

MINUTES  
CITY COUNCIL MEETING  
CITY OF FARMINGTON HILLS  
MARCH 23, 2015 – 7:30PM  
CITY HALL – COUNCIL CHAMBER

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

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

Council Members Absent: None

Others Present: City Manager Brock, City Clerk Smith, Assistant City Manager Boyer, Director Gardiner, Fire Chief Bartsch, Police Chief Nebus, City Attorney Joppich and Planning Consultant Arroyo

**PLEDGE OF ALLEGIANCE**

Dr. George Heitsch, Farmington Public Schools Superintendent, led the pledge of allegiance.

**APPROVAL OF AGENDA**

MOTION by Massey, support by Lerner, to approve the agenda as amended, with the removal of item #8, Resolution supporting Proposal 1 (Road, Transit, Local, and School Funding).

MOTION CARRIED 7-0

**PRESENTATION BY DR. GEORGE HEITSCH, FARMINGTON PUBLIC SCHOOLS SUPERINTENDENT - MAY 5<sup>TH</sup> BALLOT QUESTION**

Dr. George Heitsch, Superintendent of Farmington Public Schools, provided a presentation on the ballot proposal for the May 5, 2015 Special Election discussing how the additional funding would address the needs of the School District.

Councilmember Bridges stated that while City Council cannot take a position on the ballot proposal per policy, he is supportive of the proposal and feels that good schools are a draw for the community.

Councilmember Lerner stated that he appreciated the presentation, but addressed the City policy to not take a position on any ballot proposals.

Mayor Brickner explained that the Council could not pass a resolution in support of or against any proposal, but feels that individually Council can express their position. He thanked Dr. Heitsch for his presentation. He commented that a community group was involved in drafting the proposal and he encouraged voters to get out and vote.

Mayor Pro-Tem Massey noted that Dr. Heitsch will be providing an expanded presentation on the Farmington Public School ballot proposal on March 30<sup>th</sup> at Hillside Elementary. He noted that members of the citizens committee will also be present and there will be a question and answer portion of the meeting.

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

The following Tip of the Month was read by Councilmember Bruce:

**Commission for Energy and Environmental Sustainability  
Tip of the Month**

**PUTTING OUR ENERGY WHERE IT COUNTS!**

This is the new campaign for our Community’s effort to bring home the \$5 million Georgetown University Energy Prize. Here are three key reasons why you should join us in this effort:

- By implementing energy efficiency measures, you can lower your utility bills, save money, and make your home more comfortable.
- As a residential customer, you can save 2 to 30% on your annual energy bills, or approximately \$45 to \$635 depending on the extent of the energy savings measures implemented. The savings will continue forever!
- By joining forces with our neighbors to take action, we will demonstrate our community’s commitment to a more sustainable, eco-friendly future.
- Working together, our combined efforts in lowering our consumption of energy will count favorably toward our community winning the \$5 million Georgetown University Energy Prize.

Watch your mailbox for a special edition of DTE Energy’s Energy Smarts magazine. This magazine shows how you can get involved and gives details about the many energy savings measures to consider.

Lastly, join us at Heritage Park on Wednesday, April 22 from 5 – 7:30 PM for our annual Earth Day Celebration. Enjoy food, activities and a concert by Joe Reilly, a celebrated local musician whose music connects kids with the amazing world that surrounds them. This FREE event welcomes all ages.

For more information about the community’s Energy Prize efforts, visit [www.sustainablefh.com](http://www.sustainablefh.com) and let’s PUT OUR ENERGY WHERE IT COUNTS!

Mayor Brickner encouraged residents to adopt energy efficient programs for their homes and help the city win this \$5 million prize.

**PROCLAMATION RECOGNIZING APRIL 7, 2015 AS NATIONAL SERVICE RECOGNITION DAY:**

The following proclamation was ready by Councilmember Lerner and accepted by Mayor Brickner:

**National Service Recognition Day  
April 7, 2015**

**WHEREAS,** the nation’s mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and

**WHEREAS,** AmeriCorps and Senior Corps address the most pressing challenges that we face today, from educating students for the jobs of the 21st century and supporting

veterans and military families, to preserving the environment and helping communities recover from natural disasters; and

**WHEREAS,** national service participants serve in more than 70,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

**WHEREAS,** AmeriCorps members and Senior Corps volunteers demonstrate loyalty and patriotism by making an intensive commitment to service, a dedication that remains with them in their future endeavors; and

**WHEREAS,** the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities, and is joining with the National League of Cities, City of Service, and mayors across the country to recognize the impact of national service on our cities and on our nation.

**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 April 7, 2015, as **National Service Recognition Day**, and encourage residents to recognize the positive impact of national service in our city and thank those who serve and give back to their communities.

**PROCLAMATION RECOGNIZING APRIL 12-18, 2015 AS SEVERE WEATHER AWARENESS WEEK**

The following proclamation was ready by Mayor Pro-Tem Massey and accepted by Firefighter Jamie Neufeld:

**Severe Weather Awareness Week  
April 12 – 18, 2015**

**WHEREAS,** Governor Rick Snyder and Oakland County Executive L. Brooks Patterson have declared the week of April 12 – 18, 2015 as Severe Weather Awareness Week in Michigan; and

**WHEREAS,** the Oakland County Homeland Security Division will be engaged in various public education efforts during Severe Weather Awareness Week to help minimize the loss of life and destruction of property that can result from severe weather; and

**WHEREAS,** to further raise the awareness level of severe weather safety and to promote tornado safety preparedness, Oakland County will conduct a special test of its Outdoor Warning System sirens on **Wednesday, April 15, 2015 at 1 p.m.**

**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 April 12 – 18, 2015 as **Severe Weather Awareness Week** in Farmington Hills and encourage all residents, schools, and businesses to test their severe weather action plans to ensure the safety of everyone in our community.

**PROCLAMATION RECOGNIZING APRIL 2015 CHILD ABUSE PREVENTION AND AWARENESS MONTH**

The following proclamation was ready by Councilmember Steckloff and accepted by Patricia Rosen, Executive Director of Care House of Oakland County:

**Child Abuse Prevention and Awareness Month  
April 2015**

- WHEREAS,** abuse and neglect are suffered by children in our communities, regardless of age, race, gender, or economic situation, with many cases going unreported; and
- WHEREAS,** the devastating consequences of physical and emotional abuse of our children effects the community as a whole and finding solutions needs to be a concern of the community as a whole; and
- WHEREAS,** the State of Michigan has mandatory reporting by professionals working with children of any suspected abuse and neglect incidences – a major step – but more is needed in the community; and
- WHEREAS,** Care House of Oakland County works to break the cycle of child abuse and neglect, provides a protective circle of light and hope for a better life, and advocates for the safety and protection of children; and
- WHEREAS,** Care House of Oakland County offers services aimed at preventing child abuse and neglect, knowing that effective programs succeed because of the partnerships created among schools, social service agencies, religious and civic organizations, the business community, and law enforcement agencies.

**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 April 2015 as **Child Abuse Prevention and Awareness Month** in Farmington Hills and call upon citizens, community agencies, organizations, and businesses to increase participation in efforts to prevent child abuse, to strengthen our community, and to ensure that children grow up in an environment that nurtures them and keeps them safe.

**PROCLAMATION RECOGNIZING APRIL 2015 AS AUTISM AWARENESS MONTH AND APRIL 2, 2015 AS WORLD AUTISM AWARENESS DAY**

The following proclamation was read by Councilmember Knol and accepted by DiAnna Soloman, Senior Coordinator for Autism Speaks.

**April is Autism Awareness Month  
World Autism Awareness Day  
April 2, 2015**

- WHEREAS,** autism, which is the fastest growing developmental disability in the United States, affects more than three million people and is an urgent public health crisis that demands a national response; and
- WHEREAS,** autism is the result of a neurological disorder that affects the normal functioning of the human brain and can affect anyone, regardless of race, ethnicity, gender or socioeconomic background; and

**WHEREAS,** characteristics of autism can result in significant lifelong impairment of an individual's ability to learn, develop healthy interactive behaviors, and understand verbal as well as nonverbal communication; and

**WHEREAS,** doctors, therapists, and educators can help persons with autism adjust to challenges and can provide early, accurate diagnosis with the resulting appropriate education, intervention, and therapy that are vital to future growth and development; and

**WHEREAS,** increased awareness will help to ensure that persons living with autism have access to the lifelong care and services needed to pursue the full measure of personal happiness and achieve their greatest potential.

**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 April 2015 as **Autism Awareness Month** and April 2, 2015 as **World Autism Awareness Day** in Farmington Hills and call upon citizens to raise their awareness of autism in the hope that it will lead to a better understanding of the disorder and increase support of programs to help those with autism and their families.

**PRESENTATION OF ANNUAL REPORTS:**

Department annual reports were provided by the following:

Planning Commission Annual Report by Mara Topper, Chair  
Fire Department Annual Report by Fire Chief Corey Bartsch  
Police Department Annual Report by Police Chief Charles Nebus.

Councilmember Lerner stated that he was concerned with the continued growth in the number of incidents and being able to handle that in the future with the City's paid-on-call system. He questioned at what point the city should consider moving from a joint system.

Fire Chief Bartsch responded that it is a delicate balance when you have a combined system and it is not typical of a Department of their size and with the number of calls to which they respond. He stated that the City is fortunate to have dedicated paid-on-call volunteers.

Councilmember Bruce commented on how quickly the City's Police Department capture those who are committing crimes. Chief Nebus responded that he is proud of the Department's fast response.

Chief Nebus clarified some of the statistics at the request of Councilmember Knol.

Councilmember Bridges thanked Chief Nebus for the comprehensive report and complimented him on the citizen interaction and safe city statistics given the reduction in staff. He thanked Chief Nebus and his staff for their service.

Councilmember Lerner stated that he appreciates both the Fire and Police Department staff for all they do to make the city safe. He addressed the car larcenies and reminded people not to leave their purses, phones, etc in their cars in plain sight. He also thanked the Police Department for their role in the Drug 101 Class being held on April 16th at North Farmington High School that is being paid for by drug forfeiture funds.

Mayor Pro-Tem Massey stated that he feels the City is well served by the leadership and men and women of the Fire and Police Departments and believes that the decreases in crime are due to the community policing efforts and engaging the public.

Mayor Brickner thanked both Departments and their staff for the work they do.

### **CORRESPONDENCE**

Mayor Brickner commented on an article in the Observer Newspaper about local road maintenance and setting standards for local roads. He stated that Council held a study session on this issue and will be considering a policy change with regard to road improvement projects.

He also mentioned an e-mail regarding detention clean up by the City in another subdivision.

### **CONSENT AGENDA**

MOTION by Bruce support by Bridges, to approve the Consent Agenda as published.

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**

Suzanne Zimmerly, Kilreigh, mentioned that she spoke before Council last month on the issue of a trap and release program for community cats and had sent more information on to City Manager Brock. She inquired if the Council or staff had an update on implementing the program or if more information was needed.

City Manager Brock stated that the City delayed some enforcement action based on Ms. Zimmerly's comments last month and staff is in the process of reviewing how this might be implemented. He stated that they still plan to hold a study session on the issue in the future and that staff would be in touch with Ms. Zimmerly when that takes place.

### **COUNCIL MEMBER'S COMMENTS AND ANNOUNCEMENTS**

The following announcements were made:

- Absentee ballots will be mailed by April 2, 2015 for those who have applied
- The last day to register to vote for the May 5<sup>th</sup> Election is Monday, April 6<sup>th</sup>
- County Clerk's Office is hosting a voter registration drive on March 24<sup>th</sup> from 11am-1pm at OCC
- City Clerk's Office is hosting voter registration drives for area high schools.

Mayor Brickner addressed the removal of the Resolution to support Proposal 1 and the fact that Council has a policy to not take any action or pass a resolution with regard to any proposal. He explained the Proposal and that it would guarantee city funding for roads. He suggested that voters review it closely and make their own decision.

Councilmember Lerner commented that the Council is divided on this issue and while there may be some positives as the Mayor pointed out, if Proposal 1 passes, the schools lose \$25 per student in funding and

only \$800,000 is put towards roads the first year. He feels that Council should not be commenting on this issue per their policy and he is not sure why this is being discussed.

Mayor Brickner stated that Council members may comment on any proposal, but Council may not pass a resolution on a proposal. He stated that his main concern is that there is a lot of confusion over the Proposal, but if we don't do something about the roads there is no plan B to cover the costs for fixing the roads.

Councilmember Lerner stated that he is not in favor of Proposal 1 and feels that the legislature should get back to work and do this right. He is not in favor of any Bill that would cut funding to the schools.

### **CITY MANAGER UPDATE**

City Manager Brock provided an update on the following:

- Proposal 1 – agreed that most people are not happy that the State left this for the voters to decide; but from a fiscal standpoint, Proposal 1 would guarantee more money coming back to the City. He does not agree Mr. Lerner with regard to the school funding and feels there is more money that goes towards education. The question on whether or not any funding would come to our districts remains an open question.
- City of Farmington Hills has been designated as a Tree City
- Citizen input meeting regarding the 10 Mile and Orchard Lake Road intersection improvements
- April 1<sup>st</sup> at 7pm, Michael Ford, new Director of the Regional Transit Authority is hosting a meeting to receive input on the future of transit region wide. He noted that there will be a ballot question on the November, 2016 ballot with regard to regional transit funding.
- Exemplar Club is having its annual fundraising Euchre Night on March 28, 2015

### **PUBLIC HEARING**

#### **PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE TO AMEND THE FARMINGTON HILLS CITY CODE, CHAPTER 34, "ZONING", SECTION 34.3.1.11, RC-2, "MULTIPLE-FAMILY RESIDENTIAL DISTRICT" TO ALLOW FOR OFFICE USES, SUBJECT TO CERTAIN CONDITIONS, WITHIN THE RC-2 DISTRICT. ZONING TEXT AMENDMENT 4, 2014.**

Director Gardiner explained that this is an ordinance that would amend the Zoning Chapter of the City Code to allow for certain office uses within the RC-2, Multiple-Family District. He stated that this is a unique request and the proponent is by Mr. Brateman. He clarified that the requested change was not initiated or supported by staff. He stated that the Planning Commission reviewed the request and held the required public hearing and is recommending denial of the request to City Council.

Mayor Brickner commented that this issue has gone to the Zoning Board of Appeals and a variance was approved to allow for office use in this location.

Director Gardiner confirmed that the ZBA granted a use variance with some conditions for the site in question. He commented that he feels that is the appropriate relief for this matter.

Jonathan Brateman, Proponent, explained the history of the property in question and surrounding properties and how that has developed. He stated that he is requesting a zoning text amendment that would allow for the marketability of the site as an alternative use. He went through the proposed changes and stated that he felt this text amendment would only affect this property. He stated that he did appear before the Zoning Board of Appeals for a use variance, but the ZBA granted the use variance with the

exception that the house could not be expanded. He added that he is trying to sell the home for an elderly couple that wants to move on and at the same time create something that is good for the community

Councilmember Steckloff stated that she understands that this is a difficult piece of property to sell, but questioned why the proponent did not request rezoning the property to OS-1, Office rather asking for this text amendment.

Mr. Brateman stated that Planning Commission suggested going before the ZBA for a use variance. He made application to the ZBA and in the meantime he was contacted by someone who was interested in the property for a medical office building. The ZBA approved the use variance but would not allow for a larger footprint of the building, so the party was no longer interested in the site. He then went back to the Planning Commission with the proposed text amendment.

Councilmember Steckloff stated that she feels asking for an amendment to the use variance through the ZBA or requesting a rezoning of the property to OS-1 are better options.

Mr. Brateman stated that he was told that rezoning the property to OS-1 would be considered a form of spot zoning.

Rod Arroyo, Planning Consultant, discussed his review letter with Council noting the surrounding zoning. He reiterated that the proponent did go before the ZBA and was granted a use variance with limited uses and some exceptions. He stated that he doesn't believe a text amendment is appropriate as he is concerned with drafting text that is so specific that it would only apply to limited sites.

Councilmember Knol asked Mr. Arroyo to explain why rezoning the property to OS-1, Office would be considered spot zoning. She stated that based on the narrow lot, she feels it would be difficult to use the property as multiple-family.

Mr. Arroyo commented that the proponent had not petitioned for a rezoning to Office so he has not fully evaluated that option, but in reviewing the criteria for spot zoning he would review a couple of items such as whether it is consistent with the Master Plan and does it provide a benefit to a single property owner. In this case, a request to rezone the property to Office would not be consistent with the Master Plan and would provide a benefit to a single property owner, which are concerns with regard to spot zoning. He stated that it appears that the ZBA found there would be a problem using the property for multiple-family and did grant the proponent some relief. Due to the fact that there is multiple-family surrounding the site and there is a major boulevard dividing it from the uses on the other side, he would have some concerns rezoning the property but again has not fully evaluated that option.

Councilmember Bruce inquired what the difference is between what ZBA has granted and the Zoning Text Amendment being requested now.

Mr. Arroyo responded that the ZBA limited the site to the existing structure and only allowed for specific office uses. The proponent is objecting to the limitation on the size of the structure and would like medical office uses to be included.

Dr. Bruce inquired if the Zoning Text Amendment were granted, and another Zoning Text Amendment came before Council that they denied, could there potentially be liability for the City.

City Attorney Joppich agreed that this was specifically written for a particular piece of property and while he can't conclude how the courts may rule on that, the Zoning Ordinance is to establish general rules and districts community-wide and he feel this departs from that intent.

Councilmember Steckloff inquired what other options there may be for the property.

Mr. Arroyo suggested that the proponent could return to the ZBA if they have a specific user to ask for that variance to be modified and they could also ask for them to consider allowing for modifications to the structure.

Councilmember Lerner stated that it is not known how many properties this Zoning Text Amendment might affect, but he would suggest going back to the ZBA who has already recognized that some relief was needed.

Councilmember Knol commented that it seems everyone agrees that single-family is not realistic for this piece of property in order to have a quality single-family home. She also feels it would be difficult to find a buyer for certain office uses when the buyer knows in advance that they are limited to the existing structure. Mrs. Knol added that she would like to see the City allow for more flexibility with regard to the uses allowed and potential expansion of the structure.

Director Gardiner commented that when the public hearing was held at the ZBA meeting, the condominium owners to the east expressed concerned about expanding or removing the existing structure and expanding an office use closer to the residential area.

Councilmember Knol commented that there is office use across the street next to multiple-family and she feels that this could be done in a tasteful manner that would blend in with the surrounding area.

Mayor Brickner opened the public hearing. There being no comments, Mayor Brickner closed the public hearing.

Councilmember Massey acknowledged that this is a complex parcel, but he is hearing tonight that staff does not concur with the request and the Planning Commission has heard the request and is recommending denial. The issue has also gone before the ZBA, who has granted some relief. He feels that the Zoning Text Amendment would be similar to a form of spot zoning.

MOTION by Massey, support by Bruce, that the City Council of Farmington Hills hereby DENIES the Introduction of an Ordinance amending City Code, Chapter 34, "Zoning," Section 43.3.1.11, RC-2, Multiple-Family Residential District to allow for office uses, subject to certain conditions, within the RC-2 District; Zoning Text Amendment 4, 2014; based on the following: this issue has come before the Zoning Board of Appeals who granted some relief, staff is not supportive of the change and the Planning Commission unanimously voted to deny the request; the proposed text amendment provides a feeling of spot zoning for a specific circumstance and due to concern that it sets a potential precedent.

Mayor Brickner stated that he is not inclined to support a Zoning Text Amendment for one piece of property.

Councilmember Lerner encouraged the proponent to make application to the ZBA for a modification to his variance if this should not pass tonight.

Roll Call Vote:

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

MOTION CARRIED 7-0

**UNFINISHED BUSINESS**

**CONSIDERATION OF APPROVAL OF ENACTMENT OF ORDINANCE C-3-2015 AMENDING CITY CODE, CHAPTER 34, "ZONING," TO AMEND THE OFFICIAL ZONING MAP IN ORDER TO REZONE THE PROPERTY LOCATED ON 13 MILE, WEST OF ORCHARD LAKE ROAD FROM B-2, COMMUNITY BUSINESS DISTRICT TO B-3, GENERAL BUSINESS DISTRICT; AND APPROVAL OF SUMMARY FOR PUBLICATION.**

Director Gardiner explained that the request and stated that this matter was before City Council at a previous meeting for Introduction of the Ordinance at which time it was approved. There have been no changes to the ordinance since that time.

MOTION by Bridges, support by Lerner, that the City Council of the City of Farmington Hills hereby approves the Enactment of Ordinance C-3-2015 amending City Code, Chapter 34, "Zoning," Section 34-3.2, to amend the official Zoning Map to rezone the property located on 13 Mile, west of Orchard Lake Road from B-2, Community Business District to B-3, General Business District; and approval of summary for publication.

Roll Call Vote:

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

MOTION CARRIED 7-0

**NEW BUSINESS**

**CONSIDERATION OF APPROVAL OF A REQUEST FROM ENCORE THEATER PARTNERS, LLC FOR THE TRANSFER OF OWNERSHIP AND LOCATION OF A CLASS C LIQUOR LICENSE WITH SUNDAY SALES (PM), SPECIFIC PURPOSE (FOOD) AND ENTERTAINMENT PERMIT TO BE LOCATED AT 30170 GRAND RIVER AVENUE, FARMINGTON HILLS, MI AND NEW SUNDAY SALES (AM), DANCE, AND SPECIFIC PURPOSE (FOOD & MOVIES) PERMITS. CMR 3-15-31**

John Goldstein, General Partner of Encore Theatre Partners, stated that this used to be the West River Theater and will now be called The Riviera. He explained that this theater will be a tribute to the theaters of the past.

Councilmember Lerner questioned the Sunday AM sales permit. Mr. Goldstein indicated that they open at 10:00am on Sundays and this permit would allow them to sell liquor at that time.

Councilmember Knol inquired if they will be first run movies.

Mr. Goldstein stated that they will be showing all first run movies. He explained that the capacity of the theater was reduced from 3,000 seats to 750 seats to accommodate large recliner chairs. The Theater will have 9 screens with one room to have a special screen with lounge chairs. He commented that this is one of the nicest theaters he has done and he is very excited to bring it to the community.

MOTION by Massey, support by Bruce, that the City Council of the City of Farmington Hills hereby recommends APPROVAL to the Michigan Liquor Control Commission of the request from Encore Theater Partners, LLC for the transfer of ownership and location of a Class C Liquor License with Sunday Sales (PM), Specific Purpose (Food) and Entertainment Permits to be located at 30170 Grand River Avenue, Farmington Hills, MI and new Sunday Sales (AM), Dance, and Special Purpose (Food & Movies) permits; subject to compliance with all applicable code requirements, following standard Certificate of Occupancy procedures and submission of a signed copy of the City's liquor license agreement.

Roll Call Vote:

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

MOTION CARRIED 7-0.

Mr. Goldstein commented that they intend to open in early May, 2015.

**CONSIDERATION OF APPROVAL OF INTRODUCTION OF AN ORDINANCE TO AMEND THE FARMINGTON HILLS CITY CODE TO ADD A NEW CHAPTER 13.5 "HUMAN RIGHTS," IN ORDER TO ESTABLISH REGULATIONS FOR THE PREVENTION OF DISCRIMINATION AND TO PROVIDE REMEDIES FOR VIOLATION OF THIS CHAPTER.**

City Attorney Joppich explained that the proposed ordinance has been discussed at several study session meetings by Council. This ordinance would prohibit discrimination against individuals in housing practices, public accommodations and employment practices and establishes procedures for reporting a complaint with the City. He noted some exceptions included in the ordinance, such as religious exceptions, use of lavatories or locker rooms, participation in athletic programs and senior housing, etc.

Mayor Brickner acknowledged members of the public who wished to speak on this matter.

Rod Monts, ACLU of Michigan, congratulated City Council for taking this courageous step in trying to eliminate discrimination against their LGBT community. He stated that the ACLU has a couple of suggested changes to address a concern they have with the narrow definition of gender. He stated that while under Exception L, language has been changed to use the term "sex" rather than "gender", due to the narrow definition of gender, he feels this would exclude most transgender people from being able to utilize bathrooms and locker rooms in accordance with their gender identity as well as it pertains to athletic programs. He suggested removing the definition of "gender" as it currently exists in the ordinance. Mr. Monts stated that they are not opposed to the proposed ordinance and are neutral at this point.

Thomas Shurtleff, Bannockburn, stated that Farmington Hills has a history of inclusion and diversity and a shared value of caring for the dignity of others. The City has established and supported services for the aging community, neighborhood restoration programs and community policing bringing forth a

community we want to sustain. He feels the ordinance presents values and a proactive attitude and he is supportive of the ordinance.

Mayor Brickner inquired if the definitions used were from other ordinances as recommended by the ACLU.

Attorney Joppich responded that the ordinance was drafted using other ordinances provided and recommended by the ACLU. He added that the definition remains in the ordinance and is used primarily in the context of the definition that follows, which is “gender identity” and is a much broader term. He noted once the term “gender” was removed from the exceptions mentioned and the term “sex” used to replace that, the term “gender” no longer applies to those exceptions.

Councilmember Steckloff stated that she is excited and proud to be part of Farmington Hills and voting on this issue to join other communities to recognize the rights of all people to live free from discrimination.

MOTION by Steckloff, support by Massey, that the City Council of Farmington Hills hereby approves the Introduction of an Ordinance amending City Code to add a new Chapter 13.5 “Human Rights,” in order to establish regulations for the prevention of discrimination in employment, housing and public accommodations by prohibiting discrimination based on actual or perceived race, color, religion, national origin, sex, age, height, weight, condition of pregnancy, marital status, physical or mental limitation, source of income, family status, sexual orientation or gender identity and to provide remedies for violation of this Chapter.

Councilmember Massey stated that it is a shame that this has to be done city by city and the State has not addressed this issue, but that is why the City has action now and he supports this ordinance to be an inclusive community.

Mayor Brickner commented that he is proud of the Council who has worked diligently on this issue and the only reason it took so long was in hopes that the State would pass something in the meantime state-wide.

Roll Call Vote:

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

Nays: NONE

Absent: NONE

Abstentions: NONE

MOTION CARRIED 7-0

### **CONSENT AGENDA**

#### **RECOMMENDED APPROVAL OF ESTABLISHING A PUBLIC HEARING DATE OF APRIL 27, 2015 FOR THE 2015/2016 COMMUNITY BLOCK GRANT DEVELOPMENT PROGRAM.**

MOTION by Bruce, support by Bridges, that the City Council of Farmington Hills hereby establishes the public hearing date of April 27, 2015 for the 2015/2016 Community Block Grant Development Program.

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 April 13, 2015.

**ADJOURNMENT**

Mayor Brickner adjourned the City Council meeting at 10:20p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Smith', with a stylized flourish at the end.

Pamela B. Smith, City Clerk