

MINUTES
CITY COUNCIL MEETING
CITY OF FARMINGTON HILLS
DECEMBER 10, 2018 – 7:30 PM
CITY HALL – COUNCIL CHAMBER

The regular meeting of the Farmington Hills City Council was called to order by Mayor Massey at 7:33 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, Fire Chief Unruh and City Attorney Joppich

PLEDGE OF ALLEGIANCE

Farmington Mayor Steve Schneemann led the pledge of allegiance.

APPROVAL OF AGENDA

MOTION by Rich, support by Steckloff, to approve the agenda as amended, moving item #7 from the Consent Agenda to Consent Agenda Items for Discussion.

MOTION CARRIED 7-0.

ADMINISTRATION OF OATH TO MAYOR PRO-TEM MICHAEL BRIDGES

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

EMERGENCY PREPAREDNESS COMMISSION TIP OF THE MONTH

The following Tip of the Month was read by Emergency Preparedness Commission member, Tim Tutak:

**EMERGENCY PREPAREDNESS COMMISSION
TIP OF THE MONTH
DECEMBER 2018**

During this holiday season, the Emergency Preparedness Commission (EPC) reminds everyone that one of the best gifts you can give your family is the gift of financial preparedness.

Fires . . . hurricanes . . . tornadoes . . . earthquakes . . . acts of terrorism . . . business cycles . . . unemployment . . . natural or other disasters can strike suddenly, at any time and anywhere. Your first priority is to protect your family and your property. It is also essential to protect against the financial consequences of a disaster which can damage or destroy your property, forcing you to temporarily relocate, cut your flow of income or ruin valuable records. Financial preparedness helps ease your family's anxiety should you be forced to go through any period of crisis.

How do you prepare financially for the crisis moments of life? The City's Preparedness Handbook has an entire section and a checklist to help you do just that. To obtain a free copy of the handbook, please visit the website at www.fhready.org.

And as the year-end season is filled with gift giving, consider giving the gift of preparedness to your family and friends. Commercial emergency preparedness kits are available through the Red Cross and other sources. Paying the cost for your family members to take first aid classes, or organizing a pet's preparedness kit, make wonderful gifts for those you care the most about.

The EPC wishes everyone a safe and prepared holiday season.

CORRESPONDENCE

Farmington Mayor Steve Schneemann addressed City Council on the following items:

- Thanked the Mayor and Council for the bowl-a-thon and their attendance at the holiday parade
- He is looking forward to the future joint study session meeting with the Library Board to receive an update from the Board
- Passage of the millage in Farmington for infrastructure, capital improvements and operations
- Upcoming projects in Farmington
- Loss of Ginny Morris, a long-time Farmington resident and someone who was very active in serving the community

CONSENT AGENDA

MOTION by Lerner, support by Bruce, to approve Consent Agenda items #6 and #8 through #10.

Roll Call Vote:

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

MOTION CARRIED 7-0.

CONSENT AGENDA ITEMS FOR DISCUSSION

RECOMMENDED APPROVAL OF THE USE OF CITY FACILITIES POLICY

Councilmember Rich commented that after discussing the proposed policy in study session, her concern was that as written, the policy would affect State Officials who hold their community meetings at City Hall and City Manager Boyer assured her that this was not the intent so she would like to suggest a minor amendment to the language.

MOTION by Rich, support by Lerner, to approve the Use of City Facilities Policy, with an effective date of January 1, 2019, including amendments to subsections VII.A.1.d and VII.A.2.d to add the following language after the word "City-sponsored":

"provided, however, that after-hours meetings with government officials under Section V.E. are permitted on Saturdays between 9am and 4pm".

MOTION CARRIED 7-0.

PUBLIC QUESTIONS AND COMMENTS

Marla Sanderson of the Salvation Army, thanked Council for their support, particularly during the Red Kettle season. She shared information about the Salvation Army and how they serve the community and addressed comments made at the last City Council meeting where it was said that the Salvation Army did

not support the LGBTQ community. Officer Sanderson explained that there were comments made several years ago by an Austrian Officer of the Salvation Army who was immediately released from their position. She commented that the Salvation Army fully supports everyone and while there may be comments made by a few of the many representatives of the Salvation Army across the nation, that does not represent their views and those incidents are immediately addressed.

Several residents of Parkhill spoke on drainage issues in their yards and presented Council with photos. Michelle Chrysler submitted petitions from the residents of Parkhill asking the City to plan, approve and carry out the completion of a storm drain sewer system for Parkhill and the surrounding areas impacted.

City Manager Boyer stated that the drainage in this area has been an ongoing issue that was created over many years and the project is included in the capital improvement program. He stated that staff has some plans to alleviate the issue and proposed to set up a meeting with the residents to discuss the proposed plans.

Mayor Massey and Council expressed the desire to have this issue addressed for these residents and to provide Council with regular updates.

COUNCIL MEMBERS COMMENTS AND ANNOUNCEMENTS

Councilmember Knol asked staff to clarify for the residents on which tax bill the road millage that just passed would appear. City Manager Boyer clarified that the millage would appear on the summer tax bill and there is information on the website where residents could calculate the amount that will be owed or they can contact the Finance Department directly for information.

Mayor Massey announced that the December 24, 2018 meeting was canceled due to the holiday and wished everyone a Happy Holiday season and Happy New Year.

CITY MANAGER UPDATE

City Manager Boyer provided the following update:

- This week is the last week for yard waste pick up
- The American Red Cross Blood Drive will take place on January 2, 2019 from 8am until 8pm at the Costick Center

NEW BUSINESS

CONSIDERATION OF ADOPTION OF A RESOLUTION ESTABLISHING A WATER SYSTEM ADVISORY COUNCIL. CMR 12-18-97

Karen Mondora, Director of Public Services, explained that as part of the changes to the Lead and Copper Rules adopted by the Department of Environmental Quality, communities were required to establish a Water System Advisory Council by December 11, 2018. Since the city has not received guidance on the operation of such a Council to date from the DEQ, staff is suggesting at this time to establish a temporary Water System Advisory Council. She noted that the Great Lakes Water Authority has also advised communities that they are interested in creating a regional council of which the city may be able to participate in the future. Director Mondora stated that the proposed resolution was drafted in conjunction with the City Attorney's Office.

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF FARMINGTON HILLS

RESOLUTION NO. R-166-18

RESOLUTION ESTABLISHING THE
FARMINGTON HILLS WATER SYSTEM ADVISORY COUNCIL

At a regular meeting of the City Council of the City of Farmington Hills, County of Oakland, State of Michigan, held on December 10, 2018, at 7:30 o'clock p.m., Eastern Daylight Savings Time, with those present and absent being,

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

ABSENT: NONE

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

WHEREAS, the Michigan Department of Environmental Quality (“MDEQ”) has adopted amendments to Michigan’s Lead and Copper Rules (“LCRs”) applicable to the City of Farmington Hills’s water system; and

WHEREAS, under the LCRs, specifically R 325.10410(7), water supply systems serving a population of 50,000 or more are required to create a water system advisory council before December 11, 2018 for purposes of improving transparency in their communities by developing materials and advising the water system on public awareness/education efforts; and

WHEREAS, the City of Farmington Hills is required to establish a water system advisory council pursuant to the LCRs; and

WHEREAS, the City has been advised that the Great Lakes Water Authority (“GLWA”) is exploring the concept of having a single regional water system advisory council—in which Farmington Hills could be included—to be housed in an already existing work group through GLWA’s Member Outreach Program, and GLWA has been advised that the MDEQ is open to and in the process of considering this proposal, but it will likely not be finalized until after the LCRs’ December 11, 2018 deadline for establishment of a City advisory council;

WHEREAS, the City Council desires to comply with the above LCR by creating a water system advisory council at this time having the specific purposes, objectives, membership, and duties set forth in this Resolution, subject to a further review by Council of the continuing need and desirability for the City’s advisory council after the MDEQ has decided whether to allow a single regional advisory council for these purposes.

NOW, THEREFORE, BE IT IS HEREBY RESOLVED by the City Council of the City of Farmington Hills as follows:

1. The City of Farmington Hills Water System Advisory Council is hereby established and will be referred to in this Resolution as the “Water System Advisory Council” or “Advisory Council”.

2. The Advisory Council shall consist of at least 5 members, appointed by the Mayor, subject to approval by a majority vote of City Council. To be eligible for appointment to the Advisory Council, an individual shall have a demonstrated interest in or knowledge about lead in drinking water and its effects. At least one member must be a local resident of the City who does not formally represent the interests of any incorporated organization. The Mayor's appointments of the following individuals to the Water System Advisory Council are hereby approved: Tammy Gushard (City of Farmington Hills, Assistant to the Director of Public Services), Connie Sims (Oakland County Water Resources Commissioner's Office, Environmental Planner III), Anthony Drautz (Oakland County Health Department, Administrator, Environmental Health Services), Mike Pucher (Oakland County Community & Home Improvement Division, Supervisor Contract Compliance Unit) and Erinn Quetell (resident of Farmington Hills).
3. The first meeting of the Advisory Council shall be called by the City Manager or his designee. At the first meeting, the Advisory Council shall elect from its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the Advisory Council shall meet at least annually.
4. The Advisory Council shall do the following:
 - (A) Develop plans for continuing public awareness about lead in drinking water, even when the action level is not exceeded.
 - (B) Review public awareness campaign materials provided by the statewide drinking water advisory council to ensure the needs and interests of the community, considering the economic and cultural diversity of its residents, are addressed.
 - (C) Advise and consult with the City's water supply (being the Farmington Hills Public Services Department in conjunction with the Oakland County Water Resources Commissioner) on the development of appropriate plans for remediation and public education to be implemented if a lead action level is exceeded.
 - (D) Advise and consult with the City's water supply on efforts to replace private lead service lines at locations where the owner declined service line replacement.
 - (E) Assist in promoting transparency of all data and documents related to lead in drinking water within the City's water supply service area.
 - (F) Collaborate with local community groups to ensure that residents have the opportunity to be involved in efforts to educate the community about lead in drinking water.
 - (G) Any other undertakings that the LCRs require of a water system advisory council in the City of Farmington Hills.
5. The Advisory Council may independently seek advice, direction, and assistance from the MDEQ or the statewide advisory council.
6. The business that the Advisory Council may perform shall be conducted at a public meeting of the Advisory Council and held in compliance with the Michigan Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275.

7. A writing prepared, owned, used, in the possession of, or retained by the Advisory Council in the performance of an official function is subject to the Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246.
8. The Advisory Council shall issue a report to City Council of its undertakings described above on or before December 1, 2019, and each year thereafter, until the Advisory Council is discontinued.
9. Council may review the continuing need and desirability for the City's Advisory Council after the MDEQ has decided whether to allow a single regional advisory council for these purposes. If the decision by the MDEQ is to permit a regional advisory council, City Council may decide to join the regional council, in which case the Advisory Council established under this Resolution may be terminated or modified by City Council. If the decision by the MDEQ is to not permit a regional advisory council or if the City Council decides that it prefers not to participate in such a regional council, or if City Council otherwise desires to continue with and maintain its own water system advisory council, City Council may at that time take such action as is necessary to establish the Farmington Hills Water System Advisory Council as a permanent council under Chapter 2, Article IV of the City Code of Ordinances. Until such time, the Advisory Council under this Resolution shall remain in place.
10. Except as otherwise provided in this Resolution or in applicable LCRs, the Advisory Council shall be subject to and shall comply with Chapter 2, Article IV, Division 1 of the Farmington Hills Code of Ordinances. In the event of a conflict between the Code of Ordinances and this Resolution or the LCRs, the terms and requirements of this Resolution and the LCRs shall apply.
11. Given the nature, purposes and objectives, and the statutory/legal mandates imposed by the State of Michigan regarding this Advisory Council, City Council hereby finds and declares that the Water System Advisory Council does not fall into the category of a board or commission contemplated under or for purposes of Section of 3.12 of the City Charter.

AYES: BRIDGES, BRUCE, KNOL, LERNER, MASSEY, RICH AND STECKLOFF
NAYES: NONE
ABSENT: NONE
ABSTENTIONS: NONE

RESOLUTION DECLARED ADOPTED December 10, 2018.

CONSIDERATION OF APPROVAL OF THE INTRODUCTION OF AN ORDINANCE AMENDING THE FARMINGTON HILLS CODE OF ORDINANCES TO AMEND CHAPTER 18 "OFFENSES," ARTICLE VIII "OFFENSES CONCERNING UNDERAGED PERSONS," DIVISION 2, "TOBACCO," AND SECTION 18-373 "TOBACCO PRODUCTS ON SCHOOL PROPERTY," TO INCLUDE VAPE, ELECTRONIC CIGARETTES, AND NICOTINE PRODUCTS AND PROVIDE PENALTIES FOR VIOLATIONS.

City Attorney Joppich explained that the proposed ordinance was an amendment to the City's current ordinance that addressed the use of tobacco products by minors to include the use of nicotine, E-cigarettes, vaping, etc., and was discussed by City Council at a previous study session meeting. He reviewed the ordinance and the violations and fees involved.

Councilmember Rich felt that Attorney Joppich did a great job including all of the information discussed by Council at their study session, but suggested the following changes:

Amending DIVISION 2. – TOBACCO to read DIVISION 2. – TOBACCO AND NICOTINE

Amending the Definition of *Retailer* and clarifying the violations and fines would apply to the retailer and not the Person.

Attorney Joppich suggested a change to the definition of *Person* to address the concerns mentioned by Dr. Rich.

Discussion was held on the suggested changes and having the same violation/penalty for a retailer versus the actual individual who sold the product. It was noted that while the ordinance allows for the same penalty, it is at the discretion of the Officer. Several members of Council preferred the language as originally written with no amendments.

MOTION by Rich, support by Bruce, that the City Council of Farmington Hills hereby approves the INTRODUCTION of an Ordinance amending the Farmington Hills Code of Ordinances to amend Chapter 18 “Offenses,” Article VIII “Offenses Concerning Underaged Persons,” Division 2, “Tobacco,” and Section 18-373 “Tobacco Products on School Property,” to include Vape, Electronic Cigarettes, and Nicotine Products and provide penalties for violations, with the following amendments:

Amending DIVISION 2. – TOBACCO to read DIVISION 2. – TOBACCO AND NICOTINE

Amending definition of *Person* on Page 2, to include the language in parentheses to read: *Person* means an individual (not including employees of a retailer), partnership, fiduciary, association, corporation, retailer or other legal entity.

MOTION CARRIED 4-3 (Bridges, Knol and Lerner opposed).

CONSENT AGENDA

RECOMMENDED APPROVAL OF EXTENSION OF AWARD OF AGREEMENT FOR MASS NOTIFICATION (NIXLE) AND EMPLOYEE ENGAGEMENT SUBSCRIPTION TO SAFEWARE, INC. FOR A FOUR (4) YEAR TERM AT \$19,999.99 PER YEAR. CMR 12-18-98

MOTION by Lerner, support by Bruce, that the City Council of Farmington Hills hereby authorizes the City Manager to approve purchase orders to Safeware Inc. for a subscription for Nixle/Everbridge for a four (4) year term at \$19,999.99 per year.

Roll Call Vote:

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

Nays: NONE

Absent: NONE

Abstentions: NONE

MOTION CARRIED 7-0.

RECOMMENDED APPROVAL OF AWARD OF AGREEMENT FOR CONSULTING AND APPRAISAL SERVICES FOR WEST RIVER SHOPPING CENTER TO HEINOWSKI APPRAISAL & CONSULTING IN THE AMOUNT OF \$17,500. CMR 12-18-99

MOTION by Lerner, support by Bruce, that the City Council of Farmington Hills hereby approves the issuance of a purchase order for Consulting & Appraisal Services for the West River

Shopping Center for \$17,500 to Heinowski Appraisal & Consulting, in accordance with all terms and conditions set forth in the 2014 proposal for Real Property Appraisal Services.

Roll Call Vote:

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

MOTION CARRIED 7-0.

RECOMMENDED APPROVAL OF THE CITY COUNCIL STUDY SESSION MEETING MINUTES OF NOVEMBER 26, 2018.

MOTION by Lerner, support by Bruce, that the City Council of Farmington Hills hereby approves the study session meeting minutes of November 26, 2018, as submitted.

Roll Call Vote:

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

MOTION CARRIED 7-0.

RECOMMENDED APPROVAL OF THE CITY COUNCIL REGULAR MEETING MINUTES OF NOVEMBER 26, 2018.

MOTION by Lerner, support by Bruce, that the City Council of Farmington Hills hereby approves the regular meeting minutes of November 26, 2018, as submitted.

Roll Call Vote:

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

MOTION CARRIED 7-0.

ATTORNEY'S REPORT

The City Attorney's report was received by Council.

ADJOURNMENT

Mayor Massey adjourned the regular City Council meeting at 8:58pm.

Respectfully submitted,



Pamela B. Smith, City Clerk