

MINUTES  
CITY OF FARMINGTON HILLS  
CITY COUNCIL MEETING  
FEBRUARY 14, 2022 – 7:30 PM

The regular session meeting of the Farmington Hills City Council was called to order by Mayor Barnett at 7:34pm.

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

Council Members Absent: None

Others Present: City Manager Mekjian, City Clerk Smith, Assistant City Manager Valentine, Directors Monico and Schnackel and City Attorney Joppich

**PLEDGE OF ALLEGIANCE**

State Senator Jeremy Moss and State Representative Samantha Steckloff 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 7-0.

**PROCLAMATION RECOGNIZING FEBRUARY 2022 AS BLACK HISTORY MONTH**

The following Proclamation was read by Council Member Bridges:

**PROCLAMATION  
Black History Month  
February 2022**

**WHEREAS,** the City of Farmington Hills takes pride in recognizing February 2022 as Black History Month, celebrating the many notable contributions that Black individuals have made to our community, our country, and our world; and

**WHEREAS,** we applaud the vast cultural, economic, political, and social contributions made by the African Americans who helped to build this great nation and honor their valuable contributions to professional fields including education, law, government, science, business, sports, the arts, and brave service in the United States Armed Forces; and

**WHEREAS,** we embrace the multicultural diversity of Black people in Farmington Hills, and express our gratitude for how their influence enriches the history and culture of our City, and unites and sustains us as a community; and

**WHEREAS,** we uplift our African American community leaders, business owners, and professionals and promote the Black community as part of the rich tapestry of our whole inclusive Farmington Hills community; and

**WHEREAS,** we encourage all people to recognize issues of systemic racism, disparity in Black health and wellness, and the centuries of struggles that have brought us to this moment in time as we confront inequities and work to strengthen our community so that all Black people feel welcomed, valued, and celebrated for their accomplishments.

**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 February 2022 as **Black History Month** and call upon our citizens, public and private institutions, businesses, and schools to honor the history and achievements of Black Americans and reflect upon efforts needed to create a world that is more just, equitable, and prosperous for all people.

Mayor Barnett mentioned that Dr. Patricia Coleman-Burns could not be present this evening to accept the proclamation but that it would be mailed to her.

**PROCLAMATION DECLARING FEBRUARY 2022 AS UNITED WAY FOR SOUTHEASTERN MICHIGAN 2-1-1 MONTH**

The following Proclamation was read by Council Member Bruce and accepted by Cassie Thierfelder of United Way of Southeastern Michigan:

**PROCLAMATION  
Declaring February 2022 as  
United Way for Southeastern Michigan 2-1-1 Month**

**WHEREAS** United Way for Southeastern Michigan is dedicated to ensuring all households in southeast Michigan are stable and all children are set up to thrive; and

**WHEREAS,** United Way for Southeastern Michigan is the operator of Michigan 2-1-1 for Oakland County, which launched in 2002 and expanded to Southeastern Michigan in 2005; and

**WHEREAS,** Michigan 2-1-1 is a service provided at no cost to Michigan residents that connects them with thousands of health and human services agencies and resources in their communities - quickly, easily, and confidentially; and

**WHEREAS** the Michigan 2-1-1 helpline is available 24 hours a day, 365 days a year via phone, email, live chat, and online databases; and

**WHEREAS** Michigan 2-1-1 has supported our region during natural disasters, including the recent flooding, and global crises, including providing information about COVID-19 testing and vaccination locations; and

**WHEREAS** more than 22,000 individuals from Oakland County contacted 2-1-1 for assistance with housing, job training, utility assistance, food, and other resources in the last year alone; and

**WHEREAS** the people of the City of Farmington Hills recognize United Way for Southeastern Michigan's 2-1-1 service as a valued community asset and are grateful to the dedicated Community Care Advocates at 2-1-1 for their efficient, effective, and compassionate response to the growing needs of those in our communities; and

**WHEREAS** February 11<sup>th</sup> is 2-11, a date that represents Michigan 2-1-1, and the service provided by 2-1-1 Community Care Advocates, which is celebrated throughout the month of February each year.

**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 February 2022 as **United Way for Southeastern Michigan 2-1-1 Month** in the City of Farmington Hills and encourage all citizens to join in recognizing this organization and its service to the community.

#### **CORRESPONDENCE**

Mayor Barnett acknowledged e-mail correspondence received regarding minimum water billing. She stated that this will be forwarded to staff who can contact the resident to explain why the city has the minimum water bill cost they have versus other communities.

#### **CONSENT AGENDA**

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

Roll Call Vote:

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

MOTION CARRIED 7-0.

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

State Senator Moss provided an update on:

- New Senate District Boundaries; he expressed his disappointment that he would no longer represent Farmington Hills after December 31, 2022
- Bills to increase transparency and ethics in state government to apply FOIA to legislature and Governor's Office
- Proposed changes to voting laws, many making it more difficult to vote
- Initiative petitions for ballot proposals and re-introduction of Bills to ensure better governing practices over ballot petitions
- Bills for a climate resiliency plan and weatherization and disaster relief navigator grant program to address power outages and provide resources and encourage weatherization of homes and emphasizing emergency notification system

State Representative Steckloff provided the following update:

- Approximately \$1 million dollars was brought to Farmington Hills, including \$500,000 for the Holocaust Memorial Center, a crisis intervention center for the Police Department, Fire Department trailer and EV charging stations.
- She is serving on a special task force, Future of Mobility, and working with auto industries,

manufacturers of charging stations, engineers, etc., to discuss creating electric roads. There is a Governor proposal for a mile long stretch of road to be a free-charging road in Detroit; and an 8-Bill package is proposed to create a system for funding to offer programs for cities as well as school districts for when electric school buses come on board.

- New economic strategic fund for historic investments mainly in manufacturing areas.
- Budget update on monies allocated for roads, bridge repair, revenue sharing, schools and universities; and supplemental budgets to assist local communities with funding for body cameras, crisis management, mental health and continued hazard pay for front line workers
- New grants available for theaters, movie theaters, gyms and concert venues

Senator Moss added that there are also proposed supplemental budgets for public safety and water infrastructure to support vulnerabilities in communities.

Council members had the following comments or inquiries:

- Could theater grants be used for the city community center theater
- Applauded Senator Moss for pushing transparency in state government
- Requested more funding for the Michigan State Police Department to address speeding on local highways
- Ensure that money allocated to health care workers go to the individuals and not the hospitals

In response to Council, Representative Steckloff stated that the theater grants are for private businesses like the Players Barn not municipalities; but it could help local community theaters, gyms and museums. She added that funding has been allocated to recruit qualified officers, assist with police academies and resources for officers moving to a job from out of state, pay raises and hazard pay; but she will also make note about the need for funding for State Officers to address speeding. Representative Steckloff also commented on how the legislature is proposing to turn the money around more quickly.

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

There were no Council Member comments or announcements.

### **CITY MANAGER UPDATE**

City Manager Mekjian made the following comments:

- Special Olympic Polar Plunge took place on Saturday, thank you to the participants who raised over \$12,000 on behalf of the city
- Thank you to city departments for their efforts in handling the current winter storm
- Passports will soon be by appointment only due to the increase in requests

### **NEW BUSINESS**

### **CONSIDERATION OF APPROVAL OF APPOINTMENTS TO ECONOMIC DEVELOPMENT CORPORATION AND INNOVATION AND ENERGY AND ENVIRONMENTAL SUSTAINABILITY COMMITTEE.**

Mayor Barnett suggested two separate motions as she wished to postpone appointments to the Innovation, Energy and Environmental Sustainability Committee.

MOTION by Knol, support by Boleware, that the City Council of Farmington Hills hereby postpones the appointments to the Innovation, Energy and Environmental Sustainability Committee to the next regular meeting of February 28, 2022.

MOTION CARRIED 7-0.

MOTION by Massey, support by Bridges, that the City Council of Farmington Hills hereby confirms the Mayor's recommendation to appoint Eunice Jeffries to the Economic Development Corporation with a term ending February 1, 2028.

MOTION CARRIED 7-0.

**CONSIDERATION OF AN APPEAL OF A FREEDOM OF INFORMATION ACT (FOIA) REQUEST DATED OCTOBER 13, 2021.**

City Attorney Joppich explained that when a person makes a request for records under the Freedom of Information Act and any portion of the records are denied, the applicant has the right to appeal that decision to City Council. In this case, the applicant was granted a requested incident report, in part, and it was also denied, in part, as portions of the information contained in the incident report were redacted. The applicant, Mr. Opperthausen, has submitted two previous appeals for this same information. He noted that Mr. Opperthausen is present and should be permitted to make his presentation as to why he believes this information should be released. Attorney Joppich clarified that the decision of Council following the presentations of the applicant and City Attorney Young would be to either uphold the decision of the FOIA Coordinator or to reverse the decision and have the city release the redacted information or reverse the decision in part to release a portion of the redacted information.

Mr. Opperthausen explained that information provided in the past for the same FOIA request was different than what was provided to him in his most recent request and he provided documents to support this statement. He added that he does not believe the exemption cited in the city's response letter applied to his request. He confirmed he has appealed the redaction of information on this report in the past but reiterated that the most recent report was different than what was previously provided. He believes the information provided to the officer by the complainant was false and he was being accused of acting in a way that was harmful to himself and others, which he claims put the Police Department on defense when approaching him.

Mayor Barnett expressed concern with the applicant wanting the phone number of the complainant in this case as she did not see what good that would do now that the incident was over and that the purpose of the privacy act was to protect people from being contacted or potentially harassed.

Mr. Opperthausen explained that the report stated the complainant was his sister and he does not believe that it was and if he knew the phone number, he could confirm whether or not that statement was true. He also believed that by law he had the right to confront his accusers and vindicate himself. He stated that this has been ongoing for 2.5 years so he does not believe this is the end of it.

City Attorney Carlito Young explained that he was present this evening to discuss whether the information was properly disclosed under the State statute. The exemptions noted in the FOIA Coordinator's response referenced the Privacy Act and the Lien Statute, which are called out in the Freedom of Information Act as permitted exemptions. He added that the law referenced in Mr. Opperthausen's appeal is federal law and would not be applicable to the city. He discussed the concern with disclosing contact information that is covered under the Privacy Act and what could occur if that information is disclosed. He acknowledged that there were some discrepancies in what was disclosed previously and he believes this was due to Mr. Opperthausen's previous appeal and decision that some information did pertain to him and since he was the one requesting it that more of the information could be released. Attorney Young explained that the contact information and Lien information requested in all appeals relating to this report has not been released and he sees no reason to release that information now. He added that the city is prohibited from releasing Lien information unless there was a court order.

Discussion was held and Council inquired about the following:

- Whether the information would be subject to disclosure in the case of a lawsuit
- Mr. Opperthausen's options if this person complains again and he believes the complaints were made falsely
- Whether the phone number could be released if the complainant agreed to that and why the federal law did not apply.

Attorney Young explained that the focus of FOIA is to disclose information and be transparent as to how government operates and exemptions are in place to protect certain privacies. He stated that providing a phone number does not disclose to the public how government operates. He stated that he could not speak to a lawsuit as that was beyond the scope of what was being discussed this evening but Mr. Opperthausen certainly had the right to obtain an attorney to explore his options. As far as the complainant permitting their phone number to be released, he would suggest to staff in that scenario that this permission was submitted to the city in writing and if so, he would not object to the city releasing that information; but that was not the scenario this evening.

In response to Council, Attorney Young stated that federal law does not apply as the city is not a federal entity.

MOTION by Bridges, support by Boleware, 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 13(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 13(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.

### **CONSENT AGENDA**

### **RECOMMENDED APPROVAL OF AWARD OF CONTRACT FOR THE NORMANDY HILLS SUBDIVISION WATER MAIN CONSTRUCTION PROJECT TO F.D.M. CONTRACTING, INC. IN THE AMOUNT OF \$2,255,551.30. CMR 2-22-09**

MOTION by Bridges, support by Massey, that the City Council of Farmington Hills hereby approves the Normandy Hills Subdivision Water Main Construction Project be awarded to the lowest competent bidder, F.D.M. Contracting, Inc. of Shelby Township, Michigan in the amount of \$2,255,551.30, 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, BRUCE, KNOL, MASSEY, AND NEWLIN  
Nays: NONE  
Absent: NONE  
Abstentions: NONE

MOTION CARRIED 7-0.

**RECOMMENDED APPROVAL OF AWARD OF BID FOR AN ICE RESURFACER TO FRANK J ZAMBONI & CO, INC. IN THE AMOUNT OF \$109,995.52. CMR 2-22-10**

MOTION by Bridges, support by Massey, that the City Council of Farmington Hills hereby authorizes the City Manager to issue a purchase order for an Ice Resurfacer to Frank J Zamboni & Co, Inc. in the amount of \$109,995.52.

Roll Call Vote:

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

MOTION CARRIED 7-0.

**RECOMMENDED APPROVAL OF AWARD OF CONTRACT FOR DPW JANITORIAL SERVICES TO LGC GLOBAL ENERGY FM IN THE AMOUNT OF \$20,060, WITH POSSIBLE EXTENSIONS. CMR 2-22-11**

MOTION by Bridges, support by Massey, that the City Council of Farmington Hills hereby authorizes the City Manager and City Clerk to sign a contract with LGC Global Energy FM for DPW Janitorial Services in the amount of \$20,060, with possible extensions.

Roll Call Vote:

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

MOTION CARRIED 7-0.

**RECOMMENDED APPROVAL OF AWARD OF PROPOSAL FOR SOFT DRINK POURING CONTRACT FOR SPECIAL SERVICES TO PEPSI BEVERAGES COMPANY FOR A FIVE-YEAR TERM, WITH POSSIBLE EXTENSIONS. CMR 2-22-12**

MOTION by Bridges, support by Massey, that the City Council of Farmington Hills hereby authorizes the City Manager to sign a contract with the Pepsi Beverages Company for a five (5) year term for a soft drink pouring contract for the William Costick Activities Center, Parks Maintenance Building, Golf Course, Driving Range, Ice Arena, Heritage Park, Farmington Hills Community Center (HAWK), Longacre House and Founders Sports Park and for additional one (1) year renewals, not to exceed seven (7) renewals, under the same terms and conditions, by mutual consent between the City of Farmington Hills and Pepsi Beverages Company.

Roll Call Vote:

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

MOTION CARRIED 7-0.

**RECOMMENDED APPROVAL OF PAYMENT TO GUARDIAN PLUMBING FOR EMERGENCY REPAIR OF 3<sup>RD</sup> FLOOR PLUMBING ISSUE AT THE HAWK IN THE AMOUNT OF \$12,215.09. CMR 2-22-13**

MOTION by Bridges, support by Massey, that the City Council of Farmington Hills hereby authorizes payment to Guardian Plumbing for emergency repairs of the 3<sup>rd</sup> floor plumbing at The Hawk in the amount of \$12,215.09.

Roll Call Vote:

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

MOTION CARRIED 7-0.

**RECOMMENDED APPROVAL OF RESCHEDULING THE MARCH 14, 2022 REGULAR CITY COUNCIL MEETING TO MARCH 21, 2022.**

MOTION by Bridges, support by Massey, that the City Council of Farmington Hills hereby reschedules the regular City Council meeting of March 14, 2022 to March 21, 2022.

Roll Call Vote:

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

MOTION CARRIED 7-0.

**RECOMMENDED APPROVAL OF THE CITY COUNCIL GOALS STUDY SESSION MEETING MINUTES OF JANUARY 22, 2022.**

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

Roll Call Vote:

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

MOTION CARRIED 7-0.

**RECOMMENDED APPROVAL OF THE CITY COUNCIL STUDY SESSION MEETING MINUTES OF JANUARY 24, 2022.**

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



Roll Call Vote:

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

MOTION CARRIED 7-0.

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

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

Roll Call Vote:

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

MOTION CARRIED 7-0.

**ADDITIONS TO AGENDA**

There were no additions to the agenda.

**ATTORNEY REPORT**

The attorney report was received by Council.

**ADJOURNMENT**

MOTION by Knol, support by Massey, to adjourn the regular session City Council meeting at 9:00pm.

MOTION CARRIED 7-0.

Respectfully submitted,



Pamela B. Smith, City Clerk