

MINUTES
CITY OF FARMINGTON HILLS
CITY COUNCIL STUDY SESSION MEETING
CITY HALL – COMMUNITY ROOM
DECEMBER 2, 2019

The Study Session meeting of the Farmington Hills City Council was called to order by Mayor Barnett at 6:00pm.

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

Council Members Absent: None

Others Present: City Manager Boyer, City Clerk Smith, Assistant City Manager Mekjian, Directors Gardiner and Mondora, City Planner Arroyo and City Attorney Joppich

CITY CODE AMENDMENT REGARDING COLLECTION CONTAINERS

Ed Gardiner, Director of Planning and Community Development, and Rod Arroyo, Planning Consultant from Giffels Webster, reviewed the proposed ordinance that would establish a definition for collection containers and districts where they would be permitted in the city. Under the current ordinance, the clothing collection bins are not permitted; however, the courts have determined that the collection containers are a protected form of speech. Mr. Arroyo indicated that the ordinance also includes general regulations such as size, color, construction and limits the number of bins allowed based on lot size. He noted that signage is permitted on the bin and the ordinance would regulate the size of the signage but cannot regulate the content. A licensing process is established through the City Clerk’s Office under the proposed ordinance and includes exemption to the licensing provisions for non-profit or religious facilities.

Mr. Gardiner further explained that existing collection containers would not be grandfathered in under the proposed ordinance as this is a city code amendment. City Attorney Steve Joppich clarified that the ordinance was proposed as an amendment to the city code as the containers are not permanent structures affixed to the property.

Discussion was held on allowing for community artwork to be displayed on the containers rather than requiring a solid color. Mr. Arroyo suggested that be considered as a separate topic or program with perhaps input from the City’s Cultural Arts Division and Arts Commission. He added that the area allowed for signage could include art since the city cannot regular the sign content.

It was noted that the licensing fee would be established by resolution of City Council and a penalty would be a civil infraction under the proposed ordinance.

ZONING TEXT AMENDMENT REGARDING BUILDING HEIGHTS

Planning Consultant Arroyo explained that the proposed ordinance was intended to allow for greater ceiling height but would limit the number of stories allowed so as to attract Class A office uses without increasing the intensity of the development. He noted that surrounding municipalities including Novi and Southfield currently allow for greater maximum building heights.

Mr. Gardiner added that the proposed ordinance would allow for greater design elements and better overall aesthetics.

Roof top green space was discussed and Mr. Arroyo stated that a park could be permitted on top of a building but the ordinance does not allow for outdoor dining or activities outside of the building if they were not already permitted in the district.

Mr. Arroyo pointed out that the Grand River Overlay and Freeway Overlay Districts already allow for greater building heights through the Planned Unit Development (PUD) process.

VARIOUS ZONING ORDINANCE AMENDMENTS RELATING TO:

Mr. Gardiner explained that through enforcement of the Zoning Ordinance, staff keeps track of information that may need further review or updating and most of the items under this ordinance are a result of those actions.

Planning Consultant Arroyo reviewed the various amendments proposed that included sections relating to the following:

- **ACCESSORY OUTDOOR SEATING AREAS**
- **COMMERCIAL INDOOR RECREATION FACILITIES**
- **OFF-STREET PARKING STANDARDS**
- **EXTERIOR LIGHTING**
- **TEMPORARY USES**
- **CORNER CLEARANCE**
- **FREESTANDING SIGNS**
- **SITE PLAN REQUIREMENTS FOR NEW GASOLINE STATIONS**

It was suggested that further discussion is held on the height of ground signs to allow for better site clearance and also consolidating signage.

Mayor Barnett suggested adding those items to the goals session agenda for discussion.

In answer to Council, Mr. Gardiner stated that any noise issues relating to music from outdoor dining would be addressed either through the noise ordinance or it would only be permitted as part of a special event that would require approval by Council.

VARIOUS BUSINESS LICENSING ORDINANCE AMENDMENTS

City Attorney Steve Joppich stated that the proposed ordinance has been reviewed in study session by the previous City Council over the years and would repeal various sections of the city code that are outdated or no longer necessary and update other sections such as Auctions. The ordinance would also amend sections relating to special events to increase the time frame in which an application must be submitted to allow for sufficient review and allow for an indemnification agreement in lieu of a certificate of insurance naming the city as an additional insured.

It was suggested that the city review the process of requiring electrical permits for such events, particularly when mobile units are used with their own generators.

CABLE FRANCHISE ORDINANCE AMENDMENT

Attorney Joppich explained that this amendment was proposed to bring the city ordinance in compliance with the state requirements and remove any reference to the Southwest Oakland Cable Commission (SWOCC) that had dissolved some time ago.

VAPING ORDINANCE AMENDMENT

Attorney Joppich explained that City Council adopted this ordinance prior to state law addressing the issue of vaping. The state has now adopted legislation and uses different terms or definitions and penalties. The amendment is suggested to be more consistent with the state with regard to the terms and penalties, but would maintain the minor in possession as a civil infraction rather than a misdemeanor as suggested by the state. The sale of the products is proposed to conform to state law as a misdemeanor with fines.

SPECIAL ASSESSMENT DISTRICT (SAD) ORDINANCE AMENDMENT AND REPEALING THE DIRECTED SAD POLICY

Attorney Joppich explained that the Charter amendment approved by the voters last year eliminated the 80/20 contribution provision of the Charter that allowed for the City to only pay up to 20% of a special assessment. To be consistent with the Charter, it is suggested that this section of the city code relating to this provision is eliminated. Also, in 2015 the City adopted a Directed Special Assessment District policy that is no longer needed and it is suggested that Council consider a resolution to repeal that policy.

City Manager Boyer explained that he wanted to review each of the proposed amendments with City Council to gain feedback and so that they would be informed of the proposed changes prior to bringing the ordinances to a regular meeting for consideration. He stated that the ordinances would be on the next regular agenda for consideration and would come back to City Council for a second reading if approved.

GRAVEL ROAD POLICY REVIEW

Karen Mondora, Director of Public Services, reviewed the Gravel Road Conversion Policy adopted by the city to provide for a process of converting gravel public roads to paved roads upon request of the residents. She explained that City Council will see two projects come before them at their next regular meeting for public hearings with several more to follow. As projects are approved, city staff will prioritize the projects as part of the Capital Improvement Program (CIP) based on the \$1million in funding budgeted per year.

Discussion was held on the criteria for prioritizing projects and the petitioning process.

It was suggested that as requests for such projects diminish, the city consider utilizing the funding for future maintenance costs.

ADJOURNMENT

The study session meeting adjourned at 7:24pm.

Respectfully submitted,



Pamela B. Smith, City Clerk