

MINUTES
CITY OF FARMINGTON HILLS
CITY COUNCIL MEETING
DECEMBER 2, 2019 – 7:30 PM
CITY HALL – COUNCIL CHAMBER

The regular session meeting of the Farmington Hills City Council was called to order by Mayor Barnett at 7:33p.m.

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

Council Members Absent: None

Others Present: City Manager Boyer, City Clerk Smith, Assistant City Manager Mekjian, Directors Mondora and Monico and City Attorney Joppich

PLEDGE OF ALLEGIANCE

Mayor Barnett led the pledge of allegiance.

APPROVAL OF REGULAR SESSION MEETING AGENDA

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

MOTION CARRIED 7-0.

CORRESPONDENCE

There was no correspondence acknowledged at this time.

CONSENT AGENDA

MOTION by Steckloff, support by Massey, to approve Consent Agenda as read.

Roll Call Vote:

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

Nays: NONE

Absent: NONE

Abstentions: NONE

MOTION CARRIED 7-0.

CONSENT AGENDA ITEMS FOR DISCUSSION

There was no consent agenda items discussed.

PUBLIC QUESTIONS AND COMMENTS

Kyle Dayak, 35277 Valley Forge, questioned the city's involvement with regard to the false university established in the city by the Federal Program ICE who claimed to be fighting immigration visa fraud and what the city is doing to make sure it does not happen again. He believes that these students were taken advantage of and believed they were enrolling in school.

City Manager Boyer commented that the City has not authority over Federal Government or their operations.

COUNCIL MEMBERS COMMENTS AND ANNOUNCEMENTS

The following comments/announcements were made:

- Farmington Area Goodfellows events were acknowledged
- Thank you to the Fire and Police Departments for delivery turkeys to residents for Thanksgiving

CITY MANAGER UPDATE

City Manager Boyer provided the following update:

- Holiday Lighting will take place December 3rd at City Hall
- Yard waste removal will end the week of December 9th

UNFINISHED BUSINESS

RECONSIDERATION OF A RESOLUTION ESTABLISHING THE 13 MILE ROAD SANITARY SEWER PAYBACK DISTRICT (DRAKE ROAD TO MARVIN ROAD) AND THE FINAL PAYBACK COSTS.

City Manager Boyer explained that this resolution establishing a sanitary sewer payback district for 13 Mile Road was approved by City Council last week and after discussing the resolution with staff further, he suggested extending the time period in which residents could connect to five (5) years rather than just one (1) year and still spread their payments over a period of 10 years. The revised resolution is before City Council this evening for reconsideration.

MOTION by Massey, support by Steckloff, that the City Council of Farmington Hills hereby approves reconsideration of Resolution No. R-199-19, previously adopted at the November 25, 2019 City Council Meeting.

MOTION CARRIED 7-0.

MOTION by Knol, support by Bridges, that the City Council of Farmington Hills hereby approves amended Resolution No. R-199-19.

MOTION CARRIED 7-0.

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

**AMENDED
RESOLUTION R-199-19**

At a regular meeting of the City Council of the City of Farmington Hills, Oakland County, Michigan, held in the Council Chambers at City Hall on the 25th day of November, 2019, at 7:30 p.m., Eastern Standard Time.

PRESENT: BARNETT, BOLEWARE, BRIDGES, KNOL, MASSEY, NEWLIN AND STECKLOFF

ABSENT: NONE

The following resolution was offered by Councilmember Knol and supported by Councilmember Bridges:

**13 MILE ROAD SANITARY SEWER PAYBACK DISTRICT (DRAKE TO MARVIN)
SECTION 9**

WHEREAS the City Code Section 33-201 authorizes the City to establish connection charges for benefited properties to contribute to the cost of sanitary sewer construction, and

WHEREAS a sanitary sewer and a service lead was installed by the City of Farmington Hills to provide sanitary sewer service to the properties listed below, and

WHEREAS if a property is subdivided or split into more units than defined below, as outlined in City Code Section 27, each resulting connection would be responsible for one estimated unit of cost, as directed by the City Assessor, prior to the approval of the subdivision or split, and

WHEREAS if a property opts to pay for its proportionate share of the improvement costs within five (5) calendar years of the approval of this resolution and that property is not being subdivided or split, that property shall have the option of amortizing the payback cost over ten years, with interest, through the City. The interest rate to be charged will be based on the rate of 10-year Treasury Bonds plus 1%, following the approval of the payback district. Any property who opts to finance the payback over ten years through the City will be required to sign a payback agreement, which will be prepared by the City Attorney, and

WHEREAS the properties benefited by the construction of the sanitary sewer are as follows:

23-09-101-001	35361 13 MILE	1
Unit/\$31,487.91		
T1N, R9E, SEC 9 DRAKE FARM SUB LOT 1		
23-09-101-002	35339 13 MILE	1
Unit/\$31,487.91		
T1N, R9E, SEC 9 DRAKE FARM SUB LOT 2		
23-09-101-003	35315 13 MILE	1
Unit/\$31,487.91		
T1N, R9E, SEC 9 DRAKE FARM SUB LOT 3		
23-09-101-004	35297 13 MILE	1
Unit/\$31,487.91		
T1N, R9E, SEC 9 DRAKE FARM SUB LOT 4		
23-09-101-005	35285 13 MILE	1
Unit/\$31,487.91		
T1N, R9E, SEC 9 DRAKE FARM SUB LOT 5		
23-09-101-006	35245 13 MILE	1
Unit/\$31,487.91		
T1N, R9E, SEC 9 DRAKE FARM SUB LOT 6		

23-09-101-007	35227 13 MILE	1
Unit/\$31,487.91		
T1N, R9E, SEC 9 DRAKE FARM SUB LOT 7		
23-09-101-008	35219 13 MILE	1
Unit/\$31,487.91		
T1N, R9E, SEC 9 DRAKE FARM SUB LOT 8		
23-09-101-009	35209 13 MILE	1
Unit/\$31,487.91		
T1N, R9E, SEC 9 DRAKE FARM SUB LOT 9		
23-09-102-011	35209 EDYTHE	1
Unit/\$31,487.91		
T1N, R9E, SEC 9 DRAKE FARM SUB LOT 32		
23-09-102-037	35115 13 MILE	1
Unit/\$31,487.91		
T1N, R9E, SEC 9 PART OF NW 1/4 BEG AT PT DIST E 1320.74 FT FROM NW SEC COR, TH E 100 FT, TH S 00-15-30 E 292.86 FT, TH S 89-58-30 W 100 FT, TH N 00- 15-30 W 292.90 FT TO BEG 0.67 A5-12-89 FR 031		
23-04-352-015	35230 13 MILE	1
Unit/\$31,487.91		
T1N, R9E, SEC 4 MUER COVE ESTATES LOT 67		
23-04-352-016	35220 13 MILE	1
Unit/\$31,487.91		
T1N, R9E, SEC 4 MUER COVE ESTATES LOT 66		

NOW, THEREFORE, BE IT RESOLVED that pursuant to Section 33-201 of the City Code, no connection, subdivision of land or lot split shall be permitted to the above-described properties until such time as the payback amount established above for each given property has been collected from the benefited property owners, such sum being the proportionate share of the construction of the sanitary sewer in addition to all other costs, charges, fees or other payment required by any code, ordinance or resolution of the City. The payback amount shall be collected in order to reimburse the City of Farmington Hills Sewer Reserve Fund for costs incurred for the construction of the improvement.

AYES: BARNETT, BOLEWARE, BRIDGES, KNOL, MASSEY, NEWLIN AND STECKLOFF

NAYS: NONE

ABSTENTION: NONE

The resolution was adopted.

NEW BUSINESS

CONSIDERATION OF AN APPEAL OF A FREEDOM OF INFORMATION ACT (FOIA) REQUEST DATED OCTOBER 4, 2019

Attorney Carlito Young explained the FOIA appeal process and stated that upon review of Mr. Opperthausen's appeal and the documents provided with redactions or not provided as they did not exist, it is his opinion that the decision of the FOIA Coordinator in the Farmington Hills Police Department should be upheld. The information redacted from the documents was exempt from disclosure as it was of a personal nature or part of LIEN information and other information that was denied did not exist. He also noted that the federal FOIA law noted in Mr. Opperthausen's appeal did not apply in this instance and his decision is based on the state statute.

Mr. Opperthausen stated that the Freedom of Information Act, as he understood it, allowed for the redaction of certain words but not full sentences and he did not feel that all of the information redacted would have fallen under the exemptions in the act and that his request should be reconsidered.

Attorney Young clarified that the most significant portion of information redacted related to LIEN information, which is more protected under the law. The personal information redacted was limited to a few words.

MOTION by Massey, support by Bridges, , that the City Council of Farmington Hills hereby affirms the Police Department's redaction and denial of the contact information and LEIN information in this matter for the following reasons:

1. Both FOIA Section 43(1)(a) and legal precedent in Michigan support redacting an individuals' personal contact information, including that individual's personal phone number
2. The redacted LEIN information is non-public information and exempt from disclosure under FOIA Section 43(1)(d) and the LEIN statute
3. The federal FOIA law referenced in Mr. Opperthausen's appeal does not apply to the matter involving the City's Police Department

MOTION CARRIED 7-0.

CONSIDERATION OF APPROVAL OF THE INTRODUCTION OF AN ORDINANCE AUTHORIZING THE CONVEYANCE OF PROPERTY LOCATED AT 30790 EIGHT MILE ROAD TO D'AN-CO PROPERTIES, LLC. CMR 12-19-119

Assistant City Manager Mekjian explained that the city attained the property through Oakland County due to tax foreclosure and it has sat vacant for several years. City staff worked with the Brownfield Redevelopment Authority and completed a phase 1 & phase 2 environmental study and due care plan and demolished the building and remediated the site. The property was appraised in 2018 and City Council authorized a purchase agreement to sell the property in the amount of \$180,000. Since that time staff has been working with the purchaser to finalize the closing of the sale and the warranty deed provided was drafted and reviewed by the City Attorney's Office. The City Charter requires the sale of property by ordinance and staff is recommending approval of the ordinance to convey the property.

MOTION by Massey, support by Newlin, that the City Council of Farmington Hills hereby approves the introduction of an ordinance authorizing the conveyance of the property located at 30790 Eight Mile Road, Farmington Hills, Michigan to D'An-Co, LLC as well as authorize the City Manager to sign the Warranty Deed, subject to minor changes based on title company comments and

final title policy exceptions, as reviewed and approved by the City Attorney, conveying the property the property to D'An-Co, LLC for the sum of \$180,000.

MOTION CARRIED 7-0.

CONSENT AGENDA

RECOMMENDED APPROVAL OF SETTING THE DATE OF JANUARY 11, 2020 FOR THE CITY COUNCIL GOALS STUDY SESSION.

MOTION by Steckloff, support by Massey, that the City Council of Farmington Hills hereby schedules the annual goals study session meeting for Saturday, January 11, 2020, beginning at 9:00 a.m.

Roll Call Vote:

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

MOTION CARRIED 7-0.

RECOMMENDED APPROVAL OF AWARD OF CONTRACT FOR THE BRITTANY DRIVE CULVERT RECONSTRUCTION PROJECT TO M-K CONSTRUCTION CO., INC. IN THE AMOUNT OF \$699,443.03. CMR 12-19-120

MOTION by Steckloff, support by Massey, that the City Council of Farmington Hills hereby approves the award of Brittany Drive Culvert Reconstruction Project to the lowest competent bidder, M-K Construction Co., Inc. of Brownstown, Michigan in the amount of \$699,443.03; 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, BOLEWARE, BRIDGES, KNOL, MASSEY, NEWLIN AND STECKLOFF
Nays: NONE
Absent: NONE
Abstentions: NONE

MOTION CARRIED 7-0.

RECOMMENDED APPROVAL OF AWARD OF BIDS FOR POLICE DEPARTMENT RENOVATION PHASE 4 – DISPATCH BID PACK #1 TO VARIOUS CONTRACTORS IN THE TOTAL AMOUNT NOT TO EXCEED \$351,053. CMR 12-19-121

MOTION by Steckloff, support by Massey, that the City Council of Farmington Hills hereby authorizes the City Manager and Cunningham-Limp to issue contracts, in the following amounts for the Police Department Renovation Project:

Item	Award Amount	Contractor(s)
Demolition	\$7,400	DKI International, Inc. (West Bloomfield)
Glass & Glazing	\$6,511	American Gem Services (Roseville)
Doors & Hardware	\$8,040	R.K. Hoppe Corporation (New Hudson)
Carpentry, Drywall & Ceilings	\$24,167	Conquest Construction Co., Inc. (Livonia)
Millwork	\$9,070	Greenfield Cabinetry (Warren)
Painting & Finishes	\$3,500	Eco Painting LLC. (Livonia)
Floor Covering	\$10,371	Interior Image, Inc. (Novi)
Access Floors	\$23,800	Data Supplies Co., Inc. (Plymouth)
Plumbing	\$2,500	Allor Plumbing (New Hudson)
HVAC	\$7,500	Douglas Mechanical LLC. (Livonia)
Electrical	\$39,900	Electric Power & Design, Inc. (Redford)
Fire Protection	\$10,500	Interstate Fire Protection (New Hudson)
Design Build Services	\$139,257	Cunningham-Limp w/ Sidock Architects
Bid Pack #1 Design & Construction Contingency	\$43,000	Cunningham-Limp w/ Sidock Architects
White noise/Sound management	\$7,500	Allowance
Project Contingency	\$8,037	Allowance
Award Total	\$351,053	Not to exceed Total

Roll Call Vote:

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

MOTION CARRIED 7-0.

ADJOURNMENT

Mayor Barnett adjourned the regular session City Council meeting at 8:04pm.

Respectfully submitted,



Pamela B. Smith, City Clerk