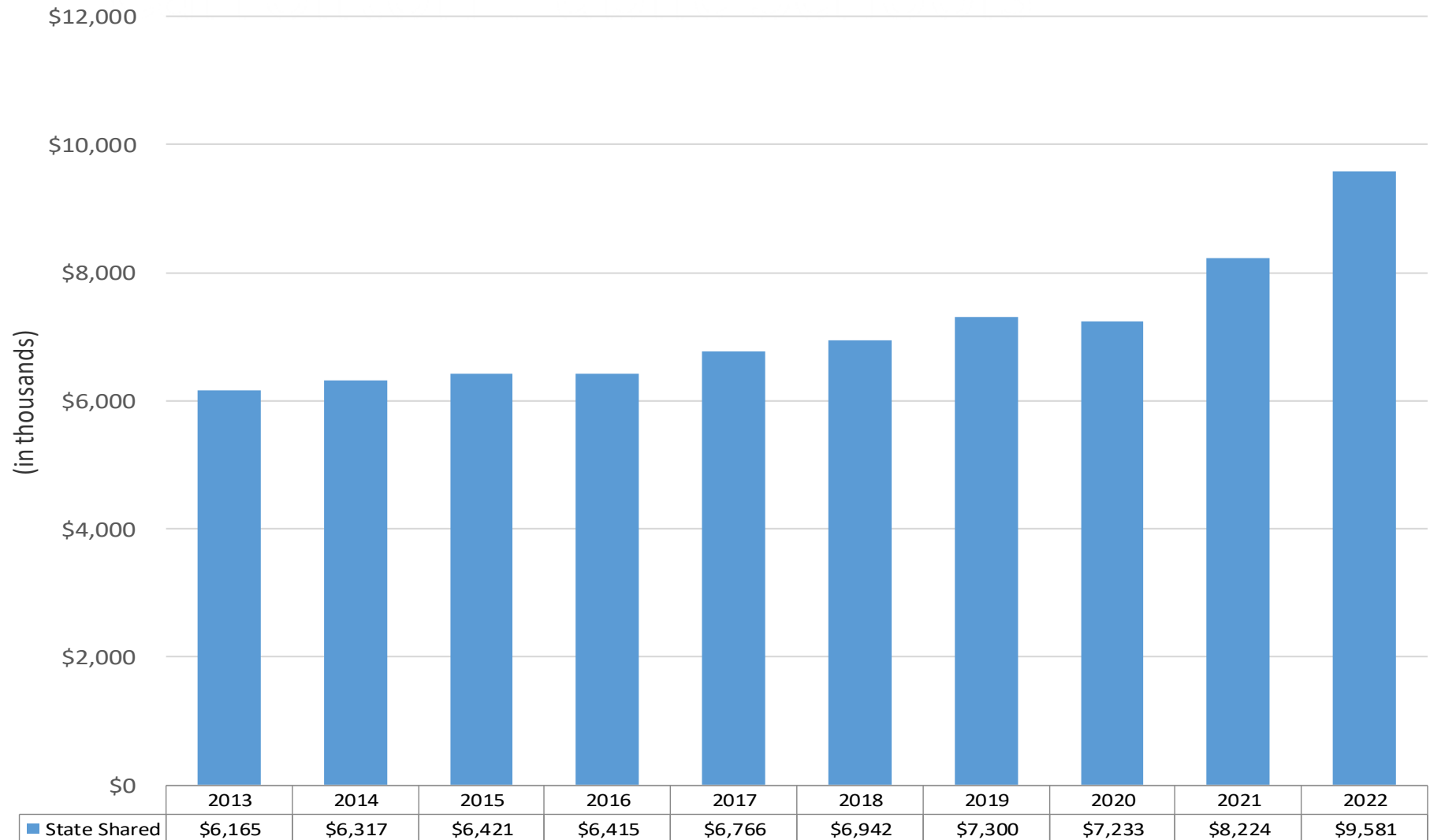
2022 (in thousands)





# City of Farmington Hills

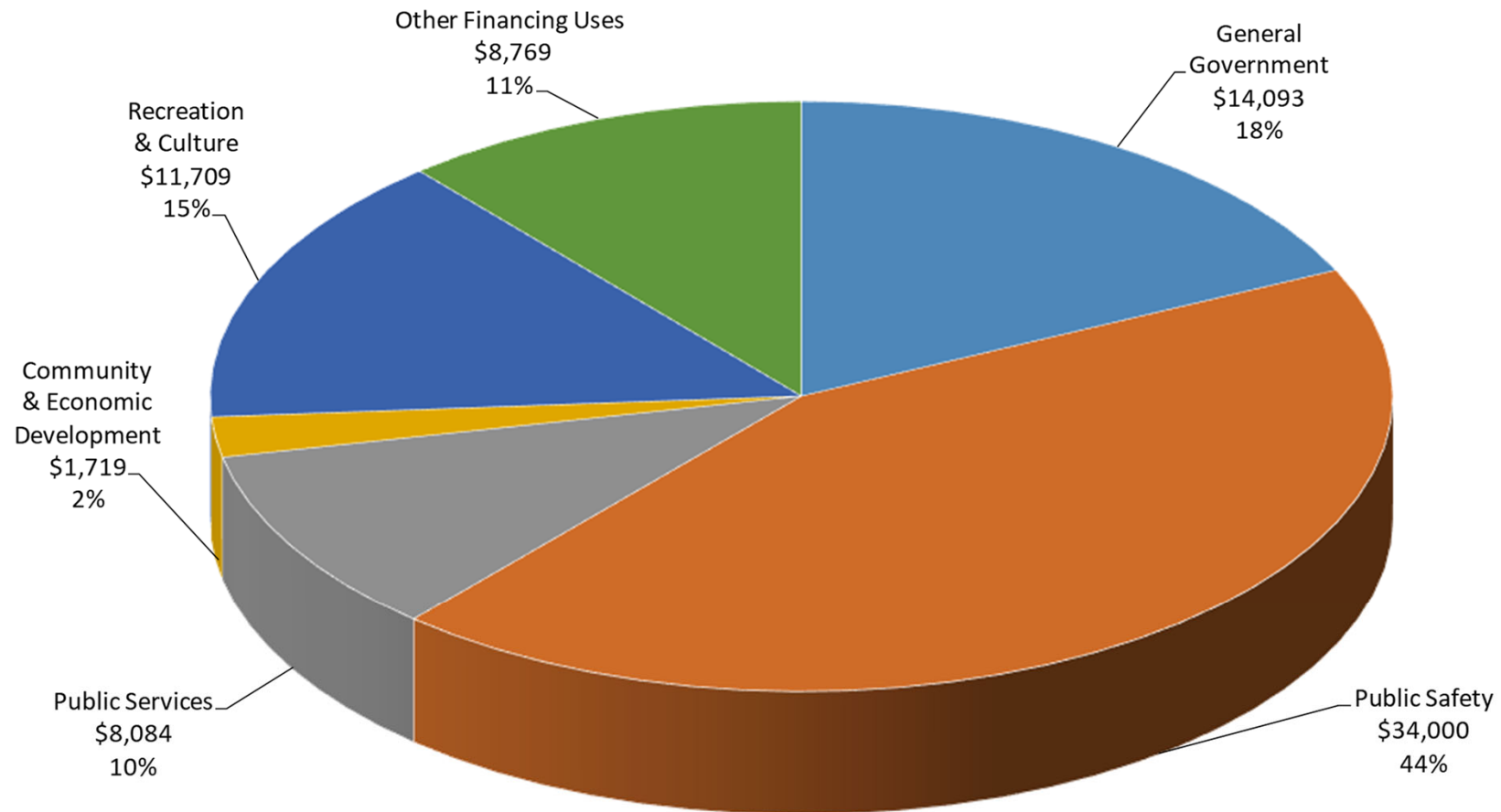
## State Shared Revenue



# City of Farmington Hills

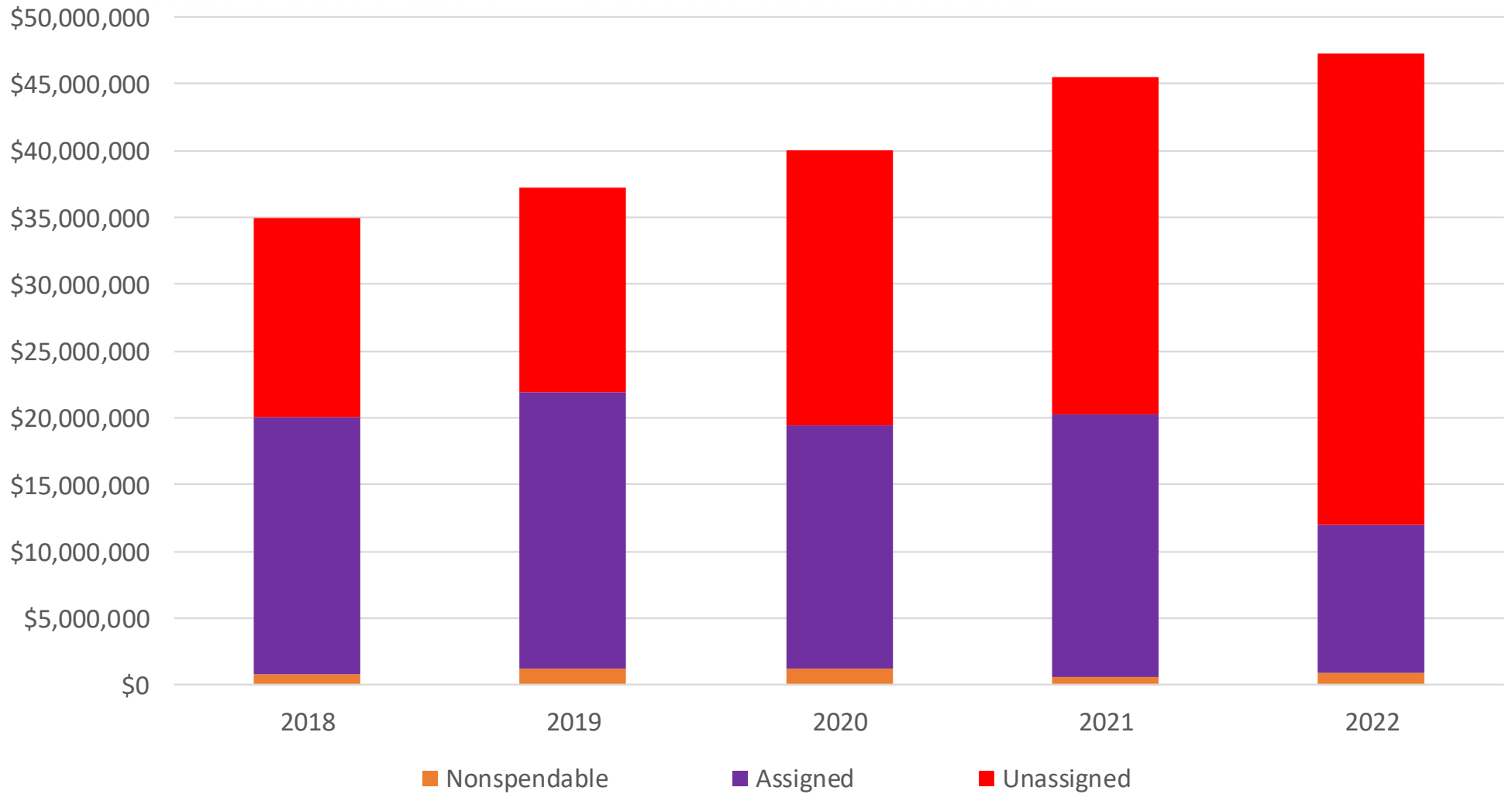
## General Fund and Public Safety Fund Expenditures and Other Financing Uses - \$78,374

2022 (in thousands)



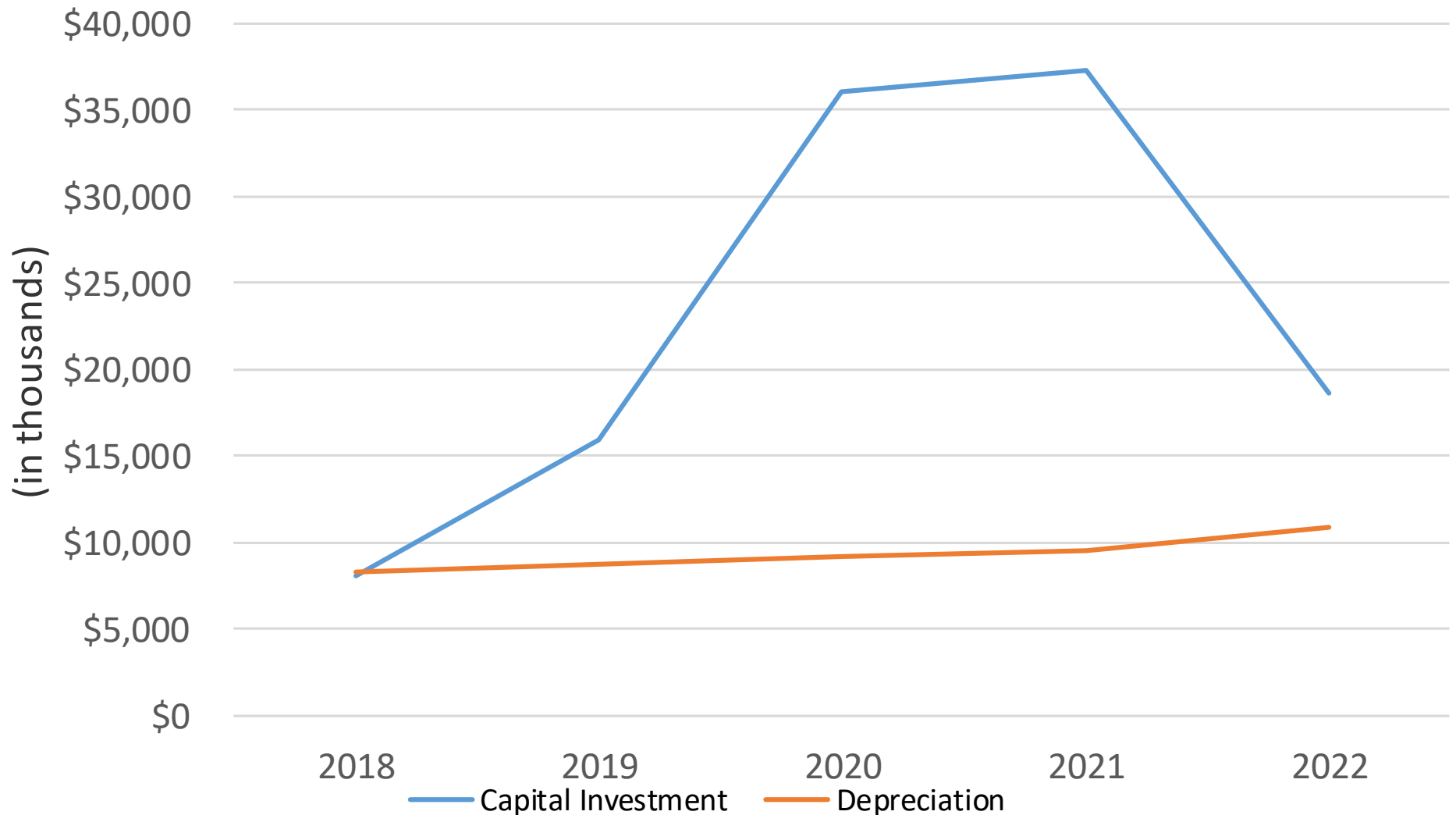
# City of Farmington Hills

## General Fund - Fund Balances



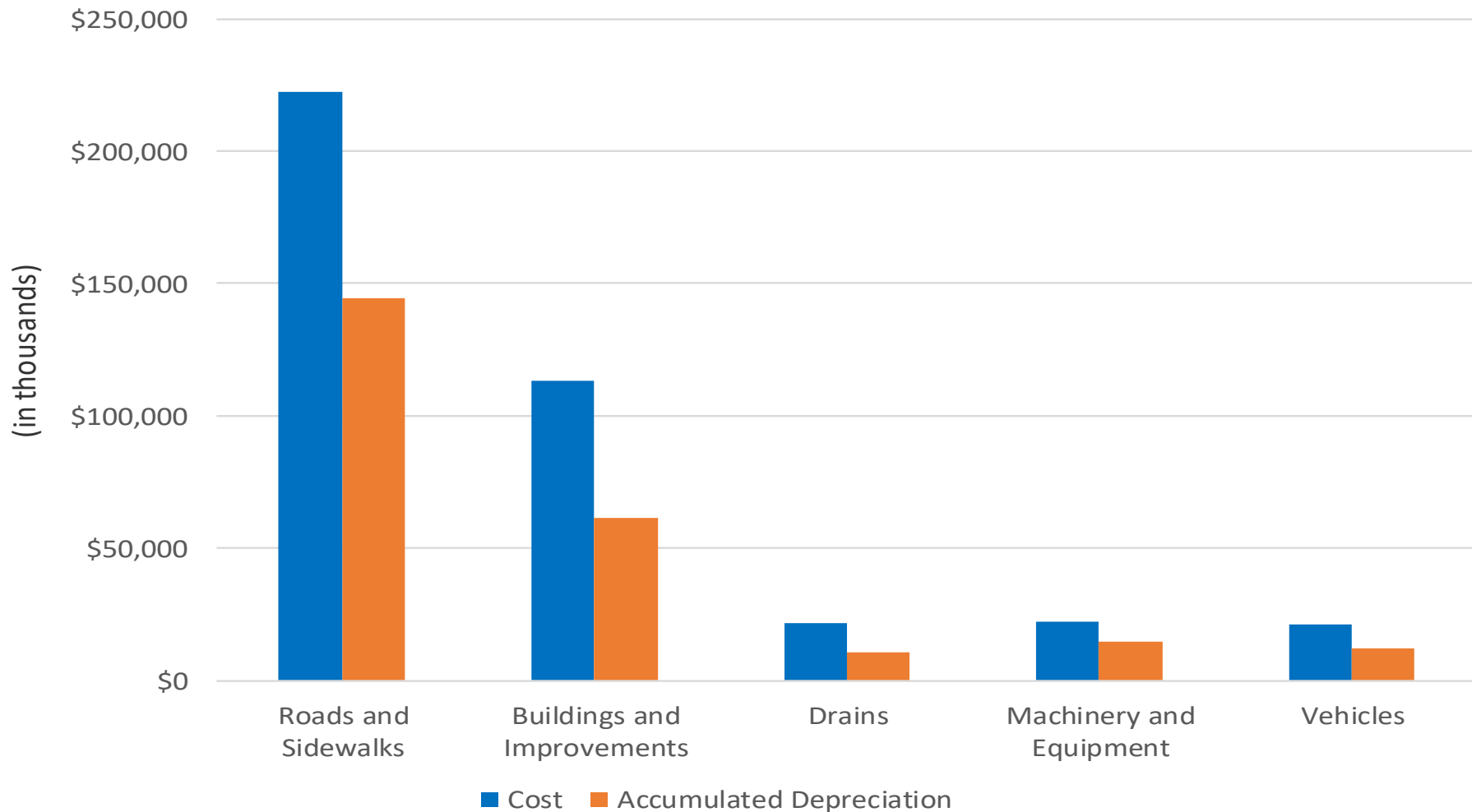
# City of Farmington Hills

## Capital Investments - Governmental Activities



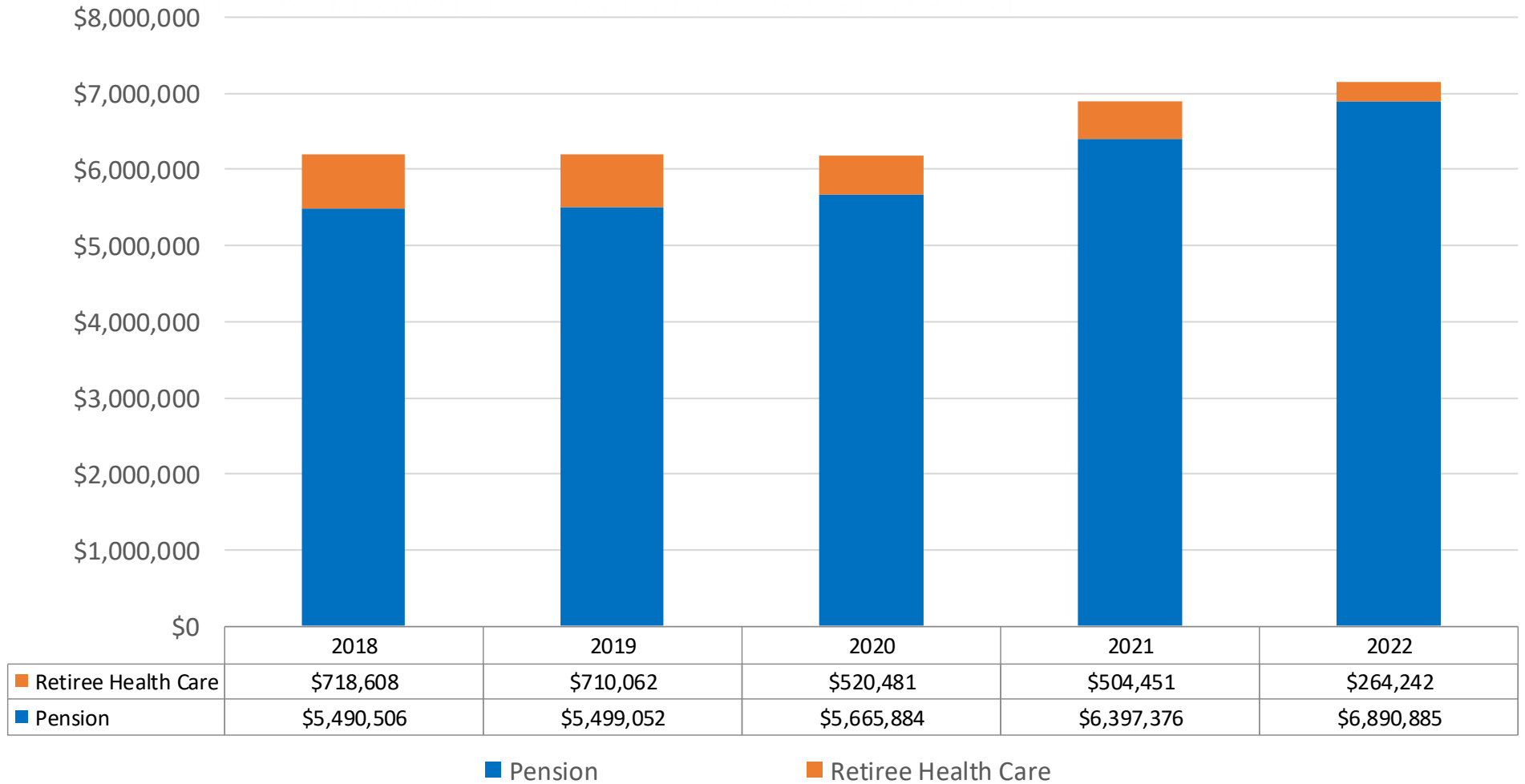
# City of Farmington Hills

## Depreciable Capital Asset Summary Governmental Activities



# City of Farmington Hills

## Retirement and Retiree Health Care Contributions



## Internal Controls and Compliance

### Financial Statements:

- No Material Weaknesses Identified
- No Material Noncompliance Identified
- No Significant Deficiencies Identified

### Federal Awards:

- Major Programs – Unmodified Opinions
  - Coronavirus State and Local Fiscal Recovery Funds
- No Material Weaknesses Identified
- No Significant Deficiencies Identified
- No Material Noncompliance Identified

# City of Farmington Hills

## Governance Letter

- Qualitative Aspects of Accounting Practices
  - Significant Estimates
- Significant Risks
- Accounting Standards and Regulatory Updates
  - Upcoming GASB Statements
- Matters for Management's Consideration
  - Conflicts of Interest – Annual Representation



## Future Challenges

- Economic Outlook – State shared revenues
- Future Capital Needs
- Cost of Infrastructure
- Federal and State Mandates



*Thank you!*

**Jamie Rivette, CPA, CGFM**

**800.968.0010**

**[Jamie.Rivette@yeoandyeo.com](mailto:Jamie.Rivette@yeoandyeo.com)**

Knowledge. Relationships. Trust.

**FOIA COORDINATORS**

CITY CLERK:

FOIA-CLERK@FHGOV.COM  
248-871-2410; 248-871-2411 Fax

POLICE RECORDS:

FOIA-PD@FHGOV.COM  
248.871-2720; 248.871-2721 Fax

FIRE RECORDS:

FOIA-FD@FHGOV.COM  
248.871-2820; 248.871-2801 Fax

**CITY OF FARMINGTON HILLS  
FREEDOM OF INFORMATION ACT  
REQUEST FOR PUBLIC RECORDS**

APPLICANT NAME: Joseph Constant COMPANY: N/A

ADDRESS: [REDACTED] CITY: [REDACTED] STATE: [REDACTED] ZIP: [REDACTED]

PHONE: [REDACTED] FAX: [REDACTED] EMAIL: [REDACTED]

**REQUESTED INFORMATION: (Please be as specific as possible and include names, property address and/or property ID number, dates, etc. where applicable)**

Between 5/19/2016 and 9/28/2016, The law-firm of JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C. provided the City of Farmington Hills, litigation services in the Oakland County 6th Cir. Ct. case, No 2016-153074-AW, Joseph Constant v Mich. Attorney General et.al. I am looking for: (1) the contracts for the work between the city and the law-firms involved, (2) the names & positions of the City officials in-charge of the project. (3) the billing invoices that the law-firms involved had submitted to the city, (4) the City's proofs of payments, (5) the complete written log, video, audio, wire recordings of all communications that transpired between the city officials and the litigation team that had handled the litigation acts for the City.

**I REQUEST THE RECORDS AS FOLLOWS:** *In all available formats.*

PAPER COPY  ELECTRONIC COPY  TO INSPECT THE RECORDS

**FEES**

**PAPER COPIES:**

8 1/2 " x 11" - Black and White	\$0.05 per page
8 1/2 " x 11" - Color Copies	\$0.10 per page
8 1/2 " x 14" - Black and White	\$0.05 per page
8 1/2 " x 14" - Color Copies	\$0.10 per page
Plan sheets exceeding 8 1/2" x 14"	\$0.25 per page

If it is determined that the volume of a set of plans is too large for the City to copy, these will be sent out and the requestor will be charged for the actual costs to prepare the document.

COPIES WILL BE DOUBLE-SIDED IF AVAILABLE AND COSTS LESS

**NON-PAPER PHYSICAL MEDIA:**

Computer Disc w/sleeve	\$0.54 each
DVD w/sleeve	\$0.56 each

City of Farmington Hills  
Freedom of Information Act Request

**ELECTRONIC COPIES:**

There will be no charge for copies of documents that are already available electronically or can be scanned in without first printing off a copy from another source or software system.

**MAILING COSTS:**

Actual cost of mailing records in a reasonable and economical manner. The City may charge for the least expensive form of postal delivery confirmation.

The City will charge for costs associated with expedited shipping or insurance if specifically stipulated by the requestor.

**WAIVERS AND REDUCTIONS:**

\$20.00 for indigence or nonprofit organization as further described in the Farmington Hills Procedures and Guidelines document.

**If the estimated cost for such records exceeds \$50.00, the City will require a good-faith deposit equal to one-half the total estimated cost. All fees must be paid in full before the material is released.**

Applicant's Signature: Joseph Constant Date: 9/19/2022

The City's Freedom of Information Act (FOIA) Procedures and Guidelines and Public Summary can be found on the city website at [www.fhgov.com](http://www.fhgov.com)

\*\*\*\*\* FOR OFFICE USE ONLY \*\*\*\*\*

Date Filed: \_\_\_\_\_ 5-Day Deadline: \_\_\_\_\_ Extension Deadline (if applicable) \_\_\_\_\_

Deposit Received: \_\_\_\_\_ Date Paid in Full \_\_\_\_\_ Date Request Fulfilled: \_\_\_\_\_

Response sent via Mail/E-mail/Picked up in person: \_\_\_\_\_



OFFICE OF CITY CLERK

October 17, 2022

VIA E-MAIL

Joseph Constant



Re: Freedom of Information Act Request

Dear Joseph Constant,

This letter is in response to your Freedom of Information Act (FOIA) request the City Clerk's Office received on September 26, 2022, requesting the following information between 5/19/2016 and 9/28/2016, relating to The law-firm of Johnson, Rosati, Schultz & Joppich, P.C. provided the City of Farmington Hills litigation services in the Oakland County 6<sup>th</sup> Cir. Ct. case No 2016-153074-AW, Joseph Constant v Mich. Attorney General et. al:

1. The contracts for the work between the city and the law-firms involved
2. The names and positions of the City officials in charge of the project
3. The billing invoices that the law-firms involved has submitted to the City
4. The City's proofs of payments
5. The complete written log, video, audio, wire recordings or all communications that transpired between the city officials and the litigation team that had handled the litigation acts for the city

Your request is granted in part with respect to items 1, 3 and 4 above. The City has assessed fees in the amount of \$37.57 for the records and a Fee Itemization Form is included. The documents included include redactions per MCL 15.243(1)(g) attorney-client privileged communications and attorney-client work product privilege. Please submit payment to the City of Farmington Hills, City Clerk's Office, 31555 West Eleven Mile Rd, Farmington Hills, MI 48336, made payable to the City of Farmington Hills. The material will be released upon receipt of payment.

Your request is denied in part with respect to item 2 above, per MCL 235(5)(b) as it has been determined, after review of our records, that such records do not exist. This letter shall serve as my certificate as such.

Your request is denied in part with respect to item 5 above, per MCL 235(5)(b) as it has been determined, after review of our records, that such records do not exist. If your request was for written communications between city officials and the attorneys who represented the city in the case referenced, such communications constitute attorney-client privileged communications, which are exempt from disclosure under MCL 15.243(1)(g). This letter shall serve as my certificate as such.

In the event you are not satisfied with this response, you have the right to submit a written appeal under MCL 15.240 that specifically states the word "appeal" and identifies the reason or reasons for reversal of this denial. In addition, you may also seek judicial review of this denial pursuant to MCL 15.240, including the right to receive attorney fees and damages as provided in MCL 15.240 if, after judicial review, the circuit court determines that the public body has not complied with MCL 15.235 and orders disclosure of all or a portion of a public record.

The City's specific protocol for responding to FOIA requests is set forth in the Public Summary and the City's Procedure and Guidelines available on its website at: [www.fhgov.com](http://www.fhgov.com). Paper copies of the aforementioned documents are also available at the City Clerk's Office.

If you have any questions regarding this matter, please contact me at 248-871-2420.

Sincerely,  
CITY OF FARMINGTON HILLS

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

Pamela B. Smith, MiPMC/MMC  
City Clerk

**FOIA Fee Itemization Form**

**(Effective July 1, 2015)**

Component	Cost Calculations	Total
<b>1. Labor Costs – Search, Location, and Examination of Records*</b>	<p>Enter the hourly wage of lowest paid employee capable of performing the search, location and examination  <math>\\$ 16.70</math> per hour</p> <p>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost)  <math>50\%</math></p> <p>Multiply the hourly wage times the fringe benefit multiplier  <math>\\$ 16.70 \times 1.50 = \\$ 25.05</math></p> <p>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs)  <math>\\$ - + - = \\$ -</math></p> <p>Divide the resulting hourly wage by four (4) to determine the charge per fifteen (15) minute increment  <math>\\$ 25.05 / 4 = \\$ 6.262</math></p>	
	<p>Number of 15 minute increments (partial time increments must be rounded down) multiplied by the permitted rate  <math>2 \times \\$ 6.262 = \\$ 12.52</math></p>	<p><b>\$ 12.52</b></p>
<b>2. Employee Labor Costs – Redaction*</b>	<p>If performed by the public body's employee:</p> <p>Enter the hourly wage of lowest paid employee capable of performing the redaction  <math>\\$ 16.70</math> per hour</p> <p>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost)  <math>50\%</math></p> <p>Multiply the hourly wage times the fringe benefit multiplier</p>	

	$\underline{\$ 16.70} \times \underline{1.50} = \underline{\$ 25.05}$ <p>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs)</p> $\underline{\$ \quad} + \underline{\quad} = \underline{\$ \quad}$ <p>Divide the resulting hourly wage by four (4) to determine the charge per fifteen (15) minute increment</p> $\underline{\$ 25.05} / 4 = \underline{\$ 6.262}$	
	<p>Number of 15 minute increments (partial time increments must be rounded down) multiplied by the permitted rate</p> $\underline{4} \times \underline{\$ 6.262} = \underline{\$ 25.05}$	<u>\$ 25.05</u>
<b>2. Contracted Labor Costs – Redaction*</b>	<p>If performed by Contracted Labor (Only permitted if the public body does not employ a person capable of redacting the records as determined by the FOIA Coordinator):</p> <p>Name of person or firm contracted:</p> <p>_____</p> <p>Enter the hourly rate charged by the contractor (may not exceed six (6) times the State minimum wage (i.e. <math>\\$8.15 \times 6 = \\$48.90</math>))</p> <p style="text-align: right;">\$ _____ per hour</p> <p>Divide the hourly rate by four (4) to determine the charge per fifteen (15) minute increment</p> <p style="text-align: right;">\$ _____ / 4 = \$ _____</p>	
	<p>Number of 15 minute increments (partial time increments must be rounded down) multiplied by the permitted rate</p> $\underline{\quad} \times \underline{\$ \quad} = \underline{\$ 0.00}$	<u>\$ 0.00</u>
<b>3. Non-Paper Physical Media</b>	<p>Actual and most reasonably economical cost of:</p> <p>Flash Drives \$ _____ x number used _____ = \$ _____</p> <p>Computer Discs \$ _____ x number used _____ = \$ _____</p> <p>Other Media \$ _____ x number used _____ = \$ _____</p>	<u>\$ 0.00</u>
<b>4. Paper Copies</b>	<p>Actual total incremental cost of duplication (not including labor) up to a <u>maximum of 10 cents per page</u>:</p> <p>Letter paper (8 ½" x 11")</p> <p style="text-align: right;">number of sheets _____ x \$0.05 = \$ _____</p>	



	<p>Legal paper (8 1/2" x 14")  number of sheets ___ x \$0.05 = \$ _____</p> <p>Actual cost of other types of paper:</p> <p>Type of Paper: <u>Plan Sheets (24 x 36)</u>  number of sheets ___ x \$ _____ = \$ _____</p> <p>Type of Paper: _____  number of sheets ___ x \$ _____ = \$ _____</p> <p>(NOTE: Must print double-sided if available and costs less.)</p>	<p>\$ 0.00</p>
<p><b>5. Labor Cost – Duplication Copying, and transferring records to non-paper physical media</b></p>	<p>Enter the hourly wage of lowest paid employee capable of performing the duplication, copying, or transferring digital records to non-paper physical media  \$ _____ per hour</p> <p>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost)  _____ %</p> <p>Multiply the hourly wage times the fringe benefit multiplier  \$ _____ x 1.00 = \$ _____</p> <p>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs)  \$ - + - = \$ -</p> <p>Divide the resulting hourly wage by <u>4</u> to determine the charge per <u>fifteen</u> (15) minute increment  \$ _____ / 4 = \$ _____</p> <p>(NOTE: May use any time increment for this category)</p>	
	<p>Number of ___ minute increments (partial time increments must be rounded down) multiplied by the permitted rate  x \$ _____ = \$ 0.00</p>	<p>\$ 0.00</p>
<p><b>6. Mailing</b></p>	<p>Actual cost of mailing records in a reasonable and economical manner:</p> <p>Cost of mailing: \$ _____</p> <p>Cost of least expensive form of postal delivery confirmation:  \$ _____</p> <p>Cost of expedited shipping or insurance only if specifically stipulated by the requestor:</p>	

	\$ _____	\$ <u>0.00</u>
	<b>Subtotal</b>	\$ <u>37.57</u>
<b>Waivers and Reductions</b>	<p>Subtract any Fee Waiver or Reduction: \$20.00 for indigency or nonprofit organization as further described in the Public Body's procedures and guidelines.</p> <p>Any amount determined by the Public Body due to the search and furnishing of the Public Record determined to be in the public interest. \$ _____</p> <p>The reduction amount due to the late response of the Public Body. 5% of fee x ____ days late = _____% reduction (maximum reduction is 50%)</p>	-\$ <u>0.00</u>
<b>Deposit</b>	Subtract any good-faith deposit received: \$ <u>0.00</u>	-\$ <u>0.00</u>
	<b>Total Due</b>	\$ <u>37.57</u>

\*Note: Labor costs for search, location, examination and redaction (categories 1 and 2 on the itemization form) may not be charged unless the failure to charge a fee would result in unreasonably high costs to the public body because of the nature of the request in the particular instance, and the public body specifically identifies the nature of these unreasonably high costs.

The Court of Appeals has interpreted this provision to require that the determination be made relative to the usual or typical costs incurred by the public body in responding to FOIA requests. The key factor in determining whether the costs are "unreasonably high" is the extent to which the particular request differs from the usual request. *Bloch v Davison Cmty Schools*, (Mich.App. Apr. 26, 2011), 2011 WL 1564645.

**REPORT TO THE CITY COUNCIL FROM THE CITY MANAGER – NOVEMBER 28, 2022**

**SUBJECT:** Introduction and First Reading of the revised Pension Ordinance

**ADMINISTRATIVE SUMMARY:**

The City Council recently approved collective bargaining agreements with the following units, which included the re-establishment of a Defined Benefit Pension program. Similar to the program established for the noted bargaining units, the General Employee group also received this program. Discussions are ongoing with the remaining bargaining unit but updating of the ordinance to reflect these current changes is necessary to prepare for administering elements of the program early next year.

Negotiated Settlements with the pension program:

- The Farmington Hills Lieutenants and Sergeants Association (COAM)
- Patrol Officers Association of Michigan (POAM)
- Fraternal Order of Police Labor Council (FOPLC)
- Local 2659, IAFF (AFL-CIO) CLC Fire Fighters (IAFF)
- Teamsters, State, County and Municipal Workers, Local 214

The attached draft ordinance, written in collaboration by our retirement legal experts Ice Miller of Indianapolis, Indiana, Michael VanOverbeke of VanOverbeke, Michaud & Timmony of Detroit Michigan, reflects all of the updates included in the aforementioned agreements, including:

- **The restoration of Tier 1 Defined Pension Benefits** (including pension multipliers, maximum benefit levels, and eligibility requirements) to Tier 2 public safety employees (COAM, POAM, IAFF)
- **The re-opening of Defined Pension Benefits to other employee groups** (Teamsters, FOPLC/Dispatch, General/Exempt Executive and General/Exempt non-Executive – namely pension multipliers, maximum benefit levels, and eligibility requirements)
- **The establishment of a new Retiree Health Care Stipend**, which will provide a guaranteed monthly amount of \$200 (singles)/\$400 doubles, to be placed into Tier 2 retiree Health Care Savings Accounts (so as to be a pre-tax benefit). This benefit is being provided by reductions in the City's contributions to the employees' Retiree Health Care Savings Accounts while active with the City, which allows the City to pre-fund the new Stipend in the City's Retiree Health Care Fund, leveraging long-term compounded investment returns to assist in the funding of this new benefit.
- **The ability for employees to purchase prior credited service with the City** (from their date of full-time employment to the date the City Council approved of the new benefit levels), where the employee may choose to purchase these service credits provided that they 100% of the benefit liability, to be calculated by the City's Actuary, GRS. The process of educating our employees

will commence in a matter of weeks, and the one-time “window” for the calculation and purchase of prior service credits will be completed by June 2023.

- **Public Act 88.** The proposed ordinance includes language allowing Farmington Hills to recognize “other governmental service” for public sector employees for the purposes of retirement benefits and vesting. There are 460 other governmental entities across that State that participate in Public Act 88 including Wayne, Oakland, and Macomb Counties, Novi, Birmingham, Sterling Heights, West Bloomfield and Canton. This is a key recruiting tool for attracting talent of public sector employees to Farmington Hills. It should be noted that this provision will **NOT** allow service credits with other governments to be applied to the calculation of a Farmington Hills retiree’s Pension Benefit. Rather, these credits will only be applied to the employee’s vesting and qualifications to draw a Pension Benefit.

**Costing:** the above benefit changes have been costed and presented several times to the City Council – once in April/May prior to collective bargaining, and again in August and October relative to the specific benefit provisions included in the respective Agreements with the bargaining units, as well as to the General Exempt groups.

The costing provided by GRS indicates that the City is not estimated to see any increase in expenditures as a result of the changes in Retirement Benefits included in this attached Ordinance, and may very well see significant savings over the long-term; and furthermore will enjoy enhanced recruitment and retention as a result of the adoption of this Ordinance.

**RECOMMENDATION:**

That the City Council introduce the above Ordinance for a First Reading; with Second Reading and Adoption to occur at the City Council’s December 2022 meeting.

Submitted by: Thomas C. Skrobola, Finance Director/Treasurer

Reviewed by: Joseph Valentine, Assistant City Manager/Interim HR Director and Gary Mekjian, City Manager

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 1<sup>st</sup> 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.
- (gf) *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.
- (hg) *Defined contribution plan* means the City of Farmington Hills 401(a) defined contribution pension program as established by the city.
- (ih) *Early retirement* means that a member is eligible for a reduced pension benefit at an age and service level established by contract or policy.
- (ij) *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.
- (kj) *Firefighter* means a full-time employee of the department of public safety, fire division, with the rank of firefighter or higher.
- (lk) *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.
- (mf) *Member* means any person who is included in the membership of the city's defined benefit retirement system.
- (nm) *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.
- (of) *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.

- (pe) *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.
- (qp) *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.
- (re) *Police officer* means an employee of the department of public safety, police division, with rank of patrol officer or higher.
- (sf) *Retired member* means an individual who is being paid a pension on account of the individual's membership in the defined benefit retirement system.
- (ts) *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.
- (ut) *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.
- (vt) *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 (½) 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) ~~Positions of city manager or department director, if the person has elected, at the time of commencing employment and with consent of the city council, not to be a member. Thereafter, a city manager may only become a member of the retirement system if the city council requires such membership pursuant to the terms of the person's employment agreement. the city council may provide an option for the person to become a member of the retirement system as of such date and subject to such terms and conditions as established by city council resolution or as contained in~~

~~the person's employment agreement, provided however, that such terms and conditions shall be in accordance with applicable law.~~

- (h) Employees of Benefit Groups A, ~~E or G~~ that are hired on or after July 1, 2006, ~~employees of Benefit Group D that are hired on or after January 1, 2007, employees of Benefit Group T that are hired on or after January 1, 2008,~~ 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 Groups A, ~~D, E, G & T~~ 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 20, 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~~4~~—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.* ~~For employees hired prior to January 1, 2008, t~~The member has twenty-five (25) or more years of credited service earned while employed by the city as a police officer. ~~For employees hired on or after January 1, 2008, 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.~~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.* ~~For employees hired prior to July 1, 2008,~~the member has twenty-five (25) years or more of credited service, earned while employed by the city as a firefighter, regardless of age. ~~For employees hired on or after July 1, 2008, 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 firefighter,~~

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 ~~sixty-five~~<sup>eighty-fifth</sup>-hundredths (2.685) 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 (~~75~~<sup>70</sup>) 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) ~~For employees hired prior to July 1, 2008, t~~<sup>h</sup>e 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.

~~(2) For employees hired on or after July 1, 2008, the normal retirement benefit amount will be the member's final average compensation multiplied by the sum of two and one-quarter (2.25) 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 sixty (60) percent of the member's final average compensation.~~

(f) *Benefit Group P.*

(1) ~~For employees hired prior to January 1, 2008, 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 seventy-five (75) percent of the member's final average compensation.

~~(2) For employees hired on or after January 1, 2008, the normal retirement benefit amount will be the member's final average compensation multiplied by the sum of two and one-quarter (2.25) 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 sixty (60) 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 interest rate prescribed by the Pension Benefit Guaranty Corporation as the immediate annuity rate for lump sum valuations for the month that includes the member's retirement effective date, or other rate adopted for this purpose by the retirement board; and,~~ (ii) 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, P & 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. 2-7041. 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:

<b>Benefit Group</b>	<b>Eligibility Requirement</b>
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	<a href="#">For employee hired prior to September 1, 2015:</a> 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](#) retirement system, 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. 2-7052. 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. 2-7063. Member contributions—Amounts; procedures.**

- (a) Member contributions to the retiree health care trust fund ~~retirement system~~ 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. Employees hired on or after July 1, 2006, and who are members of Benefit Groups A, E or G; employees hired on or after January 1, 2007, and who are members of Benefit Group D; employees hired on or after January 1, 2008, and who are members of Benefit Groups P or T, and employees hired on or after July 1, 2008, and who are members of Benefit Group F shall not be eligible for any of the retirees medical benefits provided in division 3 of this article. In lieu of the retiree medical insurance benefits provided in this division, such employees shall participate in thea retirement health savings (RHS) 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. For members in Benefit Groups A, E, F, G, P and T, the city will contribute one thousand five hundred dollars (\$1,500.00) annually, which equates to one hundred twenty-five dollars (\$125.00) per month of service; and for members in Benefit Group D contribute one thousand two~~

~~hundred dollars (\$1,200.00) annually, which equates to one hundred dollars (\$100.00) per month of 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.

<u>Benefit Group</u>	<u>Hire Date (Employed on or after)</u>	<u>Employer Contribution</u>	<u>Mandatory Employee Contribution</u>
<u>A</u>	<u>Hired on or after July 1, 2006</u>	<u>Eff. 7/1/06: \$1,250 annually - \$100.25/mo.</u> <u>Eff. 7/1/08: \$1,500 annually - \$125/mo.</u> <u>Eff. 7/1/17: \$1,750 annually - \$145.83/mo.</u>	<u>1.5% of annual salary</u>
<u>E or G</u>	<u>Hired on or after January 1, 2006</u>	<u>Eff. 7/1/06: \$1,200 annually - \$100/mo.</u> <u>Eff. 7/1/06<del>8</del>: \$1,500 annually - \$125/mo.</u> <u>Eff. 7/1/17: \$1,750 annually - \$145.83/mo.</u> <u>Eff. 7/1/22: \$1,400 annually - \$116.67/mo.</u>	<u>1.5% of annual salary</u>
<u>D</u>	<u>Hired on or after January 1, 2007</u>	<u>Eff. 1/1/07: \$1,200 annually - \$100/mo.</u> <u>Eff. 7/1/22: \$960 annually - \$80/mo.</u>	<u>1.5% of annual salary</u>
<u>I</u>	<u>Hired on or after January 1, 2008</u>	<u>Eff. 7/1/06: \$1,200 annually - \$100/mo.</u> <u>Eff. 7/1/08<del>6</del>: \$1,500 annually - \$125/mo.</u> <u>Eff. 7/1/17: \$1,750 annually - \$145.83/mo.</u> <u>Eff. 7/1/22: \$1,400 annually - \$116.67/mo.</u>	<u>1.5% of annual salary</u>
<u>F</u>	<u>Hired on or after July 1, 2008</u>	<u>Eff. 7/1/08 \$1,500 annually - \$125/mo.</u> <u>Eff. 7/1/17: \$1,750 annually - \$145.83/mo.</u> <u>Eff. 7/1/22: \$1,400 annually - \$116.67/mo.</u>	<u>1.5% of annual salary</u>
<u>P</u>	<u>Hired on or after January 1, 2008</u>	<u>Eff. 7/1/06: \$1,500 annually - \$125/mo.</u>	<u>1.5% of annual salary</u>

		<a href="#">Eff. 7/1/14: \$1,700 annually - \$142/mo.</a> <a href="#">Eff. 7/1/16: \$2,500 annually - \$208.33/mo.</a>	
		<a href="#">Eff. 7/1/22: \$2,000 annually - \$166.67/mo.</a>	
<u>C</u>	<u>Hired on or after *****</u>	<a href="#">Eff. 7/1/06: \$1,500 annually - \$125/mo.</a> <a href="#">Eff. 7/1/17: \$2,700 annually - \$225/mo.</a> <a href="#">Eff. 7/1/22: \$2,160 annually - \$180/mo.</a>	<u>1.5% of annual salary</u>

(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:

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

(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  
City of Farmington Hills

Introduced:  
Adopted:  
Effective:  
Published:

**REPORT FROM THE CITY MANAGER TO CITY COUNCIL**  
**November 28, 2022**

**SUBJECT: APPROVAL OF A HUMAN RESOURCES INFORMATION SYSTEMS HOSTED SOLUTION**

**ADMINISTRATIVE SUMMARY**

- Sealed proposals were advertised, publicly opened and read aloud by the State of Michigan (MIDeal) Department of Technology, Management & Budget for a Human Resources Information System hosted solution. The awarded contract with Governmentjobs.com, Inc. (dba “NeoGov”) is offered to the City of Farmington Hills as a cooperative bid. Participating in a cooperative purchase provides cost savings for the City due to the buying power of a cooperative.
- During demonstrations for the City’s solicitation process for our new Enterprise Resource Planning (ERP) system, an on-line Human Resources (HR) solution was recommended by one of the proponents to assist & enhance employee management. City staff did some research and determined that deploying this type of solution, separate from the ERP system could benefit the City immediately and provide much needed digital access in the employee management arena.
- Once implemented the hosted solution will provide digital access for several processes across the employee life cycle including recruitment & selection, candidate text messaging, onboarding, on-line employee training, performance management and electronic forms. This powerful solution was designed for the specific needs of public sector human resources and will help the City attract, retain, develop, manage, and protect top talent.
- The City is still in the evaluation phase for responses to the ERP solicitation. Once that product has been selected NeoGov will work in conjunction (digitally) with the new ERP solution.
- The initial contract term is three (3) years with extensions available if the City chooses. Funding for implementation & initial contract year of \$55,805.80 is provided in the Capital fund with on-going subscription expenses for years 2 & 3 of \$134,727 for both years funded through the General Government Support Services account.

**RECOMMENDATION**

In view of the above, it is recommended that City Council authorize 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.

Prepared by: Kelly Monico, Director of Central Services  
Reviewed by: Michelle Aranowski, Senior Buyer  
Reviewed by: Thomas Skrobola, Finance Director  
Reviewed by: Lori Brown, Human Resources Analyst  
Reviewed by: Joseph Valentine, Assistant City Manager  
Approved by: Gary Mekjian, City Manager

**REPORT FROM THE CITY MANAGER TO CITY COUNCIL – November 28, 2022****SUBJECT:** 2023 Spongy Moth Suppression Program**ADMINISTRATIVE SUMMARY:**

- The Spongy Moth Spraying Program was previously advertised and competitively bid on the MITN e-procurement system. American Pest Control, Inc. was the lowest qualified bidder in 2022 and has agreed to extend the contract into 2023.
- For over two decades City Staff have surveyed City trees each year and later coordinated ground spraying when needed or justified.
- This year Oakland County has committed \$120,000 for moth suppression grant programs in local communities for 2023. Communities can be reimbursed a 1 to 1 match up to \$30,000.
- Based on previous estimates and findings, approximately 100 trees are treated each year at a total cost of \$4,000.
- To receive reimbursement, Oakland County requires a resolution authorizing the request for reimbursement.

**RECOMMENDATION:**

IT IS FURTHER RESOLVED, that the City Council adopt the attached resolution authorizing reimbursement of eligible spongy moth suppression activities under Oakland County's 2023 Moth Suppression Program.

**SUPPORT DOCUMENTATION:**

The Spongy Moth, formerly known as the Gypsy Moth, can be an annoying pest in urban and rural areas. Spongy Moth Caterpillars, in the larvae stage, feed on the leaves of more than 300 species of trees. This invasive pest, which is native to Europe, can completely defoliate a tree.

The DPW staff have annually surveyed City trees, looking for Spongy Moth egg masses. Once identified and justified, ground spraying is scheduled with the City's contractor. Annually, this activity costs between \$1,000 and \$5,000.

The spray material consists of a natural bacterium found in soils called *Bacillus thuringiensis* 'kurstaki' (Btk). It is applied to the leaves of infected trees while the caterpillars are still immature. Once ingested, their digestive system is disrupted, and they die. Sunlight and fungi deteriorate the bio-pesticide within 1 to 4 days. The Btk has been used for years and does not have any detrimental effects to humans, birds, or bees.

Each homeowner where trees are identified as having egg masses will be notified in writing before spraying occurs.

Prepared:           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:           Gary Mekjian, P.E., City Manager

# ***CITY OF FARMINGTON HILLS***

*CITY CLERK'S OFFICE*

*31555 W. 11 Mile Road, Farmington Hills, MI 48336-1165*

*(248) 871-2410*

## **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 28<sup>th</sup> day of November, 2022, at 7:30 o'clock p.m., with those present and absent being,

PRESENT:

ABSENT:

The following preamble and resolution were offered by Councilperson \_\_\_\_\_ and supported by Councilperson \_\_\_\_\_:

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:

NAYS:

ABSENT:

RESOLUTION DECLARED ADOPTED.

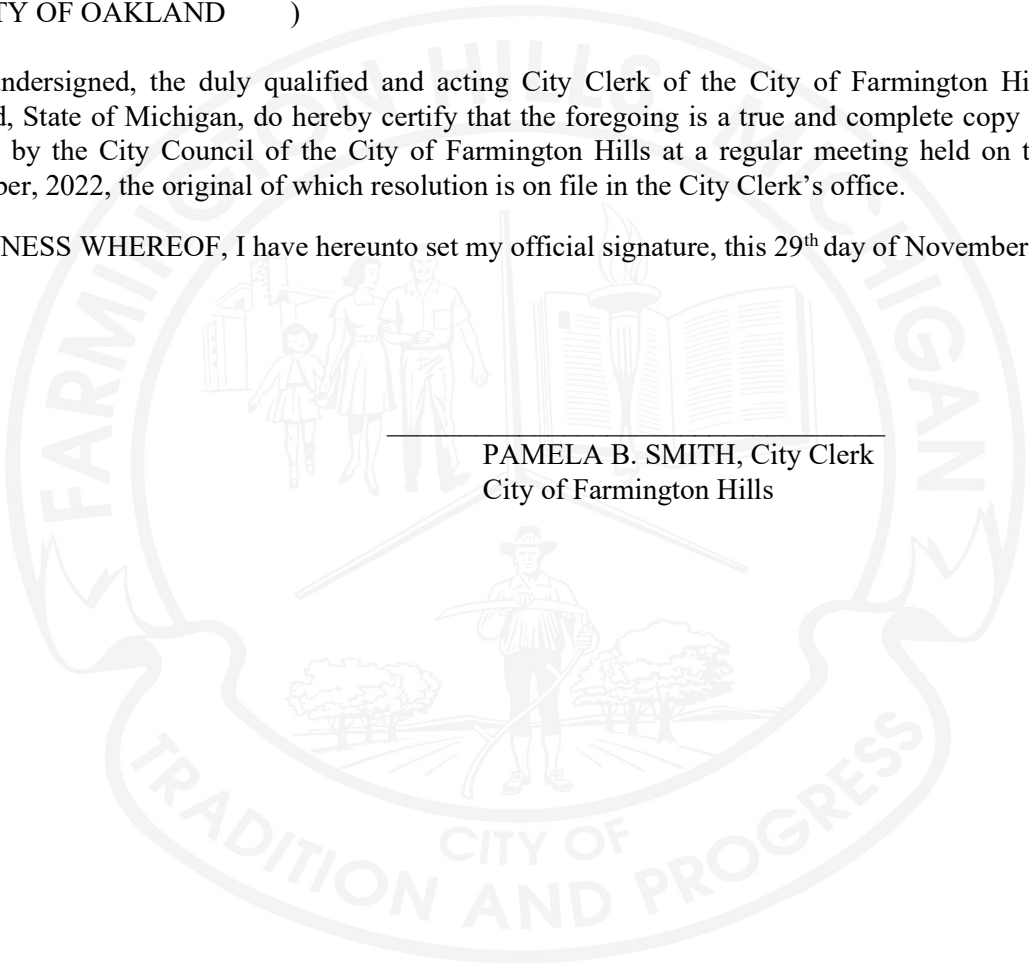
STATE OF MICHIGAN        )  
  )ss.  
COUNTY OF OAKLAND     )

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 28<sup>th</sup> 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 29<sup>th</sup> day of November, 2022.

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PAMELA B. SMITH, City Clerk  
City of Farmington Hills



**REPORT FROM THE CITY MANAGER TO CITY COUNCIL  
November 28, 2022**

**SUBJECT: AWARD OF BID FOR MOWING OF CITY FACILITIES**

**ADMINISTRATIVE SUMMARY**

- Sealed bids were advertised, available on the MITN e-procurement system and opened on November 15, 2022, for grass mowing of City facilities. Bid notifications were sent to two hundred seventy (270) vendors (including eighty-four (84) vendors that hold the classification of minority owned, woman owned, veteran owned, disabled, disadvantaged or service disabled) with four (4) responding.
- This includes Fire Stations 1-5, Bond Park, City Hall & Police Complex, 47th District Court, Ice Arena, Memorial Park, Olde Town Park, Woodland Hills Park, Hawk Community Center, Costick Center & William Grace Dog Park. City Parks staff will continue to provide more detailed mowing and grooming of several of these locations as well as athletic fields.
- The designated areas are mowed weekly during the summer months or as requested by the Department of Special Services.
- Staff reviewed all bids, met with the low bidder, Green Meadows Lawnscape, reviewed their equipment and confirmed they are qualified to perform the work specified. Green Meadows Lawnscape is the current contractor for the Parks Maintenance Division as well as the Department of Public Works, and they have done an exceptional job.
- The bid provides pricing for one (1) year with the option to extend the pricing for four (4) additional one (1) year terms upon mutual consent between the City and the vendors. Green Meadows Lawnscape, Inc. will have a 5% increase beginning in year two (2).
- Decima LLC did not submit the required bid bond at the time of submittal.
- Funding for these services is provided in the Department of Special Services, Parks Contractual Services Account

**BID TABULATION-ATTACHED**

**RECOMMENDATION**

In view of the above, it is recommended that City Council authorize 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.

Prepared by: Michelle Aranowski, Senior Buyer

Reviewed by: April Heier, Parks Supervisor

Reviewed by: Kelly Monico, Director of Central Services

Reviewed by: Ellen Schnackel, Director of Special Services

Approved by: Gary Mekjian, City Manager

City of Farmington Hills  
 Bid Tabulation  
 itb-fh-22-23-2358  
 Mowing & Grounds Maintenance  
 Opened 11/15/2022

**RECOMMEND FOR AWARD**

ITEM	Est. Acreage	# of Mows	KKB Landscaping Saline, MI		RNA Facilities Management Ann Arbor, MI		Green Meadows Lawnscape, Inc. Rochester Hills, MI		Decima LLC Detroit, MI	
			Bid Bond - Y		Bid Bond - Y		Bid Bond - Y		Bid Bond - N*	
			Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
FIRE STATION #1 Nine Mile west of Drake Road	0.83	26	\$ 75.00	\$1,950.00	\$ 75.00	\$1,950.00	\$ 50.00	\$1,300.00	\$ 32.00	\$832.00
FIRE STATION #2 Middlebelt Road, north of Twelve Mile	0.4	26	\$ 65.00	\$1,690.00	\$ 46.00	\$1,196.00	\$ 40.00	\$1,040.00	\$ 16.00	\$416.00
FIRE STATION #3/GRANT CENTER Middlebelt Road, north of Grand River	0.55	26	\$ 75.00	\$1,950.00	\$ 51.00	\$1,326.00	\$ 45.00	\$1,170.00	\$ 22.00	\$572.00
FIRE STATION #4 Drake Road 1/2 mile N of Twelve Mile	2.8	26	\$ 150.00	\$3,900.00	\$ 181.00	\$4,706.00	\$ 140.00	\$3,640.00	\$ 110.00	\$2,860.00
THE HAWK-FARMINGTON HILLS COMMUNITY CENTER 29925 W 12 Mile Rd	12.85	26	\$ 900.00	\$23,400.00	\$ 775.00	\$20,150.00	\$ 700.00	\$18,200.00	\$ 500.00	\$13,000.00
BOND PARK Armore Street near 13 Mild Road	1.72	26	\$ 150.00	\$3,900.00	\$ 125.00	\$3,250.00	\$ 100.00	\$2,600.00	\$ 67.00	\$1,742.00
CITY HALL/POLICE COMPLEX, FIRE #5 and 47th DISTRICT COURT Orchard Lake and 11 Mile	4.21	26	\$ 650.00	\$16,900.00	\$ 288.00	\$7,488.00	\$ 250.00	\$6,500.00	\$ 165.00	\$4,290.00
FARMINGTON HILLS ICE ARENA 35500 Eight Mile, east of Halsted, west of Gill	1.37	26	\$ 125.00	\$3,250.00	\$ 98.00	\$2,548.00	\$ 100.00	\$2,600.00	\$ 55.00	\$1,430.00
MEMORIAL PARK Southwest corner of 11 & Middlebelt	1.76	26	\$ 150.00	\$3,900.00	\$ 126.00	\$3,276.00	\$ 100.00	\$2,600.00	\$ 70.00	\$1,820.00
OLDE TOWN PARK Waldron Road and Independence	2.6	26	\$ 175.00	\$4,550.00	\$ 180.00	\$4,680.00	\$ 130.00	\$3,380.00	\$ 100.00	\$2,600.00
WOODLAND HILLS PARK Between sidewalk and curb South Entrance	0.25	26	\$ 50.00	\$1,300.00	\$ 40.00	\$1,040.00	\$ 40.00	\$1,040.00	\$ 10.00	\$260.00
ACTIVITIES CENTER 28600 Eleven Mile, east of Middlebelt + inside courtyard	5.65	26	\$ 650.00	\$16,900.00	\$ 362.00	\$9,412.00	\$ 350.00	\$9,100.00	\$ 220.00	\$5,720.00
WM GRACE DOG PARK Shiawassee Road, E of Middlebelt	8.69	26	\$ 550.00	\$14,300.00	\$ 585.00	\$15,210.00	\$ 450.00	\$11,700.00	\$ 340.00	\$8,840.00
<b>BASE BID TOTAL</b>	<b>43.68</b>	<b>26</b>		<b>\$97,890.00</b>		<b>\$76,232.00</b>		<b>\$64,870.00</b>		<b>\$44,382.00</b>
<b>ALTERNATE BID LOCATIONS</b>	<b>Est. Acreage</b>	<b>Est. Acreage</b>	<b>Unit Price</b>	<b>Total</b>	<b>Unit Price</b>	<b>Total</b>	<b>Unit Price</b>	<b>Total</b>	<b>Unit Price</b>	<b>Total</b>
Lot 13 Mile and Orchard Lake, East of 31547 13 Mile	0.035	20	\$ 45.00	\$900.00	\$ 40.00	\$800.00	\$ 30.00	\$600.00	\$ 2.00	\$40.00
Lot north of 30145 Green Acres	0.14	20	\$ 45.00	\$900.00	\$ 40.00	\$800.00	\$ 30.00	\$600.00	\$ 6.00	\$120.00
2 lots north of 21337 Rensselaer	0.42	20	\$ 45.00	\$900.00	\$ 40.00	\$800.00	\$ 60.00	\$1,200.00	\$ 18.00	\$360.00
Lot south of 21337 Rensselaer	0.21	20	\$ 45.00	\$900.00	\$ 40.00	\$800.00	\$ 30.00	\$600.00	\$ 9.00	\$180.00
21175 Inkster	0.12	20	\$ 45.00	\$900.00	\$ 40.00	\$800.00	\$ 30.00	\$600.00	\$ 5.00	\$100.00
<b>ALTERNATE BID TOTAL</b>	<b>0.925</b>	<b>20</b>		<b>\$4,500.00</b>		<b>\$4,000.00</b>		<b>\$3,600.00</b>		<b>\$800.00</b>
<b>GRAND TOTAL WITH ALTERNATE</b>				<b>\$102,390.00</b>		<b>\$80,232.00</b>		<b>\$68,470.00</b>		<b>\$45,182.00</b>
Percent Increase per year to extend the agreement for 4 one-year terms				No Bid		3%		5%		5%
ADDITIONAL MOWING		PER ACRE/PER MOWING		\$95.00		\$71.00		\$65.00		\$43.00
SOD AND INSTALLATION		PER SQ YD INSTALLED		\$100.00		\$10.50		\$24.00		\$18.50

Bid notification was sent to over 270 vendors. We received zero (0) "No-Bids."  
 \*DID NOT SUBMIT THE REQUIRED BID BOND





**INTEROFFICE CORRESPONDENCE**

To: Gary Mekjian, City Manager  
From: Ellen Schnackel, Director of Special Services  
Subject: Consideration of Employment for Terry Smith  
Date: November 28, 2022

In compliance with the City Charter Article X, Section 10.01 A, we are requesting from the City Council approval to consider for employment the following individual: Terry Smith, who is related to an employee of the City, Kelly Smith, who is a Parks and Golf Laborer.

The Department of Special Services has followed all City policies and procedures in establishing an eligibility list of qualified candidates. This includes advertising in the local newspapers, posting on websites and on social media, distribution of job announcements at Farmington Public Schools and Oakland County Community College. A thorough investigation of the applicant's credentials and a personal interview were conducted. Providing applicants are equally qualified, residents receive preference for employment opportunities.

Occasionally we have some difficulty finding qualified applicants for part-time positions because they may require certain qualifications or specialized training/certification. Therefore, in view of meeting the established criteria and being the most qualified applicant, the Department of Special Services respectfully requests the City Council's approval of Terry Smith.

Name: Terry Smith

Position Applied For: Senior Division Van Driver

Number of Employees Needed in this Position: 2

Date Position Posted: 7/20/2022

Open Until: Filled

Number of Applicants for this position: 3

Number of Applicants Interviewed: 3

Salary: \$14.00/hour

Relationship: Terry Smith is the father of Kelly Smith who is a Parks and Golf Laborer.

Justification: Terry Smith is the most qualified applicant and is available to begin work immediately.

Prepared by:

/s/ Marsha Koet

Marsha Koet, Senior Division Supervisor

Authorized by:

Approved by:

/s/ Ellen Schnackel

\_\_\_\_\_  
Ellen Schnackel  
Director of Special Services

\_\_\_\_\_  
Gary Mekjian  
City Manager



OFFICE OF CITY CLERK

**INTEROFFICE CORRESPONDENCE**

**TO:** Mayor and City Council  
**FROM:** Pamela B. Smith, City Clerk  
**DATE:** November 28, 2022  
**SUBJECT:** Canceling the December 26, 2022 City Council Meeting

It is requested that City Council consider canceling the regular City Council meeting scheduled for December 26, 2022 due to the holidays.

The regular City Council meeting schedule would resume January 9, 2023.

**RECOMMENDATION:**

IT IS RESOLVED, that City Council hereby cancels the regular City Council meeting of December 26, 2022.

MINUTES  
CITY OF FARMINGTON HILLS  
FARMINGTON HILLS CITY COUNCIL  
CITY HALL - COMMUNITY ROOM  
NOVEMBER 14, 2022 – 6:00PM

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

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

Council Members Absent:                 Barnett and Knol

Others Present:                             City Manager Mekjian, City Clerk Smith, Assistant City  
Manager Valentine and Director Mondora

**PRESENTATION BY GREAT LAKES WATER AUTHORITY**

Karen Mondora, Director of Public Services, introduced Suzanne Coffey and Jody Caldwell from the Great Lakes Water Authority (GLWA) to make a presentation.

Suzanne Coffey, Chief Executive Officer, introduced the rest of her team present and provided the history behind the Great Lakes Water Authority that was formed in 2016. She noted that the GLWA consists of 5 treatment plants and one water resource recovery and they service 3.8 million customers on the water side and approximately 2.8 million customers for wastewater. She pointed out that resiliency and unquestionable water quality are of importance to GLWA. Impacts include inflation and their priorities include climate resiliency and elected official outreach.

Jody Caldwell, Chief Planning Officer, discussed assets servicing Farmington Hills and contingency planning, condition assessment and renewal particularly for the 14 Mile Road transmission main and emergency preparedness.

Nicolette Bateson, Chief Financial Officer and Treasurer, discussed how GLWA improves the cost of borrowing and leverages rates. She mentioned goals set and met included: acquiring capital funding at favorable levels, continuing strong financial results and expanding the investor base for GLASS credits, securing continued positive rating trend, enhancing GLWA's financial flexibility and capture available debt service savings. She provided examples of information provided to the Board and how they handle financial management and touched on outlook upgrades achieved and their comprehensive marketing outreach.

Randal Brown, General Counsel, provided an update on the Highland Park debt noting that for the 2014 case, the Michigan Court of Appeals reinstated the \$21 million judgment against Highland Park and Highland Park has appealed this decision to the Michigan Supreme Court. For the 2020 case, a Wayne County Circuit Court Judge ordered Highland Park to resume paying at least 65% of its water and sewer receipts to GLWA and ordered the parties to a confidential mediation. Attorney Brown mentioned that a leak detection study was conducted that showed there were leaks in that system.

Council inquired about the diversity and inclusion program for contractors. Ms. Bateson explained how GLWA works with Michigan Minority Suppliers and other similar groups on vendor outreach and that their main contractors are required to submit a plan on how they will diversify their subcontractors. She added that she could forward a copy of the annual report to the city.

Council questioned what the dispute was regarding Highland Park and what they owed GLWA and how much is owed and who is responsible for fixing the leaks in the system. Attorney Brown responded that the leak detection study was an eye-opener for all and water usage leaks create larger sewer bills so GLWA now has affirmation of those amounts. He noted that Highland Park owes over \$55 million and a judgment levy is their only recourse. He added that the local system is responsible for fixing any leaks and there has been a lack of investment in the district's aging system.

Discussion was held on the WRAP program available to assist water and sewer customers with paying their bill. Ms. Bateson noted that the assistance programs are underutilized. Council suggested outreach to customers that may qualify and to utilize organizations such as CARES to distribute information.

Discussion was held on preventative measures taken to maintain transmission lines before an incident occurs. Mr. Caldwell explained the process used that is fairly new and innovative and that GLWA hopes to review 10% of the pipes per year in the system to ensure maintenance.

The 14 Mile Road loop project and transmission main and valve review programs were discussed.

**PRESENTATION BY OAKLAND COUNTY WATER RESOURCES COMMISSIONER'S OFFICE**

Kelsey Cook, Water Resources Commission, discussed the path of the city water/sewer bill and how that is collected. She noted that the balance due data that shows at least 2 penalties provides an idea of how many customers may be in need. She stated that 5800 households in Farmington Hills are at or below 200% of poverty level. She reviewed the various assistance programs available to customers noting that only 24 Farmington Hills customers were currently enrolled in the WRAP program.

Ms. Cook stated that grants were received to establish affordability plans for Pontiac and Royal Oak Twp and what they learned could be applied to any city. The goal is to provide bills to residents they can pay and to avoid the cycle of unaffordability. She commented on the need to have a long-term plan for affordability for the State of Michigan and that they have asked Lansing for a policy and funding source.

Council questioned having minimum billing or a fixed bill for customers on a well.

Jim Nash, Water Resources Commissioner, stated that such billing is set by city ordinance but the practices currently in place are industry standards.

Council appreciated the comprehensive approach on assistance programs and again expressed the need to get this information out to residents.

**ADJOURNMENT:**

The study session meeting adjourned at 7:26pm.

Respectfully submitted,



Pamela B. Smith, City Clerk

MINUTES  
CITY OF FARMINGTON HILLS  
CITY COUNCIL MEETING  
CITY HALL – COUNCIL CHAMBER  
NOVEMBER 14, 2022 – 7:30 PM

The regular session meeting of the Farmington Hills City Council was called to order by Mayor Pro-Tem Newlin at 7:32pm.

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

Council Members Absent: Barnett and Knol

Others Present: City Manager Mekjian, City Clerk Smith, Assistant City Manager Valentine, Directors Brockway, Kettler-Schmult, Monico and Winn, Fire Chief Unruh and City Attorney Joppich

**PLEDGE OF ALLEGIANCE**

Mayor Pro-Tem Newlin 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 5-0.

**ADMINISTRATION OF OATH OF OFFICE TO MAYOR PRO-TEM RANDY BRUCE**

City Clerk Smith administered the Oath of Office to Mayor Pro-Tem Randy Bruce.

**INTRODUCTION OF NEW COMMUNICATIONS DIRECTOR VICKIE SULLEN-WINN**

City Manager Mekjian introduced Communications Director Vickie Sullen-Winn. Director Winn thanked Council and staff for the introduction and provided her background and experience in this field and commented that she looks forward to bringing that experience to Farmington Hills to create a more informed and engaged community.

City Council welcomed Vickie Winn to her new role with the city.

**PROCLAMATION RECOGNIZING NOVEMBER 26, 2022 AS SMALL BUSINESS SATURDAY**

The following Proclamation was read by Councilmember Bridges and accepted by Sue Arlen, Chamber Director:

**PROCLAMATION  
Small Business Saturday®  
November 26, 2022**

**WHEREAS,** the City of Farmington Hills celebrates our local small businesses and recognizes that they create jobs, boost the local economy, and help to preserve our community; and

**WHEREAS,** according to the U.S. Small Business Administration, there are 32.5 million small businesses in the United States that represent 99% of all firms with paid

employees, are responsible for 64% of net new jobs, and create 1.5 million new jobs annually; and

**WHEREAS,** small business sales have reached 80% of pre-pandemic levels, but as our lives have largely returned to normal, the economic effects among the smallest of small businesses still linger; and

**WHEREAS,** consumers who shop on Small Business Saturday® are making a conscious commitment to support small, independently owned businesses and make purchases with a positive social, economic, and environmental impact; and

**WHEREAS,** for every dollar spent at local small businesses, an average of 67 cents stays in the community, so consumers should shop or eat at independently owned businesses and purchase gift cards for local businesses, not just during the holiday season but year-round.

**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 26, 2022 as **Small Business Saturday®** and urge our residents to support small businesses annually on the Saturday after Thanksgiving and throughout the entire year.

**PROCLAMATION RECOGNIZING NOVEMBER 2022 AS NATIVE AMERICAN HERITAGE MONTH**

The following Proclamation was read by Councilmember Newlin and accepted by Assistant City Manager Valentine:

**PROCLAMATION  
Native American Heritage Month  
November 2022**

**WHEREAS,** Native Americans are a diverse group of people with a rich and multifaceted system of governments, languages, religions, values, and traditions; and

**WHEREAS,** Michigan is home to 12 federally recognized Indian tribes, which are sovereign governments that exercise their own direct jurisdiction over their members and their territory; and

**WHEREAS,** Michigan has several significant Native American cultural sites including the **Ziibiwing Center of Anishinabe Culture and Lifeways in Mount Pleasant, the Besser Museum for Northwest Michigan in Alpena, the Andrew J. Blackbird Museum in Harbor Springs, and the Potawatomi Heritage Center in Wilson;** and

**WHEREAS,** we have a rich past and a bright future thanks to the varied contributions of the many tribes who have lived in Michigan, including our state's three largest tribes - the Ojibwe (also called Chippewa), the Odawa (also called Ottawa), and the Potawatomi (also called the Bode'wadmi); and

**WHEREAS,** Native Americans continue to be influential in all areas of life in Michigan including government, business, the arts, medicine, education, law enforcement, and the military; and

**WHEREAS,** Farmington Hills represents a place where diverse people from all backgrounds live and work together, giving us opportunities to honor our differences and celebrate our similarities.

**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 **Native American Heritage Month** in Farmington Hills and urge all citizens to learn about Native American heritage and culture and to celebrate the vast contributions of the first Americans.

#### **CORRESPONDENCE**

There was no correspondence acknowledged.

#### **CONSENT AGENDA**

MOTION by Massey, support by Newlin, to approve consent agenda as read.

Roll Call Vote:

Yeas: BOLEWARE, BRIDGES, BRUCE, MASSEY, AND NEWLIN

Nays: NONE

Absent: BARNETT AND KNOL

Abstentions: NONE

MOTION CARRIED 5-0.

#### **PUBLIC QUESTIONS AND COMMENTS**

Pam Gerald, resident, commented on the forum regarding community policing at the HAWK and expressed concern over why the Farmington Hills Police Chief and Farmington Public Safety Officers were not invited and the overall presentation.

#### **COUNCIL MEMBERS COMMENTS AND ANNOUNCEMENTS**

City Council mentioned the following events:

- Complimented Special Services on their Veteran's Day event

#### **CITY MANAGER UPDATE**

City Manager Mekjian provided the following update:

- A Neighborhood Watch meeting scheduled for November 21 at 7pm in the Council Chamber
- The Holiday Lighting Ceremony will be held on Tuesday December 6<sup>th</sup> at 6:30pm at City Hall
- Yard waste collection will end the week of December 12-16, 2022
- A joint meeting with City Council, Farmington City Council and Farmington School Board is scheduled for January 25<sup>th</sup> at 6pm at the Maxfield Training Center

#### **NEW BUSINESS**

#### **CONSIDERATION OF APPROVAL OF AMENDMENT TO CONSENT JUDGMENT NO. 54 FOR THE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 14 MILE ROAD AND FARMINGTON ROAD.**

Charmaine Kettler-Schmult, Director of Planning and Community Development, explained that the request before City Council is for an amendment to a consent judgment to allow for a 7-foot high fence to be installed to replace a masonry wall that deteriorated and was part of the initial consent judgment. She noted that the adjacent homeowner's association has been contacted and they do not object to the

proposal. The City Attorney's Office has prepared and reviewed the proposed amendment before City Council.

Mayor Pro-Tem Bruce acknowledged Corbin Miller who requested to speak on this issue.

Mr. Miller, Hitching Post Ct., expressed concern over the proposed fence that was to replace the masonry wall as well as the communication regarding the proposal. He stated that he was the one who contacted the city over a year ago regarding the deteriorating wall but there has been little communication to him since other than being requested to sign in favor of the amended consent judgment. He stated that he would prefer a masonry wall over the proposed fence but if this is approved this evening, he would ask that the fence is installed as soon as possible.

Director Kettler-Schmult stated that she would look into the communication between the city and Mr. Miller. It was pointed out that the city had been working with the homeowners association who should have also been in contact with the residents.

Mayor Pro-Tem Bruce inquired if the fence could be painted a different color. Attorney Joppich explained that the parties agreed on a fence that would match an existing fence on the property so any deviations would require for the parties to agree and then it would have to come back to City Council for approval.

Councilmember Newlin expressed concern that the proposed fence would not provide for the same privacy and noise control as the previous masonry wall. Director Kettler-Schmult responded that there should not be a significant difference with the noise and pointed out that the proposed wall would be a foot higher than the previous masonry wall that should help with noise abatement.

MOTION by Massey, support by Bridges, that the City Council of Farmington Hills hereby authorizes the City Manager and City Attorney to sign on behalf of the City the Stipulation and Order to Amend Consent Judgment and submit same to the Court for entry in the case of Pineview Office Center Association, Successor to Robert and Carol Chapa vs. City of Farmington Hills, Successor to Township of Farmington, Oakland County Circuit Court Case No. 72-83546.

MOTION CARRIED 4-1 (Newlin opposed).

**CONSENT AGENDA**

**RECOMMENDED APPROVAL OF AWARD OF BID FOR FIREWORKS DISPLAY FOR THE JULY 6, 2023 CELEBRATION TO PYROTECNICO FIREWORKS IN THE AMOUNT OF \$35,000.00. CMR 11-22-104**

MOTION by Massey, support by Newlin, that the City Council of Farmington Hills hereby authorizes the City Manager to issue a purchase order to Pyrotecnico Fireworks for the July 6, 2023 celebration for \$35,000.

Roll Call Vote:

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

MOTION CARRIED 5-0.



**RECOMMENDED APPROVAL OF AWARD OF PROPOSALS FOR AS NEEDED CITY OFFICE FURNISHINGS TO SMART BUSINESS SOURCE FOR ONE YEAR; WITH EXTENSIONS. CMR 11-22-105**

MOTION by Massey, support by Newlin, that the City Council of Farmington Hills hereby authorizes the City Manager to approve all budgeted purchase orders for office furnishings to Smart Business Source for one (1) year 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, MASSEY, AND NEWLIN  
Nays: NONE  
Absent: BARNETT AND KNOL  
Abstentions: NONE

MOTION CARRIED 5-0.

**RECOMMENDED APPROVAL OF AWARD OF BID FOR FIREFIGHTER PERSONAL PROTECTIVE EQUIPMENT FOR A PERIOD OF ONE YEAR TO PHOENIX SAFETY OUTFITTERS AND CONWAY SHIELD; WITH EXTENSIONS. CMR 11-22-106**

MOTION by Massey, support by Newlin, that the City Council of Farmington Hills hereby authorizes the City Manager to approve all budgeted purchases for fire fighter personal protective equipment for a period of one (1) year with one or more administration-approved extensions not to exceed a total of four (4) additional one year periods to the following companies:

1. Phoenix Safety Outfitters for Dragon Fire Alpha X Gloves, FireCraft Phoenix Structural Gloves
2. Conway Shield for Cairns 880, 1044 Helmet and Cairns 664 Invader with Tuff Shield

Roll Call Vote:

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

MOTION CARRIED 5-0.

**RECOMMENDED APPROVAL OF AGREEMENT FOR POLICE VEHICLE ACCESSORIES TO WINDER POLICE EQUIPMENT IN THE AMOUNT OF \$37,660.75. CMR 11-22-107**

MOTION by Massey, support by Newlin, that the City Council of Farmington Hills hereby waives the formal bid requirements and authorizes the City Manager to issue a purchase order for Police Vehicle Equipment in the amount of \$37,660.75 to Winder Police Equipment with all the terms and conditions of previously awarded bid from Oakland County contract.

Roll Call Vote:

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

MOTION CARRIED 5-0.

**RECOMMENDED APPROVAL OF CRISIS COMMUNICATIONS SERVICES WITH LAMBERT GLOBAL IN AN AMOUNT NOT TO EXCEED \$40,000. CMR 11-22-108**

MOTION by Massey, support by Newlin, that the City Council of Farmington Hills hereby authorizes the City Manager to approve all invoices for Lambert Global, for Crisis Communications Services in an amount not to exceed \$40,000.

Roll Call Vote:

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

MOTION CARRIED 5-0.

**RECOMMENDED APPROVAL OF CITY COUNCIL STUDY SESSION MEETING MINUTES OF OCTOBER 24, 2022**

MOTION by Massey, support by Newlin, that the City Council of Farmington Hills hereby approves the study session meeting minutes of October 24, 2022.

Roll Call Vote:

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

MOTION CARRIED 5-0.

**RECOMMENDED APPROVAL OF CITY COUNCIL REGULAR SESSION MEETING MINUTES OF OCTOBER 24, 2022.**

MOTION by Massey, support by Newlin, that the City Council of Farmington Hills hereby approves the regular session meeting minutes of October 24, 2022.

Roll Call Vote:

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

MOTION CARRIED 5-0.

**RECOMMENDED APPROVAL OF CITY COUNCIL SPECIAL MEETING MINUTES OF OCTOBER 27, 2022.**

MOTION by Massey, support by Newlin, that the City Council of Farmington Hills hereby approves the special meeting minutes of October 27, 2022.

Roll Call Vote:

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

MOTION CARRIED 5-0.

**ADDITIONS TO AGENDA**

There were no additions to the agenda.

**ATTORNEY REPORT**

The attorney report was received by Council.

**ADJOURNMENT**

MOTION by Bridges, support by Massey, to adjourn the regular session City Council meeting at 8:13pm.

MOTION CARRIED 5-0.

Respectfully submitted,

Pamela B. Smith, City Clerk