

MINUTES
CITY COUNCIL MEETING
CITY OF FARMINGTON HILLS
OCTOBER 26, 2015 – 7:30 PM
CITY HALL – COUNCIL CHAMBER

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

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

Council Members Absent: None

Others Present: Acting City Manager Boyer, City Clerk Smith, Assistant to the City Manager Geinzer, Directors Gardiner, Mekjian and Schnackel, Police Chief Nebus, City Attorney Joppich and Planning Consultant Arroyo.

PLEDGE OF ALLEGIANCE

Resident, Phil Mintz, led the pledge of allegiance.

APPROVAL OF AGENDA

MOTION by Massey, support by Lerner, to approve agenda as presented.

MOTION CARRIED 7-0.

PROCLAMATION RECOGNIZING NOVEMBER 1, 2015 AS EXTRA MILE DAY

The following proclamation was read by Councilmember Lerner.

**PROCLAMATION
Extra Mile Day
November 1, 2015**

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

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

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

WHEREAS, Farmington Hills acknowledges Extra Mile America’s mission to create 500 Extra Mile cities in our country and supports “Extra Mile Day” on November 1, 2015.

NOW, THEREFORE, BE IT RESOLVED, that I, Barry Brickner, Mayor of the City of Farmington Hills, on behalf of the City Council, do hereby proclaim November 1, 2015 to be **Extra Mile Day** and urge each member of the community to not only “go the extra mile” in his or her own life, but also to

acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country or world a better place.

PROCLAMATION RECOGNIZING NOVEMBER 28, 2015 AS SMALL BUSINESS SATURDAY

The following proclamation was read by Councilmember Knol and accepted by Mayor Brickner:

**PROCLAMATION
Small Business Saturday
November 28, 2015**

- WHEREAS,** the City of Farmington Hills celebrates small businesses and the critical contribution they make to our community, the local economy, and the overall economic health of the United States; and
- WHEREAS,** according to the U.S. Small Business Administration, currently there are almost 28 million small businesses in our country, representing more than 99 percent of American companies, creating two-thirds of new jobs, and generating almost half of private gross domestic product; and
- WHEREAS,** small businesses employ over half of the workers in the private sector in the United States and contribute positively to the local community by supplying jobs and generating tax revenues; and
- WHEREAS,** consumers in the U.S. are strongly encouraged to support the “buy local” movement to help create jobs, boost the local economy, and benefit our neighborhoods.

NOW, THEREFORE, BE IT RESOLVED, that I, Barry Brickner, Mayor of the City of Farmington Hills, on behalf of the City Council, do hereby proclaim November 28, 2015 as **Small Business Saturday** and urge all residents to support small businesses and merchants annually on the Saturday after Thanksgiving and also throughout the year.

COMMISSION FOR ENERGY AND ENVIRONMENTAL SUSTAINABILITY “TIP OF THE MONTH”:

Commission for Energy and Environmental Sustainability
October 26, 2015
Read by Councilmember Bruce

It’s heating season, which not only means beautiful fall colors, football, chili, and pumpkin pie, but also higher natural gas bills.

Did you know that you can save around 10% a year on your heating and cooling bills by simply turning your thermostat back 10°–15° for eight hours? You can do this automatically without sacrificing comfort by installing an automatic setback or programmable thermostat.

Using a programmable thermostat allows you to set a schedule where you don’t operate your heating and cooling equipment as much when you are asleep or when the house is not occupied.

Programmable thermostats can store and repeat multiple daily settings that you can manually override without affecting the rest of the daily or weekly program. When shopping for a programmable thermostat, be sure to look for the ENERGY STAR® label.

It's also a good idea to tune up your furnace each year. Benefits include:

- Reduced risk of carbon monoxide issues
- Improved airflow
- Reduced repairs through preventable maintenance
- Improved energy efficiency
- Maintained manufacturer's warranty when applicable

Put your energy where it counts this fall by tackling your heating and cooling costs.

For more information, go to www.gfaenergyprize.com.

CORRESPONDENCE

The Council acknowledged receipt of the following correspondence:

- Objection to use of Smart Meters from a resident

CONSENT AGENDA

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

Roll Call Vote:

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

MOTION CARRIED 7-0.

PUBLIC QUESTIONS AND COMMENTS

Phil Mintz, resident, announced his endorsement of Councilmembers Bruce and Lerner for the next Election as well as for Mayor Pro-Tem Massey as Mayor.

County Commissioner Gershenson commended the Fire Department for supporting Breast Cancer Awareness by having their staff wear pink medical gloves this month. She reminded citizens of the Women's Business Protocol Workshop on November 13, 2015 at the Pontiac Marriott. Commissioner Gershenson also mentioned negotiations taking place to restructure the Tri-County road funding and she and Commissioners Dwyer and Jackson are strongly advocating for the south end communities.

COUNCIL MEMBER'S COMMENTS AND ANNOUNCEMENTS

The following Council comments/announcements were made:

- Councilmember Bridges and Mayor Pro-Tem Massey attended the Farmington/Farmington Hills Foundation Annual Charity Dinner to support education in Farmington Hills
- Annual Good Fellows food collection drive starts Monday and collection boxes are located throughout the community for non-parishable foods and unwrapped toys
- Battle of the Middles fundraiser for Good Fellows is scheduled for December 4th and Free Movie Day at the Civic Theatre is December 5th

- Holiday delivery for Good Fellows is December 19th at which time they will serve 300-400 families in need
- The City Clerk's Office is open Saturday, October 31st from 8:30am until 2pm for Election related business only
- The last day to obtain an absent voter ballot in person is Monday, November 2nd up until 4pm and the polls are open Election Day from 7am until 8pm
- Mayor Brickner and staff met with the new Consulate General of Japan
- November 6th the Senior Division at the Costick Center is hosting the Stars and Stripes event honoring local veterans from 11am to 3pm at the Costick Center.

It was mentioned that Councilmember Steckloff was not present at the Special Meeting of October 17, 2015. Attorney Joppich suggested that Council reconsider approval of those minutes.

MOTION by Bridges, support by Lerner, to reconsider consent agenda item #15.

MOTION CARRIED 7-0

MOTION by Lerner, support by Massey, to approve agenda item #15 as presented.

Roll Call Vote:

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

Nays: NONE

Absent: NONE

Abstentions: STECKLOFF

MOTION CARRIED 6-0-0-1.

CITY MANAGER UPDATE

Acting City Manager Boyer provided an update on the following:

- Halloween – The City has no set hours but asked those who are done passing candy out to turn their lights out.
- The opening of a new restaurant, The Detroit Burger Bar, on Friday, October 30th
- Cops vs. Docs Charity Hockey Game to raise money for local charities.

Mayor Brickner mentioned the passing of his father-in-law and thanked City Council, staff and friends for their support.

PUBLIC HEARING

PUBLIC HEARING AND CONSIDERATION OF DETERMINATION OF A SPECIAL ASSESSMENT DISTRICT FOR ROAD IMPROVEMENT FOR HOLLYWOOD, WESTHILL WOODS AND TARABUSI GRAND RIVER GARDENS AREA SUBDIVISIONS, NOTICE OF INTENT TO ISSUE BONDS AND DECLARATION OF OFFICIAL INTENT TO REIMBURSE PROJECT WITH BOND PROCEEDS. CMR 10-15-98

Mayor Brickner mentioned that letters that were received objecting to the project from Mary Retelle, Cora Ave and Wendy Korte, Haynes Street.

Director Mekjian stated that this is public hearing of necessity for the Hollywood, Westhill Woods and Tarabusi Grand River Gardens directed special assessment road improvement project. He noted that the

roads in this area were identified as some of the worst roads in the City and as a result, the roads were placed on the 5-year Capital Improvement Plan (CIP) for local road reconstruction. Mr. Mekjian explained that the condition of the roads is not the only variable used to prioritize project within the CIP, but staff also factors the number of properties within the district, proximity to schools, public interest, whether the subdivisions have an organized association, number of road segments with a PASER rating of 1 or less and DPW maintenance efforts in the area. He noted that over the last 3 years staff has responded to over 94 pavement related service requests in addition to two standing monthly work orders for that area. Based on the analysis, this subdivision was prioritized at the top of the CIP and on August 24, 2015, City Council scheduled this public hearing. On October 13, 2015, the Engineering Division held an informational meeting and approximately 38 residents were in attendance representing 32 homes. The area is comprised of 239 properties. Mr. Mekjian mentioned that there are some commercial properties involved in this district that will be receiving a benefit from the project and they will be included as part of the assessment roll. He explained the history of the roads noting that up until 1982 they were gravel and they were paved in 1982 based on a petitioned special assessment at that time and that was the last time the roads were improved.

Mr. Mekjian stated that the total cost of the project is estimated at \$3,401,000 and it is suggested that the City pay 20% of those costs with 80% being the responsibility of the special assessment district (SAD). The SAD share is estimated at 2,747,000 with a single unit assessment of \$10,678.

Mayor Pro-Tem Massey inquired if the area has a homeowner's association. Mr. Mekjian confirmed that there was no association.

Councilmember Bruce inquired why Westhill was left out of the project as well as areas of Haynes and Cora. Mr. Mekjian responded that Westhill petitioned to have their streets paved 2 years ago on their own and that project is complete. Haynes and Cora are included in the CIP but not until future years.

Councilmember Bridges inquired if the City has a process to encourage the petitioning process in areas with no homeowner's association, how long these roads have been in such disrepair and the last time money was spent in this area to fix the roads.

Mr. Mekjian stated that when he was first hired in there was no process for that and it was felt that the residents would come in on their own if the roads were in poor condition; but it got to a point where the roads were deteriorated so badly in some areas that the City decided to start sending out letters to homeowners and notifying them of the petitioning process. This was done for the area being discussed this evening back in 2011. He explained that the roads have been in disrepair since he has been with the City in 2010 and nothing has been done to this point as the residents did not come forward requesting the roads to be fixed. He added that he is not certain when the last time money was spent in the area, but most likely last month to patch the roads. He stated that DPW has estimated that 25% of their time in the spring freeze/thaw season is spent in this area patching the roads.

Councilmember Lerner inquired about the overall PASER rating for roads within the district. Mr. Mekjian responded that the average PASER rating across the district is 1.4.

Councilmember Knol inquired if there were any sidewalks within the subdivision. Mr. Mekjian confirmed there were no sidewalks.

Councilmember Steckloff questioned the rating of gravel roads. Mr. Mekjian clarified that the City does not rate gravel roads and the gravel roads in this area are not part of the approved district.

Mayor Brickner opened the public hearing.

Kristen O'Dea (Page), 23335 Springbrook, stated that she does not feel the residents have been listened to over the years and feel that they have been overlooked and that nothing has been done proactively to maintain the roads. She does not disagree that the roads need to be replaced, but feels the actions being taken are in appropriate. She feels the residents are being given no choice in this matter.

Paul Poles, 30870 Leelane, inquired if the City has conducted any research to show that the amount of assessment would be proportionate to the increase in the market value of the homes.

City Engineer, James Cubera, stated that this question was submitted to the City Assessor earlier today when it was received via e-mail. Typically the entire area of assessment is based on the unit of benefit and the City Assessor would have to speak to the value of benefit.

Mr. Poles commented that the Michigan Supreme Court has determined that any special assessments amounts have to be proportionate to the benefit received. He finds it impossible that the value of his property would increase in market value by \$11,000 with the reconstruction of the road. He feels this should be reviewed before the City Council takes any action.

City Attorney Joppich explained that the City Assessor will make that evaluation at the time the assessment rolls are created and a second public hearing will be held to approve the final costs and assessment roll.

Armand Giannamore, 30850 Leelane, stated that he is opposed to this project as well as the directed special assessment policy in general. He feels the City should go back to using the petitioning process where the residents can decide whether or not they want their roads repaved. He also feels the city should use maintenance funds to resurface the roads, which may be more cost effective and that data should be provided to back up staff's proposal. He questioned the increase in real estate values when there are other issues with storm drains and the ground collapsing at the back of his property as a result of work on the adjoining commercial property. He feels if this is the City's decision and they believe that this would benefit the entire City, they should pay 100% of the costs; but since the Charter precludes that, the City should have taken up the task of changing the Charter first. Mr. Giannamore asked that since the residents do not have a say on this project, that City Council not approve the project. If the project is approved, he believes that McDonald's should be included in the assessment as they have the benefit in obtaining their mail on Leelane and they could have the option to add vehicle access to Leelane. Mr. Giannamore commented that the policy change has eliminated the voter's voice.

Mayor Brickner asked staff to address the issue of McDonald's and any benefit.

City Engineer Cubera explained that McDonald's has approximately 360 feet of frontage or side yard along Leelane but there is no access to that road. He stated that staff could ask the City Assessor to re-evaluate their benefit based on the fact that they receive their mail from Leelane. He added that if McDonald's requested access, they typically would apply for a permit and would be asked to pay into the district at that time. Mr. Cubera also clarified that with regard to the data mentioned, a geotechnical engineering firm was hired to determine the appropriate long-term fix for this project and reconstruction was recommended. Mr. Giannamore commented that the long-term solution may not be the most cost-effective solution, which is what he would like.

Jacqueline Giannamore, 30850 Leelane, stated that she has lived on Leelane for the past 28 years and she has never seen any major improvements done on their roads. She feels that there is not enough maintenance for the roads in general since there are so many areas in need of repair. She expressed concern with the Charter indicating that 80% of the cost is to the homeowner and feels that should be re-addressed. She commented that they have many retired and elderly people in their neighborhood and expressed concern with them being able to pay this assessment.

Finance Director Gajda outlined the programs available for residents that may not be able to afford the project and stated that anybody that needed more information could contact the Treasurer's Office. He explained that information on these programs is provided to all residents at the time of the second public hearing when the assessment roll is being considered.

Richard Rowe, 31005 Lamar, stated that staff is saying this is a 20-30 year road, but inquired about the potential of having to bring in heavy equipment to address the storm system or water lines down the road and disrepair this could cause to the new roads.

Director Mekjian explained that with all road projects, staff attempts to conduct integrated asset management to also assess the condition of the assets under the pavement. The water is monitored by Oakland County and these lines are not in line for being replaced anytime soon. He added that the sanitary sewer system is on a regular maintenance rotation and to their knowledge there are no deficiencies in the system. He added that there is no plan to provide drainage improvements with the exception of some major culvert crossings that may need to be replaced and that would be at the cost of the City.

Ryan Biehl, 23940 Haynes, commented that he feels the project needs to be done as he feels it is a safety issue. He inquired about the possibility of a 20-year bond to keep the cost down.

Finance Director Gajda explained that the length of the financing and assessment can be no greater than the life of the project so if it is determined that the life of the road is 20 years, the project could be bonded for 20 years.

Mayor Brickner stated that staff could look into this option. Mr. Beal stated that he would like the City to review that option.

Mr. Biehl added that the storm drain in front of his house does not have a cover and there are animals living in it. He stated that last winter there was 6 inches of ice on his neighbor's driveway and his driveway so there is a drainage issue and those issues need to be fixed as part of the project. He inquired why chip and seal roads were not considered as an option.

City Engineer Cubera responded that Engineering would certainly look at the drainage as an emergency issue. He stated that chip and seal is not considered a long-term solution and there are some other maintenance issues involved with that type of project.

Mr. Biehl stated that he does not oppose the project as it needs to be done, but asked Council to consider other financing options to relieve that financial burden on the residents.

Michael Hartman, 30840 Lamar, commented that a great amount of traffic in the area is not generated by residents who live on these streets.

Laurie Machlay, 23984 Haynes, stated that she sent a letter to the City Clerk this evening but it probably did not get to her in time for the meeting. She can't understand replacing the old asphalt with new asphalt and no sidewalks and no cement. She moved into the home in 1990 and the roads were bad then and they are still bad and the only maintenance she has seen is cold patch thrown into the potholes. She thought the City was trying to make this area more walkable and suggested it might be a good idea to include sidewalks in the adjacent subdivisions. She expressed concern with this being a cut-through road and with people speeding and feels that sidewalks are needed for safety reasons. She stated that she would be more agreeable to paying for a road that would improve their area rather than simply replacing what exists. She feels simply repaving the street will cause more speeding and will be more dangerous.

Director Mekjian stated that the City has a Safe-te3 Program that he could discuss with the residents to address speeding in the neighborhood.

Gina Phillips, 23729 Haynes, stated that the roads are bad and agreed with other residents that she has only seen the City cold patch the roads since she has been in the neighborhood and she doesn't feel this is maintaining the road. She has struggled to keep her home due to the economy and is just getting above water now and to add \$10,000 to her mortgage would put her back under again. She understands that 80% of the cost is the responsibility of the homeowners but commented it is 100% the Council's privilege as to what happens and she doesn't feel that is appropriate. She feels at least a city-wide millage would even the playing field and then it would be the City's responsibility to take care of the roads. She does not believe the property value will increase by \$10,000 due to the new roads and property values in their neighborhood are still down about 30%. She expressed concern with the cost of the project and stated that she would not be opposed to less expensive options. She questioned if the project was bonded over 20 years if the interest rate would increase as well not making it any more affordable. Mrs. Phillips inquired why this project has not been done to this point in the last 10 years.

Mayor Brickner explained that the City used to rely on the petitioning process where residents would be required to petition to have their roads improved and explained the new Directed Special Assessment Policy and why that was implemented.

Jeanette Diehr, speaking for her mother Hilda Diehr, a resident of 30832 Rockdale, inquired why the residents have to pay an additional 5% in fees.

Director Gadja explained that the 5% quoted is a high estimate of the bond financing costs, which will most likely be 2.5% to 3%. He clarified that the 5% is not the interest rate of the bonds but estimate of cost associated with issuing the bonds.

Ms. Diehr stated that her mom lives on a dead-end street and when the streets are plowed, snow is often plowed in blocking her driveway. She questioned if there is a better way to handle the plowing.

Mayor Brickner explained that the roads are plowed on a rotating basis and the end of driveways often get plowed in with snow as there is nowhere else to put the snow.

Acting City Manager Boyer added the Costick Center has volunteers that will shovel out driveways during a heavy snowfall and she can contact the Costick Center or provide information to him this evening so that her mother can be added to the list.

Les Spaulding, 30634 Lamar, indicated that he is a corner lot and asked for confirmation of his frontage and unit assessment. Engineering Cubera explained how the unit assessments are figured. Mr. Spaulding added that Lamar is a school bus route and he feels the degradation is partially due to the mutual benefit of

all of Farmington Hills. He added that having a corner lot he will have to pay significantly more than other residents.

Kevin Donovan, 30629 Lamar, stated that he has lived in the neighborhood for 38 years and was one of the original homeowners who helped petition for the road improvements. He can attest that there are schools buses and heavy trucks that frequent the roads to the school and there is speeding and people running stop signs.

Mayor Brickner commented that the City can put more patrol in this area to address the speeding and/or running the stop signs.

Mr. Donovan stated that he feels the road condition is due to the heavy traffic generated by the schools and questioned if the schools will participate in the cost. Mayor Brickner confirmed that schools are not required to pay towards an assessment. Mr. Donovan did not feel that was fair.

Joe Timko, 23361 Cora, stated that he was upset to find wooden stakes in his yard one day to lay out the boundaries for the new road, and he expressed concern with the proposal to widen the road at this dead-end street.

Mr. Cubera explained that this section of road is approximately 12-17 feet wide and needs to be widened for emergency access. He believes the standard road in the area is 22 feet in width and while they may not be able to widen it that much, it needs to be widened some to accommodate emergency vehicles.

Mr. Timko did not feel that the road needed to be widened and that this could be a way to save money. He also expressed concern with possibly removing trees in the area.

Mr. Cubera explained that there has been no design on the road to this point and the stakes were to identify the city right-of-way. Engineering will certainly be sensitive to removing any trees and added that the design will be discussed with the residents.

Robyn Ritzma, 23135 Springbrook, admitted that the roads are bad but felt that may be a good thing so that people can't speed. She inquired how the residents could organize to come to the City to discuss the possibility of speed bumps.

City Engineer Cuber provided Ms. Ritzema his card to discuss the Safe-te3 program and if there are several residents that would be interested in discussing, staff could work with them to start this process. He stated that it does not require an organized homeowners association.

Councilmember Lerner added that the program and application can be found on the city's website.

Dr. Samuel Ramsey III, 31190 Lamar, expressed concern with the speeding on his street. He commented that no information has been provided on the amount of money spent on cold patching or on labor, yet the City wants to spend \$3 million dollars on the roads. He stated that they need sidewalks. He questioned the stakes and area of the proposed road.

Mr. Cubera stated that the roads will be replaced in the same general area and the stakes are offset for identification points, with the exception of Cora that was discussed to be widened for emergency access.

Mayor Brickner thanked the residents for bringing the speeding issue to their attention and he stated that they will alert the Police Department to increase patrol to that area.

Jerry Piorkowski, 23289 Springbrook, agreed that there is speeding in the neighborhood and there many new families with small children and kids walking to school. He also indicated that people are parking along both sides of Shiawassee in this area and he doesn't feel a fire truck could get down this road.

Tom Boucher, 24013 Springbrook, stated that he feels that going through with the project without considering the speed bumps as a part of it is a major mistake. He doesn't feel the residents should have to go through an application process for speed bumps.

Dave Ritzema, 23135 Springbrook, inquired about installing more stop signs on the roads to help with speeding.

Councilmember Lerner stated that the Safe-te3 program includes engineering, education and enforcement that includes consideration of stop signs, speed bumps, rumble strips, education, etc. He assured the residents that Council hears the residents tonight on the speeding and safety issues and staff will be addressing that as a separate issue immediately.

Mr. Ritzema also spoke to the ineffectiveness of the cold patching. He stated that he is disappointed in the City's ability to proactively maintain the roads and commented on the recently approved road millage to help maintain local roads. He stated that he would rather pay for a city-wide millage and have the city be responsible for all of the roads as he does not feel the city is set up now to proactively take care of the roads.

Mayor Brickner pointed out that the new policy utilizing the PASER rating will allow the city to address the roads and the City needs to start somewhere with this process.

Director Mekjian explained how the roads are evaluated using the PASER rating system, which is a national standard. He added that staff is trained and certified to use this system.

Marty Chinn, 23426 Springbrook, stated that he feels it comes down to the Charter that was passed in 1973 when not many subdivisions existed; and he feels the city should take on more than "up to 20%" of the costs to maintain the roads. He agreed that there is speeding in the subdivision but he doesn't feel more stop signs would help.

Gary Shelton, 31004 Lamar, stated that when he first moved in the road was gravel and it was a nice, quiet street and at that time they petitioned the city to not pave the road. He feels if the roads were left to go to gravel it would again be a quiet street.

Giuseppe Mediati, 30882 Leelane, stated that they already paid once for the roads and when they petitioned for improvements about 4 years ago, prices were quoted around \$8,000 and now the prices are quoted at \$11,000-\$12,000. He stated that he has worked all his life and pays his taxes and for his house and car and to pay this additional money is difficult. He stated that during the last petitioning process, McDonalds and the Dr.'s Office at the time refused to sign the petition and he would like to know what they would be paying now for this assessment.

Mr. Cubera clarified that McDonald's has no access so they are not considered as benefitting from the project. He noted that the doctor's office is included in the assessment district as they have access to Leelane.

Mayor Brickner added that the issue of McDonalds being included in the district was mentioned earlier due to the fact that they receive their mail on Leelane and this will be reviewed by the City Assessor.

Mr. Mediaty expressed concern with people from the commercial areas parking along the sides of the roads. Mr. Cubera confirmed that staff will review that issue.

Christine Thompson, 23674 Springbrook, stated that she has lived on Springbrook for the past 13 years and she agrees that the road has deteriorated and that there is speeding in the subdivision, but feels that the poor condition of the roads reduces the speeding. She inquired if the subdivision completes the Safe-te3 application process, will the residents get the speed bumps or stop signs or will someone else make that decision as they are doing today. She commented that they have lost a lot in their property value and she doesn't feel the residents are tearing up the roads, but that it is the buses, delivery trucks and people cutting through the area. Mrs. Thompson inquired about the guarantee on the roads and questioned what will be done differently this time to maintain the roads.

Mayor Brickner stated that the 2 year warranty by the contractor is standard. He explained the process for fixing the base of the road during this reconstruction so that the road will not deteriorate as it had in the past and it will be built to modern standards.

Director Mekjian stated that the maintenance and guarantee bond is for 2 years. He explained that the road is an asset with a life cycle and there will be regularly scheduled maintenance to get the longest life cycle possible. He noted that the original pavement design was 8-10 years and it has now been 34 years so this road has long outlived its usable life cycle.

Jamie Main, 23830 Springbrook, stated that she does not feel that speed bumps are not what the residents want. The concern is with the cost and they would rather let the roads return to gravel.

Mary Retelle, 23684 Cora, stated that she also submitted a letter which Council already acknowledged. She expressed concern with the cost and the Charter provision that she feels should have been addressed before now. The residents are not aware of the Charter when they purchase their home or that a potential special assessment is coming. She recited a portion of the Charter indicating that if project costs go over that this is the responsibility of the homeowners and if the cost is lower it would be at a lower cost to the residents.

Mayor Brickner clarified that the matter would come back to Council if the costs when the project were bid out exceeded the estimated costs and in the past the projects have never exceeded the estimates.

Mrs. Retelle questioned if the 20% the City is paying is coming out of the general fund or from the road millage as she feels if that is coming out of the millage, the residents are being assessed twice for their roads. Staff acknowledged that this money would be coming from the road millage. Ms. Retelle stated that she feels a 50/50 split between the city and residents would be more equitable and questioned whether 25% of staff time is truly being spent in their subdivision on maintenance.

There being no further comments, Mayor Brickner closed the Public Hearing.

Councilmember Steckloff inquired if a Councilmember could vote no at the time the bids are received if they vote yes to proceed tonight.

Attorney Joppich explained that there are two required public hearings with two separate sets of resolutions being considered. He stated that unless there are significant changes in the costs when bid out and they come in higher, the resolutions being considered this evening will not come back to City Council. He explained that the other resolutions presented at the second public hearing will require a separate vote.

Mayor Pro-Tem Massey stated that he drove the area and noticed a couple of culverts that were heaving and Council has heard this evening that there may be some storm water issues. Mr. Mekjian stated that staff has identified a couple of large culverts that may need to be replaced. He stated that staff will review the driveways during the design phase but typically they would not address driveway culverts or re-ditching as part of the special assessment process as that would be very costly.

Mayor Brickner inquired about the feasibility of returning the road to gravel.

Mr. Mekjian responded that there would still be costs associated with that but he does not have any exact figures. He added that there are also maintenance costs associated with dust control.

Councilmember Knol stated that the Charter was mentioned several times and she explained that there are two ways to fund the roads, through a city-wide millage or special assessment districts. She stated that with the millage process, the City has a cap and would be able to raise that millage at any time as long as they are within their Charter limit without holding a public hearing with the residents. She noted that the Farmington Hills Charter and Ordinances outline a special assessment district process and to change the Charter would take a vote of the entire City. She feels that would be a very difficult task as many residents have already paid for their roads to be improved. Mrs. Knol commented that maintaining the roads is part of home ownership. She added that the City has been putting money into the roads each year and they do the best with the money they have. She feels if the roads were returned to gravel that would affect the resale value of the homes. Mrs. Knol stated that it is a tough decision, but she does not feel there is another viable option.

Mayor Brickner explained the costs involved over time if there was a city-wide road millage.

Councilmember Bridges stated that he does not agree with the Directed Special Assessment District (SAD) Policy as the residents have no say. He commented that this is a huge financial burden for some residents and the economy has not yet recovered; and he believes the petitioning process worked. He feels the lack of maintenance by the city has contributed toward the deterioration of these roads and that there are other alternatives available.

Councilmember Lerner indicated that he drove the roads after having reviewed the PASER rating criteria and feels that it becomes a safety issue at some point. He added that the city is putting money towards maintenance of the roads each year and stated that it is important to be able to compete with other communities to draw residents to the area. He stated that Council is here to make these tough decisions and he believes in the staff and the data provided. He addressed some comments made by the residents and noted that two harsh winters have taken its toll on the roads and that fixing some of the main culverts as part of this project will improve the drainage in the area. He commented on the expense of concrete roads and addressed the corner lot assessment and Safe-te3 program. Mr. Lerner added that Council has to protect the value of the homes and the city has never stopped putting money into maintenance towards the local roads.

Councilmember Bruce agreed with the comments of Councilmembers Knol and Lerner. He feels there is not a better alternative to providing a long-term solution of a 20-30 year road as anything else would only

deteriorate more quickly; and he will not vote to return the road to gravel as he feels that would be irresponsible. He stated that a safe road is a paved road in good condition and he spoke to the resale value of the homes if the roads are in good shape.

Councilmember Steckloff stated that she drove the roads and agrees that they are some of the worst roads in the City. She stated that she lives in a condominium and their Association just approved reconstruction for their roads and they do not get the benefit of receiving 20% of the costs from the City and are still paying for the local road millage, so she understands the comments made tonight. She commented that she has never heard every single person come up and say no to a road project and she came into this meeting thinking she was a firm yes vote based on the conditions of the road, but no longer feels that way. Ms. Steckloff added that she also voted against the Directed SAD Policy, but when the roads are in this bad of shape something has to be done as they become a safety concern.

Mayor Pro-Tem Massey stated that he lives in a subdivision where they petitioned to improve the roads and it is less expensive if the roads are done sooner. He pointed out that the Council takes an oath to protect the health, safety and welfare of the community and they have the fiduciary responsibility to protect the value of the homes. He stated that he was impressed by the pride shown in the homes in this neighborhood with the additions and upgrades and landscaping and he feels the roads should reflect the character of the community. He agreed that maintaining the roads are part of home ownership and it is not easy to support something that everyone here tonight is against.

Mayor Brickner commented that this is not taxation without representation as the residents are able to represent themselves at these hearings. He added that the City has always had the ability to fix the roads without petition of the residents, and have now decided to do that but based on data and through the Directed SAD Policy. As far as the maintenance program, the City has put in approximately \$1.6 million into local roads each year. He explained that the 2 mill road millage passed by the voters last year is for road maintenance and to provide funding so the City can continue to contribute up to 20% towards SAD road projects. He added that if more state funding is received for local roads, that millage will be reduced accordingly. He explained that the City could not wait for the residents to come forward with petitions any longer to maintain some of these roads and that is why the Directed SAD Policy was developed. Mayor Brickner assured the residents that the city will provide additional patrol in the area to address the speeding and stop sign violations mentioned this evening.

MOTION by Lerner, support by Knol, that the City Council of Farmington Hills hereby approves the adoption of a resolution for road improvements for the Hollywood, Westhill Woods and Tarabusi Grand River Gardens Area Subdivisions in Section 26 to include the properties outlined in CMR 10-15-98; and

IT IS FURTHER RESOLVED, that City Council approves the adoption of a resolution for the notice of intent to issue bonds and the declaration of official intent to reimburse project costs with bond proceeds as reviewed by the City's bond counsel as to form and content.

MOTION CARRIED 6-1 (Bridges opposed).

NEW BUSINESS

CONSIDERATION OF APPROVAL OF AN AMENDMENT TO THE RESOURCE RECOVERY AND RECYCLING AUTHORITY OF SOUTHEAST OAKLAND COUNTY (RRRASOC) ARTICLES OF INCORPORATION. CMR 10-15-99

Director Mekjian explained that the initial Authority consisted of several municipalities and the proposed amendment would withdraw the Charter Township of Lyon and add the Village of Milford and Charter Township of Milford as constituent municipalities.

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF FARMINGTON HILLS

RESOLUTION NO. R-172-15

At a regular meeting of the City Council of the City of Farmington Hills, County of Oakland, State of Michigan, held in the City Council Chambers on October 26, 2015, at 7:30 o'clock p.m., with those present and absent being:

PRESENT: BRICKNER, BRIDGES, BRUCE, KNOL, LERNER, MASSEY AND STECKLOFF

ABSENT: NONE

the following preamble and resolution were offered by Councilperson Lerner and supported by Councilperson Bridges:

WHEREAS, the City Councils of the Cities of Farmington, Farmington Hills, Novi, South Lyon, Southfield and Walled Lake have previously created the Resource Recovery and Recycling Authority of Southwest Oakland County (the "Authority") pursuant to Act 179, Public Acts of Michigan, 1947, as amended; and

WHEREAS, the City of Wixom and the Charter Township of Lyon subsequently became members of the Authority; and

WHEREAS, the Village of Milford and the Charter Township of Milford has each determined that it is reasonable, necessary and in its best interest to become a member of the Authority; and

WHEREAS, the Charter Township of Lyon has determined that it is in its best interest to withdraw its membership in the Authority; and

WHEREAS, this City Council on behalf of the City of Farmington Hills, County of Oakland, State of Michigan (the "City"), together with the City Councils of the Cities of Farmington, Novi, South Lyon, Southfield, Walled Lake and Wixom, the Village Council of the Village of Milford and the Township Board of the Charter Township of Milford, have deemed it is reasonable and necessary to amend and restate the Articles of Incorporation of the Authority solely to address the changes in membership identified above; and

WHEREAS, the Amended and Restated Articles of Incorporation, providing for the inclusion of the Village of Milford and the Charter Township of Milford in the Authority and for the removal of the Charter Township of Lyon from the Authority, have been prepared and submitted to this City Council; and

WHEREAS, it is necessary for this City Council to adopt the Amended and Restated Articles of Incorporation for the purposes identified above.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Amended and Restated Articles of Incorporation of the Authority attached hereto as Exhibit A are hereby approved and adopted for the purposes identified in the preamble above.
2. The Mayor and City Clerk are hereby authorized and directed to endorse the fact of such adoption upon the Amended and Restated Articles of Incorporation in the form and manner provided therein.
3. That all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

RESOLUTION DECLARED ADOPTED October 26, 2015.

MOTION by Lerner, support by Bridges, to approve an amendment to the Resource Recovery and Recycling Authority of Southeast Oakland County (RRRASOC) Articles of Incorporation.

MOTION CARRIED 7-0.

CONSIDERATION OF APPROVAL OF THE VACATION OF PUBLIC EASEMENT AND TERMINATION OF THE STORM DETENTION MAINTENANCE AGREEMENT ON THE BOTSFORD HOSPITAL PROPERTY, LOCATED AT 28050 GRAND RIVER AVENUE. CMR 10-15-100

Assistant Director Mondora explained that the City received a request from Botsford Hospital to vacate several easements on the property that interfered with the proposed site plan for their new development and the proposed vacation and termination of the storm detention maintenance agreement that staff deemed to be required to accomplish the development is before Council this evening.

**CITY OF FARMINGTON HILLS
EASEMENT VACATIONS
RESOLUTION NO. R-173-15**

At a session of the City Council of the City of Farmington Hills, Oakland County, State of Michigan, held in the City Hall on the 26th day of October, 2015, at 7:30 o'clock P.M.

PRESENT: BRICKNER, BRIDGES, BRUCE, KNOL, MASSEY, LERNER AND STECKLOFF
ABSENT: NONE

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

WHEREAS, the Council of the City of Farmington Hills did on the 26th day of October determine that it is advisable to vacate, discontinue or abolish the following easements and agreements, located in the City of Farmington Hills, subject to the jurisdiction of the City of Farmington Hills:

Agreement for Storm Water Detention and Discharge Restriction System – See Attached Exhibit A.
Legal Description: Storm Sewer Easement - See Attached Exhibit B.

WHEREAS, the Council has met and heard any and all objections to such vacation, discontinuance or abolition and having determined to proceed.

NOW, THEREFORE, BE IT RESOLVED:

1. That the above captioned easement and agreement are hereby vacated, discontinued or abolished contingent upon establishment of a new Storm Detention Maintenance Agreement and Access Easement as part of the engineering plan approval process.
2. That the City Clerk is hereby directed to file certified copies of this resolution with the Oakland County Register of Deeds and the Secretary of State of the State of Michigan, as required by statute.

AYES: BRICKNER, BRIDGES, BRUCE, KNOL, LERNER AND STECKLOFF

NAYS: NONE

ABSTENTIONS: MASSEY

RESOLUTION DECLARED ADOPTED.

MOTION by Bridges, support by Knol, that the City Council of Farmington Hills hereby approves the vacation of public easement and termination of the storm detention maintenance agreement on the Botsford Hospital property, located at 28050 Grand River Avenue.

MOTION CARRIED 6-0-0-1 (Massey abstained)

CONSIDERATION OF APPROVAL OF THE ACQUISITION OF TAX FORECLOSED PROPERTY. CMR 10-15-101

Director Mekjian explained that the City received annual notice from Oakland County Treasurer's Office of certain parcels within the city that had been foreclosed upon and staff is recommending the acquisition of one parcel that is entirely within the 100 year flood plain. The parcel is being considered for acquisition to preserve the environmental features of the flood plain and future storm water management and will provide for construction staging for proposed culvert replacement in that area. Funding is budgeted in the Capital Improvement Fund.

MOTION by Massey, support by Lerner, that the City Council of Farmington Hills hereby authorizes the City Manager to acquire the tax reverted property, identified by Parcel Identification Number 23-21-203-001 from Oakland County for the minimum bid price not to exceed a total of \$3,587.13, and to execute all necessary documents to complete the acquisition.

MOTION CARRIED 7-0.

CONSIDERATION OF APPROVAL OF AN INTRODUCTION OF AN ORDINANCE TO AUTHORIZE THE CONVEYANCE OF A VACANT PARCEL TO FARMINGTON PUBLIC SCHOOLS. CMR 10-15-102

Attorney Joppich explained that several months ago the City Manager presented an exchange of properties with Farmington Public School District and at that time Council approved of the terms of the agreement and this is the Ordinance that is required to convey the property. The School District has approved the terms of the agreement as well so the City can now move forward with the Ordinance. He noted that this is the first reading of the Ordinance and it will come back to Council for a second reading.

MOTION by Massey, support by Bruce, that the City Council of Farmington Hills hereby approves the INTRODUCTION of an Ordinance authorizing the conveyance of Parcel #22-23-09-255-019 to Farmington Public Schools.

Roll Call Vote:

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

MOTION CARRIED 7-0.

CONSIDERATION OF APPROVAL OF EMPLOYMENT AGREEMENT AND APPOINTMENT OF DAVID BOYER TO THE POSITION OF FARMINGTON HILLS CITY MANAGER.

MOTION by Bruce, support by Steckloff, that the City Council of Farmington Hills hereby approves the employment agreement and appointment of David Boyer to the position of Farmington Hills City Manager, subject to execution of the agreement.

MOTION CARRIED 7-0.

CONSENT AGENDA

RECOMMENDED APPROVAL OF REQUEST FOR CONTINUED EMPLOYMENT UNDER SECTION 10.01A OF THE CITY CODE.

MOTION by Bridges, support by Lerner, that the City Council of Farmington Hills hereby approves the request for continued employment under Section 10.01A of the City Code for Kristen Noethan as a part-time Election Clerk and Ethan Amolsch, Engineering Aide II, who were married on October 16, 2015.

Roll Call Vote:

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

MOTION CARRIED 7-0.

ACKNOWLEDGEMENT OF THE QUARTERLY INVESTMENT AND QUARTER FINANCIAL SUMMARY REPORTS.

MOTION by Bridges, support by Lerner, that the City Council of Farmington Hills hereby acknowledges the quarterly investment and first quarter financial summary reports.

Roll Call Vote:

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

MOTION CARRIED 7-0.

RECOMMENDED APPROVAL OF THE CITY COUNCIL STUDY SESSION MEETING MINUTES OF OCTOBER 12, 2015.

MOTION by Bridges, support by Lerner, to approve the City Council study session meeting minutes of October 12, 2015 as submitted.

Roll Call Vote:

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

MOTION CARRIED 7-0.

RECOMMENDED APPROVAL OF THE CITY COUNCIL REGULAR MEETING MINUTES OF OCTOBER 12, 2015.

MOTION by Bridges, support by Lerner, to approve the City Council regular meeting minutes of October 12, 2015 as submitted.

Roll Call Vote:

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

MOTION CARRIED 7-0.

RECOMMENDED APPROVAL OF THE CITY COUNCIL SPECIAL MEETING MINUTES OF OCTOBER 17, 2015.

MOTION by Lerner, support by Massey, to approve the City Council special meeting minutes of October 17, 2015 as submitted.

Roll Call Vote:

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

MOTION CARRIED 6-0-0-1.

RECOMMENDED APPROVAL OF THE CITY COUNCIL SPECIAL MEETING MINUTES OF OCTOBER 18, 2015.

MOTION by Bridges, support by Lerner, to approve the City Council special meeting minutes of October 18, 2015 as submitted.

Roll Call Vote:

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

MOTION CARRIED 7-0.

RECOMMENDED APPROVAL OF THE CITY COUNCIL SPECIAL MEETING MINUTES OF OCTOBER 19, 2015.

MOTION by Bridges, support by Lerner, to approve the City Council special meeting minutes of October 19, 2015 as submitted.

Roll Call Vote:

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

MOTION CARRIED 7-0.

TOPICS FOR CONSIDERATION AT THE NEXT CITY COUNCIL MEETING

Mayor Brickner mentioned potential topics for the next regular City Council meeting of November 9, 2015.

ADJOURNMENT

Mayor Brickner adjourned the City Council meeting at 11:23pm.

Respectfully submitted,



Pamela B. Smith, City Clerk