

MINUTES
CITY OF FARMINGTON HILLS
FARMINGTON HILLS CITY COUNCIL
CITY HALL – COMMUNITY ROOM
JULY 8, 2024 – 5:30PM

The study session meeting of the Farmington Hills City Council was called to order by Mayor Rich at 5:30pm.

Council Members Present: Aldred, Boleware, Bridges, Bruce, Dwyer, Knol (arrived at 5:33pm), and Rich

Council Members Absent: None

Others Present: City Manager Mekjian, City Clerk Lindahl, Assistant City Manager Mondora, Police Chief King, and City Attorney Joppich and Berger

CLOSED SESSION

CONSIDERATION OF APPROVAL TO ENTER INTO A CLOSED SESSION TO CONSIDER AND DISCUSS ATTORNEY CLIENT WRITTEN COMMUNICATIONS FROM THE CITY ATTORNEY UNDER SECTION 8(1)(H) OF THE OPEN MEETINGS ACT AND SETTLEMENT STRATEGY IN CONNECTION WITH PENDING LITIGATION UNDER SECTION 8(1)(E) OF THE OPEN MEETINGS ACT AND RELATING TO THE CASE OF GLENN V FARMINGTON HILLS (OAKLAND COUNTY CIRCUIT COURT; CASE NO. 2023-204484-NI). (NOTE: COUNCIL WILL RETURN TO OPEN SESSION IMMEDIATELY FOLLOWING THE CLOSED SESSION).

MOTION by Bridges, support by Aldred, that the City Council of Farmington Hills hereby approves entering into a closed session to consider and discuss attorney client written communications from the City Attorney under Section 8(1)(h) of the Open Meetings Act and settlement strategy in connection with pending litigation under Section 8(1)(e) of the Open Meetings Act and relating to the case of Glenn v Farmington Hills (Oakland County Circuit Court; Case No. 2023-204484-NI).

Roll Call Vote:

- Yeas: ALDRED, BOLEWARE, BRIDGES, BRUCE, DWYER, KNOL AND RICH
- Nays: NONE
- Absent: NONE
- Abstentions: NONE

MOTION CARRIED 7-0.

Council entered into open session immediately following the closed session at 6:29pm.

STUDY SESSION ITEMS

CITY COUNCIL TRAVEL AND ATTENDANCE AT CONFERENCES, AND MML DELEGATE DISCUSSION

City Manager Mekjian explained that as part of the budget adoption process, the City council agrees on a budgeted amount for City Council to attend Conferences and Workshops. This year’s City Council Conference budget includes:

- MML Convention (Fall, 3 people)
- Elected Officials Academy (Twice annually, 6 people)
- National League of Cities (Spring, 3 people)
- MML Capital Conference (Spring, 2 people)
- Michigan Association of Mayors (1 person)
- Mayor's Innovation Project (1 person Twice Annually, Winter & Summer)
- Mackinac Policy Conference (TBD)
- U.S. Conference of Mayors (1 person, Twice Annually)

At the conclusion of this year's City Council budget discussion on this topic, there was lack of clarity as to the consensus of City Council; City Administration is seeking clarity and consensus from Council on the following items:

- What conferences would City Council like to attend?
- What is the maximum number of City Councilmembers to attend these conferences?
- How would City Council prefer to address attendance at future conferences that are not budgeted?
- Who are the voting delegates for the fall MML convention?

The new budget will be amended to reflect any changes made.

Council discussion

Council discussion focused on past practice, which varied depending on available funding. There was some support for staying within the budgeted amount, and not continually increasing it. On the other hand, some councilmembers strongly supported allowing attendance at conferences where attendance will benefit the Council and the City and increasing the budget to make attendance possible for more members.

After discussion, consensus of Council appeared to support the following changes:

- Budget for 5 members to attend NLC, and 7 members to attend MML. As a practical matter, any Councilmember who wanted to attend NLC or MML meetings should be able to go; it is unlikely that the schedules of all Councilmembers will allow them all to attend the same conference at the same time.
- A Councilmember who is serving on a special committee at NLC or MML should be able to attend meetings related to that responsibility.
- The budgeted amount for NLC attendance is too low and should be raised.
- Meal allowances should be increased; allowed meal amounts have not changed since 2004.

Other discussion:

- The amount budgeted for the Mackinac Policy Conference will not cover the cost of attending that conference, which is very expensive. In any event, it is too late to register for this year's conference.
- The Elected Officials Academy is offering a hybrid version of their courses, with some attendance online.

- Regarding attendance at the fall MML conference, it was consensus of Council to have Mayor Rich as voting delegate, with Boleware as alternate. Councilmember Boleware will be honored at the first woman to go through the Women's Elected Leadership Intensive program.

DISCUSSION ON OPTIONS FOR PUBLIC ART FUNDING

City Manager Mekjian explained that City Council identified researching funding options for public art during its January 2024 goal session. Mekjian's July 8, 2024 memo provided information on how a variety of other communities fund, define, select, place, and decommission public art:

- Southfield, funding source: Zoning Ordinance. Oversight: Public Arts Commission/CC
- Marquette, funding source: \$30,000 General Fund Annually. Oversight: Public Arts Commission/CC
- Sterling Heights, funding source: \$100,000 General Fund Annually. Oversight: Arts Commission / Community Relations Dept.
- East Lansing, funding source: 1% of Public Facilities or Capital Improvements and 1% as part of site plan approvals up to \$25,000. Oversight: Public Arts Commission/CC

Council discussion

Art Funding and Public Appeal

- If public funds are utilized for art, the result should be broadly appealing, reflecting the interests of the general population who pay property taxes. Public money should not be invested in obscure art that fails to resonate with the majority of residents. Public art reflects a community's soul and enhances quality of life.
- Council discussed collaborating with the Arts Commission and/or hiring a consultant to create an art master plan, ensuring a cohesive strategy that aligns with the City's branding and financial considerations.
- Council stressed the importance of continued support for artists in Farmington and Farmington Hills.

Funding Strategies

- Council discussed developing a hybrid funding program, using both public and private funds. Public art is an investment in the community, and enhances quality of life.
- Southfield's model – capping contributions based on project value – was cited as a potential framework. This model had shown success, resulting in the integration of public art in Southfield, with positive reception from the business community there.
- In Sterling Heights the business community fought funding for public art via a percentage of development costs, and Sterling Heights ended up using General Fund money, with significant public art installed.
- Charging developers for public art increases the cost of doing business in a community. As an older community, Farmington Hills should do everything it can to make the community a desirable place for redevelopment. If the entire community wants public art, the entire community should pay for it.
- Mayor Rich said that at the Mayor's Conference, which was for cities with greater than 30,000 population, some mayors shared that in their cities 1/10 of 1% of development costs go toward public art. While sometimes this met initial resistance, eventually the public art enhanced the community so significantly that the business community came to fully support this effort.
- There appeared to be consensus that PUD agreements provided opportunities for integrating art as part of the public benefit of the agreement. PUDs allow for discretionary approval which could

include funding mechanisms like a percentage of project costs. This seemed like a fair exchange for getting certain zoning requirements waived.

- The new Hunter Square development is an appropriate place for art integration via the PUD tool, as has already been discussed during PUD approval. The new owner of that development has indicated they want to honor the discussions about a public art component.
- Other PUDs coming forward should be asked to have a public art component.
- Locations for public art funded via the General Fund or other dedicated budgets might include key intersections such as the 696 Interchange, 12 and Orchard Lake, Grand River and Halsted, Grand River and 8 Mile, the roundabout at Orchard Lake, etc.
 - Council will see a rendering of the gateway sign at Orchard Lake/696 at the August study session, proposed to be funded via the General Fund.
- Add public art to the 12-Mile Corridor, Orchard Lake Corridor and Grand River Corridor studies.

Legal Considerations

Art is speech. It is important to respect artists' and property owners' rights under the First Amendment. Public art initiatives must comply with legal standards while fostering artistic expression.

UPDATE FROM DTE REPRESENTATIVES

DTE representatives present this evening included:

- Jennifer Whittaker, DTE Government Affairs Liaison
- Brian Calka, Vice President, Distribution Operations
- Maria Arpino, Manager, Distribution Operations Strategy
- Dan Mahoney, Director of Policy and Regional Affairs and Corporate Affairs

Utilizing a PowerPoint presentation, DTE representatives led by Brian Calka focused on the following:

- Improvements in Farmington Hills since summer 2021.
- Description of how electrical service is delivered to Farmington Hills via 10 substations.
- In recent years, reliability performance in Farmington Hills has been driven by severe weather events, and DTE has invested \$50M in Farmington Hills in the past 5 years, split 50/50 between tree trimming and infrastructure improvements. An additional \$50M will be invested over the next 5 years.
- Based on nationally-accepted metrics, reliability in the City has improved, with residents experiencing as a whole 1.6 outages per year. If the rest of 2024 holds with what has been experienced so far, residents on average will experience .8 outages for the year.
- Absent severe weather, outages generally last no longer than 2 hours. Severe weather will extend outage time. For example, 80% of the outages in 2024 so far were a result of the June 19 storm.
- Any outage of 5 minutes or longer is considered an official outage.
- The system is designed to create very short outages should a fault occur – these are the outages that cause minor annoyances such as resetting clocks, etc.

In response to questions, the DTE representatives provided the following:

- Tree trimming strategies reduce outages related to trees by 50%.
- Retrofitting existing infrastructure from aboveground to underground is four to five times more expensive than constructing aboveground infrastructure, and is not the panacea many people think it will be.

- DTE knows where the most frequent outages occur in the City, and tries to address those areas by infrastructure investment and tree trimming.
- There is a new tool on the DTE website where a resident can see the most recent reliability performance information for their area: <https://www.dteenergy.com/us/en/residential/service-request/system-improvements/system-improvements/power-improvements-map.html>
- Transformers do not typically fail on clear summer days. If and when that happens, and if an address can be provided, DTE can provide information as to what caused that transformer to fail.
- All reliability numbers are backed by verifiable data.
- DTE will follow up with the City and HOA representative who has complained about DTE maintenance/upgrades being done with no notice to the neighborhood, including use of excavators with holes being left open.

Council discussion

- In some areas of the City residents have so many outages that they invest in expensive generators. Council is very aware of these areas because they receive calls from the residents.
- Council said that the reliability numbers cited by DTE do not reflect the experience of people on the ground, including in council member neighborhoods. Electricity goes out much more often than 1.6 times a year in many neighborhoods in the City. Every year the outages seem to increase, and the same neighborhoods have experienced a greater number of outages for many years, without apparent improvement.
- Farmington Hills has an aging population, some of whom depend on electricity to power live-supporting equipment.

DTE response

- Every utility in the country is dealing with an increase in severe weather events. DTE, and other utilities nationwide, are working to harden their grids, and to do what it takes to restore power much more quickly than has been historically done.
- DTE will be investing \$9B across the region in the next 5 years, with another \$50M spent in Farmington Hills. DTE is utilizing a 4-point plan:
 1. Accelerate the transition to a smart grid, in order to restore power more quickly and efficiently.
 2. Upgrade existing infrastructure.
 3. Rebuild the grid in some areas.
 4. Complete tree trim surge and remain on cycle.

Discussion of June 19, 2024, storm event

- Microbursts created significant havoc in this area; it was a devastating and extraordinary event with winds over 60mph resulting in heavy tree and equipment damage.
- As shown on the PowerPoint, over 110,000 customers were out of power. DTE replaced thousands of assets in the field, using manual processes (not a quick restoration activity).
- For this type of event, every DTE employee fulfills a storm role.
- DTE brought in 200 crews from outside the state; in hindsight they should have brought in more.
- The goal is to restore power for all residents within 48 hours. 92% of outage locations were restored within 48 hours. 99.8% were restored in 72 hours. Farmington Hills estimate accuracy was 49%; DTE is working to improve its estimate accuracy.

Closing discussion

- Council continued to be concerned about the number of City residents who complain about having unreliable power, with frequent outages. The reliability statistics presented by DTE did not seem accurate in light of the number of complaints received.
- Council asked for more frequent updates.
- Council asked about tree trimming that shaved an area out of the center of the tree, with branches above and below the DTE lines.

In response, DTE representatives explained that they will offer to remove trees, but homeowners typically don't want to have the tree removed, so the trimming as just described occurs. The tree has to be trimmed in a way that give clearance that will last 5 years, until the next tree trimming cycle occurs in the area.

Council suggested that DTE offer a stipend for tree replacement, if permission is given for tree removal.

Council thanked the DTE team for their attendance this evening.

ADJOURNMENT

The study session meeting adjourned at 7:23pm.

Respectfully submitted,

Carly Lindahl, City Clerk