

MINUTES
CITY COUNCIL MEETING
CITY OF FARMINGTON HILLS
SEPTEMBER 25, 2017 – 7:30 PM
CITY HALL – COUNCIL CHAMBER

The regular meeting of the Farmington Hills City Council was called to order by Mayor Massey at 7:30 p.m.

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

Council Members Absent: None

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

PLEDGE OF ALLEGIANCE

Kelly Monico, Director of Central Services, led the pledge of allegiance.

APPROVAL OF AGENDA

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

MOTION CARRIED 7-0.

COMMISSION FOR ENERGY AND ENVIRONMENTAL SUSTAINABILITY TIP OF THE MONTH

The following Energy and Environmental Sustainability Tip of the Month was read by Councilmember Bruce:

**Commission for Energy and Environmental Sustainability
Tip of the Month
September 25, 2017**

October is Energy Awareness Month! So this month we challenge you to make your home more energy efficient and think about using our Nation's energy sustainably.

Some suggestions on how to be more energy efficiency are:

1. Get a home energy audit, DTE and Consumers Energy both offer home energy audits
2. Clean your HVAC filters
3. Check your insulation, is your indoor air getting outside or vice versa?

For more information on becoming more energy efficiency visit www.sustainablefh.com

CORRESPONDENCE

There was no correspondence acknowledged.

CONSENT AGENDA

MOTION by Bruce, support by Lerner, to approve the Consent Agenda items #5 through #8.

Roll Call Vote:

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

MOTION CARRIED 7-0.

MOTION by Bridges, support by Bruce, to approve the Consent Agenda item #9.

Roll Call Vote:

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

MOTION CARRIED 6-0-0-1.

PUBLIC QUESTIONS AND COMMENTS

Ted Grulke, Old Homestead, commented that the new roads in Independence Commons were great, but the landscaping and grass restoration was not what they expected or as good as other areas that were previously repaired in the subdivision. He mentioned an area of concrete that is also in need of repair.

City Manager Boyer asked Mr. Grulke to speak to the Director of Public Services who was present so that she could take down the information in order to address the concerns presented.

Tom DeWard, Independence Commons, asked the City Council to reconsider reimbursement for several residents for an error that occurred in assessing their property taxes years back. He also made a suggestion with regard to the proposed road millage language and how the city may be able to reimburse those who are currently paying on a special assessment district rather than trying to exempt them from the millage, language that was not approved by the Attorney General's Office.

Carter Grarbarczyk, Old Homestead, inquired why he had to submit a Freedom of Information Act Request in order to receive a public document.

Attorney Joppich responded that the Freedom of Information Act provides for that process by law for gaining access to public documents.

Lorna Slenkai, Greening, complimented Farmington Hills on their dangerous animal ordinance and enforcement but expressed concern with the conditions at the Rollcrest Kennel. She added that the City of Livonia filed a lawsuit against the owner and questioned why Farmington Hills has not done the same.

Mayor Massey explained that this matter falls under the Oakland County Animal Control and is an ongoing investigation at this point so he will only comment that the kennel is closing. City Manager Boyer added that the kennel is scheduled to close by the first week of November, 2017.

Pam Sordyl, Puppy Mill Awareness, also commented on the Livonia lawsuit and questioned why Farmington Hills has not done the same. She feels that progress is not just closing the kennel but restricting her from opening up another kennel somewhere else.

Attorney Joppich clarified that the city did pursue a District Court violation and a trial was held and the ruling was in favor of the city. He added that zoning enforcement has also taken place and there was a subsequent inspection by the city and no indication that she was in violation at that time.

It was noted that the treatment of animals or animal neglect is handled by Oakland County through their Animal Control, and it is unknown how this is handled in Wayne County or the City of Livonia.

COUNCIL MEMBER'S COMMENTS AND ANNOUNCEMENTS

The following comments and announcements were made:

- Councilmember Rich is holding a community hour on Sunday October 8th from 1:30pm - 2:30pm in the Heritage Room at the Farmington Hills Library.
- Dr. Rich noted the availability of a vacation hotline through the Police Department 248.871-2762 where residents could contact the Police to let them know they will be out of town and home checks would be made.
- Mayor Pro-Tem Steckloff commented that until she was elected to Council, she did not realize just how long a process that some items could be. She understands and shared everyone's frustrations regarding the kennel.
- Mayor Massey mentioned the dates/times for the upcoming community forums

CITY MANAGER UPDATE

City Manager Boyer provided an update on the following:

- Various road construction projects
- Hazardous Waste Days – October 7th in Novi and October 21st in Southfield
- Independence Commons road project

Councilmember Bruce inquired if there was an update on the 12 Mile Road construction project. City Manager Boyer responded that the contractor is currently working on both sides of the road at the same time to expedite the project and staff is continuing to push to have the project completed this year.

NEW BUSINESS

CONSIDERATION OF THE INTRODUCTION OF AN ORDINANCE TO AMEND THE FARMINGTON HILLS CODE OF ORDINANCES, SECTIONS 4-4 AND 4-6, TO CONFORM TO CHANGES IN STATE LAW REGARDING UNLAWFUL PURCHASE, CONSUMPTION, OR POSSESSION OF ALCOHOL BY MINORS.

Attorney Joppich explained that there were two recent public acts that were to go into effect as of January 1, 2018 regarding unlawful purchase, consumption or possession of alcohol by minors. It is anticipated that the effective date may be moved up to October 10, 2017, and in order to keep the city code in compliance with state law, the suggested ordinance amendment is before City Council for consideration. Attorney Joppich pointed out that the most significant impact with regard to the changes in state law is that the first offense of a minor in possession would be a civil infraction and not a criminal offense.

MOTION by Bridges, support by Rich, that the City Council of Farmington Hills hereby approves the INTRODUCTION of an Ordinance to amend the Farmington Hills Code of Ordinances, Sections 4-4 and 4-6, to conform to changes in State Law regarding unlawful purchase, consumption, or possession of alcohol by minors.

Roll Call Vote

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

MOTION CARRIED 7-0.

CONSIDERATION OF THE INTRODUCTION OF AN ORDINANCE TO AMEND THE FARMINGTON HILLS CODE OF ORDINANCES, CHAPTER 20, "SOLICITORS AND PEDDLERS," SECTION 20-11, "OBSTRUCTING TRAFFIC," AND SECTION 20-15, "PEDDLING/SOLICITING ON PUBLIC PROPERTY" TO COMPLY WITH PUBLIC ACT 112 OF 2017 APPLICABLE TO SOLICITING IN PUBLIC STREETS.

Attorney Joppich stated that there currently are provisions in the city code allowing for charitable organizations to solicit within certain intersections of the city with regulations. He stated that the state law is now making it clear that communities cannot prohibit solicitation within the intersections but also allow for some regulations. The proposed amendment would bring the current ordinance into compliance with state law.

Councilmember Bruce suggested that people check www.charitywatch.org to confirm that an organization is in fact a charitable organization. He expressed concern with people holding signs asking for money at the corners and this interfering with traffic and putting people at risk.

MOTION by Bruce, support by Lerner, that the City Council of Farmington Hills hereby approves the INTRODUCTION of an Ordinance to amend the Farmington Hills Code of Ordinances, Chapter 20, "Solicitors and Peddlers," Section 20-11, "Obstructing Traffic," and Section 20-15, "Peddling/Soliciting on Public Property" to comply with Public Act 112 of 2017 applicable to soliciting in public streets.

Councilmember Lerner stated that he would still like to see the time frame limited to 3 days per year. Attorney Joppich confirmed that had not changed.

Councilmember Bridges inquired how the state law and ordinance amendment would affect the individual solicitors on the side of the road.

Attorney Joppich stated that if they stepped into the street, state law or the city ordinance could apply; but he clarified that such individuals are required to be soliciting on behalf of a charitable organization.

Roll Call Vote

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

MOTION CARRIED 7-0.

CONSENT AGENDA
RECOMMENDED APPROVAL OF PURCHASE OF FLEET VEHICLES TO SIGNATURE FORD FOR TEN (10) VEHICLES IN THE AMOUNT OF \$261,204.00, TO WENZEL BUICK GMC FOR ELEVEN (11) VEHICLES IN THE AMOUNT OF \$201,195.00 AND TO BERGER CHEVROLET FOR ONE (1) VEHICLE IN THE AMOUNT OF \$35,729.00. CMR 9-17-83

MOTION by Bruce, support by Lerner, 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 \$261,204.00
- 2) To Wenzel Buick GMC for eleven (11) vehicles in the amount of \$201,195.00
- 3) To Berger Chevrolet for one (1) vehicle in the amount of \$35,729.00

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

MOTION CARRIED 7-0.

RECOMMENDED APPROVAL OF AWARD OF BID FOR EXTRICATION EQUIPMENT AND SERVICE TO APOLLO EQUIPMENT IN THE AMOUNT OF \$33,950.00; WITH EXTENSIONS. CMR 9-17-84

MOTION by Bruce, support by Lerner, that the City Council of Farmington Hills hereby authorizes the City Manager to issue a purchase order for extrication equipment and service to Apollo Equipment in the amount of \$33,950.00; and authorizes the City Manager to issue purchase orders for all budgeted purchases of extrication equipment for four (4) additional one year terms in an amount not to exceed a 3% increase per year.

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

MOTION CARRIED 7-0.

RECOMMENDED APPROVAL OF THE LIST OF QUALIFIED CONSTRUCTION COMPANIES TO PROVIDE AS-NEEDED CONSTRUCTION SERVICES; WITH A 3 YEAR EXTENSION. CMR 9-17-85

MOTION by Bruce, support by Lerner, that the City Council of Farmington Hills hereby authorizes the City Manager and City Clerk to approve the following list of qualified construction companies to provide As-Needed Construction Services:

RECOMMENDED QUALIFIED CONTRACTORS

Paving

Nagle Paving, 39525 W. 13 Mile, Suite 30, Novi, MI 48377
Pavex Corporation, 2654 Van Horn Road, Trenton, MI 48183

Underground Construction

D'Angelo Brothers, 30750 W. 8 Mile, Farmington Hills, MI 48336

Landscaping

F.J. LaFontaine & Sons, P.O. Box 1126, Farmington, MI 48332

IT IS FURTHER RESOLVED, that City Council authorizes a three year extension to this approved list upon agreement between the City and the Contractor; and authorizes City staff to enter into an agreement with the most qualified company as projects become available.

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

MOTION CARRIED 7-0.

RECOMMENDED ADOPTION OF THE UPDATED PERFORMANCE RESOLUTION FOR CITY PROJECTS IN THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) RIGHT-OF-WAY. CMR 9-17-86

MOTION by Bruce, support by Lerner, that the City Council of Farmington Hills hereby adopts the updated Performance Resolution for City Projects in the Michigan Department of Transportation (MDOT) Right-of-Way.

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

MOTION CARRIED 7-0.

Michigan Department
Of Transportation
2207B (12/16)

**PERFORMANCE RESOLUTION
FOR GOVERNMENTAL AGENCIES**

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R-164-17

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way", or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

RESOLVED WHEREAS, the City of Farmington Hills
(city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.
4. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

5. The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.
6. With respect to any activities authorized by a PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
7. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
8. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Title and/or Name:

Director of Public Services

City Engineer

Public Works Superintendent

RECOMMENDED APPROVAL OF THE CITY COUNCIL REGULAR MEETING MINUTES OF SEPTEMBER 11, 2017.

MOTION by Bridges, support by Bruce, that the City Council of Farmington Hills hereby approves regular meeting minutes of September 11, 2017 as submitted.

Roll Call Vote:

Yeas: BRIDGES, BRUCE, KNOL, LERNER, MASSEY AND RICH

Nays: NONE

Absent: NONE

Abstentions: STECKLOFF

MOTION CARRIED 6-0-0-1.

ADJOURNMENT

Mayor Massey adjourned the regular City Council meeting at 8:15pm.

Respectfully submitted,



Pamela B. Smith, City Clerk