

MINUTES  
CITY OF FARMINGTON HILLS  
CITY COUNCIL MEETING  
CITY HALL – COUNCIL CHAMBER  
OCTOBER 9, 2023 – 7:30 PM

The regular session meeting of the Farmington Hills City Council was called to order by Mayor Pro Tem Bruce at 7:30pm.

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

Council Members Absent: Barnett

Others Present: City Manager Mekjian, City Clerk Smith, Directors Aranowski, Kettler-Schmult and Mondora, Fire Chief Unruh and City Attorney Joppich

**PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Bruce led the pledge of allegiance.

**APPROVAL OF REGULAR SESSION MEETING AGENDA**

MOTION by Massey, support by Bridges, to approve the agenda as published.

MOTION CARRIED 6-0.

**CORRESPONDENCE**

There was no correspondence acknowledged.

**CONSENT AGENDA**

MOTION by Knol, support by Massey, to approve consent agenda items #6 through #9.

Roll Call Vote:

Yeas: BOLEWARE, BRIDGES, BRUCE, KNOL, MASSEY AND NEWLIN

Nays: NONE

Absent: BARNETT

Abstentions: NONE

MOTION CARRIED 6-0.

MOTION by Massey, support by Knol, to approve consent agenda item #10.

Roll Call Vote:

Yeas: BOLEWARE, BRIDGES, KNOL, MASSEY AND NEWLIN

Nays: NONE

Absent: BARNETT

Abstentions: BRUCE

MOTION CARRIED 5-0-1-1.

MOTION by Boleware, support by Newlin, to approve consent agenda items #11 and #12.

Roll Call Vote:

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

MOTION CARRIED 4-0-1-2.

**PUBLIC QUESTIONS AND COMMENTS**

Dan McRoberts, Greencastle, expressed concern with the construction along 12 Mile between Middlebelt and Inkster Roads and suggested the following:

- Extending the white line where the right lane ends at Inkster and Middlebelt Roads to show the lane is ending
- Signs to not block intersections and a white line to show the intersections due to traffic back-up and possibly a traffic light to slow traffic.
- Noise study from I-696

Rebecca Lasecki, resident, commented that the trash carts that were provided to residents were too large for some and requested that the smaller carts be provided to residents sooner than later.

Jackie Thomason, District Director for State Senator Mary Cavanagh, introduced herself and stated she is here this evening to learn what issues are important to the constituents.

Saif Boij, owner of Blu Hookah, requested that City Council consider an amendment to the smoking lounge ordinance with regard to hours of operation to allow for later hours.

**COUNCIL MEMBERS COMMENTS AND ANNOUNCEMENTS**

The following Councilmember comments or announcements were made:

- Requested to look into construction on Middlebelt Road north of 696 and Orchard Lake Road, 11 to 12 Mile Roads that is making it very difficult to navigate these areas and causing significant traffic back-ups

City Manager Mekjian explained that the state moved up the project timeline for 696 while other projects have been planned for several years and it comes down to when funding is available for the projects. He thanked everyone for their patience.

- The success of the following events:
  - City Wide Open House
  - Trunk or Treat Event
- Presentation of a \$3 million check to the city for a state of the art command center at Fire Headquarters and thank you to the Senators for assisting with having this money come back to be used within the city

**CITY MANAGER UPDATE**

City Manager Mekjian provided an update on the following:

- Recognized City Assessor Matt Dingman for receiving the exclusive Assessment Administration Specialist (AAS) designation from the International Association of Assessing Officers (IAAO).

Mr. Dingman is only the fourth person in the State of Michigan to receive the specialized designation.

- Thanked and congratulated staff for the success of the City Wide Open House
- Trash cart roll out program. He understands that the size may not be appropriate for some residents and the city will try to address those concerns as smaller carts become available

**UNFINISHED BUSINESS**

**CONSIDERATION OF APPROVAL OF THE ENACTMENT OF ORDINANCE C-8-2023 AMENDING THE FARMINGTON HILLS CODE OF ORDINANCES, CHAPTER 34, "ZONING," IN ORDER TO ADD A DEFINITION OF "SHIPPING CONTAINER" AND AMEND THE DEFINITION OF "BUILDING," AND TO AMEND ARTICLE 5 TO INCLUDE A NEW SUBSECTION ADDRESSING VEHICLES, COMMERCIAL VEHICLES, RECREATIONAL EQUIPMENT, TRAILERS, STORAGE PODS, AND SHIPPING CONTAINERS AND SIMILAR OFF-SITE-BUILT ENCLOSURES THAT ARE USED AS AN ACCESSORY BUILDING OR USE; AND APPROVAL OF SUMMARY FOR PUBLICATION.**

Charmaine Kettler-Schmult, Director of Planning and Community Development, explained that this is the second reading of this ordinance and the action before Council is a request for enactment of the ordinance. She noted there were two typos corrected from the original ordinance presented at the last meeting and noted that the public hearing was held at the last City Council meeting.

Attorney Joppich pointed out that if there had been major changes to the ordinance, it would come back again for a first reading but since the corrections made were only typos, legally he felt it was appropriate to move forward with the second reading of the ordinance.

MOTION by Bridges, support by Boleware, that the City Council of Farmington Hills hereby approves of the ENACTMENT of Ordinance C-8-2023 amending the Farmington Hills Code of Ordinances, Chapter 34, "Zoning," in order to add a definition of "Shipping Container" and amend the definition of "Building," and to amend Article 5 to include a new Subsection addressing vehicles, commercial vehicles, recreational equipment, trailers, storage pods, and shipping containers and similar off-site-built enclosures that are used as an accessory building or use; and approval of summary for publication.

Roll Call Vote:

Yeas: BOLEWARE, BRIDGES, BRUCE, KNOL, AND MASSEY

Nays: NEWLIN

Absent: BARNETT

Abstentions: NONE

MOTION CARRIED 5-1-1-0.

**CONSIDERATION OF APPROVAL OF THE ENACTMENT OF ORDINANCE C-9-2023 AMENDING THE FARMINGTON HILLS CODE OF ORDINANCES, CHAPTER 34, "ZONING," TO AMEND THE DEFINITION OF "MOTEL"; AND APPROVAL OF SUMMARY FOR PUBLICATION.**

Charmaine Kettler-Schmult, Director of Planning and Community Development, explained that this is the second reading of this ordinance and the action before Council is a request for enactment. The public hearing was held at the last City Council meeting. She clarified that this amendment does not change uses permitted within the city but defines motel more clearly. The city does not currently allow for short-term rentals and this ordinance would not change that fact. She also confirmed that this ordinance would

also not affect the ability for a homeowner selling their home to stay in the house for an additional amount of time until they move.

Attorney Joppich confirmed this as well and pointed to the definitions within the ordinance that speaks to offering and making available to the public, which would not be the case in the sale of a home.

Council also pointed out that this ordinance does not prohibit someone from renting out their home; however, there is a rental inspection program and the homeowner must register their home as a rental. The issues the city was experiencing with residents renting out their homes for an evening for parties was mentioned and the reason this ordinance was being brought forward.

Kevin Halprin, area realtor, expressed concern with property owners being allowed to utilize their property. He pointed out that the city currently has ordinances that address noise, trash, disturbances, etc. and is opposed to this ordinance that would restrict a homeowner from using their property as they wish.

Teri Spiro, representing The Greater Metropolitan Association of Realtors, commented that other than a homeowner, she would argue that nobody cares more about the integrity of the community than those that sell the community and realtors advocate and serve as an ally for the cities they work in. Private property rights are integral to their philosophy and there is ambiguity with what is considered a short-term rental. She agreed that there are other ordinances in place to address concerns of noise, parking, etc. but feels that residents should have the right to supplement their income if needed.

Councilmember Newlin expressed concern that this amendment would be looking backward instead of forward and controls the rights of a private property owner.

City Manager Mekjian spoke to the very high level of administrative costs associated with enforcing ordinances in place to address the short-term rentals that the city is experiencing and does not believe the area realtors are aware of these issues.

MOTION by Massey, support by Boleware, that the City Council of Farmington Hills hereby approves the ENACTMENT of Ordinance C-9-2023 amending the Farmington Hills Code of Ordinances, Chapter 34, "Zoning," to amend the definition of "Motel"; and approval of summary for publication.

Roll Call Vote:

Yeas: BOLEWARE, BRIDGES, BRUCE, KNOL, AND MASSEY

Nays: NEWLIN

Absent: BARNETT

Abstentions: NONE

MOTION CARRIED 5-1-1-0.

### **NEW BUSINESS**

#### **CONSIDERATION OF APPROVAL OF THE FIRST AMENDMENT TO PLANNED UNIT DEVELOPMENT (PUD) 6, 1993 (TIMBERCREST) AGREEMENT.**

Erik Perdonik, City Planner, explained that on April 24, 2023, City Council approved an amendment to the PUD Plan for Timbercrest following a public hearing to approve the proposed use of a drive-thru coffee shop within the plan. Before Council this evening is an amendment to the original agreement based

on the amended plan to permit the drive-thru use for a particular space. He noted that outdoor seating was discussed and would be permitted through this agreement.

Dr. Jusino, who has a business on site, expressed concern with the drive-thru use and causing traffic back-up and he has great concern for his patients safety if exiting through the back of his building and having to walk through the drive-thru area.

Kathleen Jusino agreed that there should be greater consideration for safety on site as there is already cut-through traffic through the parking lot. She is not opposed to a business on this site but they are concerned for the safety of their patients with allowing the drive-thru business in such close proximity to their building.

Masroor Ahmed, applicant, commented that he had suggested a crossing lane and fencing and then a loading zone lane to allow for layers of protection before anyone would approach the drive-thru area when exiting the back of the orthodontist building. He noted that the plan exceeds parking requirements and that they are taking all safety measures into consideration with regard to the drive-thru. He mentioned a traffic study still has to be completed to ensure that a drive-thru would meet safety requirements.

Discussion was held on the traffic study and if approval could be contingent upon the traffic study. Attorney Joppich stated that Council could make such a motion; however, he feels the language of the agreement covers that by requiring an engineering review and compliance.

It was noted that when the proposed amended plan came before Council in April, Council stated that the business could not include air fryers in order to limit the use to a bakery/coffee shop that would tend to have less traffic and that a traffic study would be part of site plan approval. Council at that time suggested putting the drive-thru on the north side of the building so the traffic flow would be pushed to the north and Council is hoping that staff takes that suggestion into consideration.

Mr. Ahmed stated that he would be considering all options and taking safety into consideration.

MOTION by Massey, support by Knol, to approve the first amendment to planned unit development (PUD) 6, 1993 (Timbercrest) agreement.

Members of Council expressed concern with a drive-thru in this location due to safety or fact there is no buffer to the neighboring subdivision. Comments were made regarding the lack of parking in the parking lot and that there would be even less if outdoor seating was allowed and that there was a preference to have the traffic study completed before approving this agreement.

MOTION FAILED 3-3 (Boleware, Bridges and Newlin opposed)

Attorney Joppich indicated that the agreement brought back to Council this evening was based on the amendment to the plan that was approved by Council on a 5-1 vote in April; therefore, he requested further direction from Council on the agreement as to whether the contents is not in keeping with that prior approval or if there were other reasons for denial.

Members of Council expressed concern with not approving an agreement that was developed based on the prior direction of Council.

The motion from the April 24, 2023 meeting was read to clarify what was previously approved. It was noted that the use was approved at that time with direction that the traffic engineers would be encouraged to develop a circulation plan that minimized the impact on existing neighboring businesses and the attorney was directed to prepare the appropriate agreement, which is before Council this evening.

MOTION by Bridges, support by Knol, that the City Council of Farmington Hills hereby approves and authorizes the City Manager to execute the First Amendment to the Timbercrest Planned Unit Development, PUD 6, 1993.

MOTION CARRIED 4-2 (Boleware and Newlin opposed.)

**CONSIDERATION OF APPROVAL OF APPOINTMENTS TO THE FARMINGTON COMMUNITY LIBRARY BOARD AND EMPLOYEE RETIREMENT SYSTEM.**

MOTION by Knol, support by Boleware, that the City Council of Farmington Hills hereby confirms the Mayor's recommendation to appoint and reappoint the following individuals:

**Farmington Community Library Board**

	<b>Length of Term:</b>	<b>Term ending:</b>
Sharon Snodgrass	4 years	February 1, 2027

**Employee Retirement Board**

	<b>Length of Term:</b>	<b>Term ending:</b>
Eric Gould	3 years	December 31, 2026

MOTION CARRIED 6-0.

**CONSENT AGENDA**

**RECOMMENDED APPROVAL OF COST PARTICIPATION AGREEMENT WITH THE ROAD COMMISSION FOR OAKLAND COUNTY FOR THE PAVEMENT REHABILITATION OF THE ROUNDABOUT AT THE INTERSECTION OF 14 MILE ROAD AND FARMINGTON ROAD. CMR 10-23-112**

MOTION by Knol, support by Massey, that the City Council of Farmington Hills hereby authorizes the City Manager and City Clerk to sign and enter into a cost participation agreement for Board Project #57271 with the Road Commission of Oakland County to reimburse the City of Farmington Hills for costs associated with the 14 Mile/Farmington roundabout pavement rehabilitation.

Roll Call Vote:

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

MOTION CARRIED 6-0.

**RECOMMENDED AUTHORIZATION OF EVENT PARTICIPATION AGREEMENT WITH OAKLAND COUNTY FOR THE 2023 MICAREERQUESTSE TO BE HELD ON NOVEMBER 14, 2023. CMR 10-23-113**

MOTION by Knol, support by Massey, that the City Council of Farmington Hills hereby authorizes the City Manager to sign the Event Participant Agreement for the 2023 MiCareerQuestSE to be held on November 14, 2023.

Roll Call Vote:

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

MOTION CARRIED 6-0.

**RECOMMENDED APPROVAL OF AWARD OF BID FOR PICK-UP TRUCK UPFITTING AND SNOWPLOWS TO TRUCK & TRAILER SPECIALTIES IN THE AMOUNT OF \$42,140. CMR 10-23-114**

MOTION by Knol, support by Massey, that the City Council of Farmington Hills hereby authorizes the City Manager to approve a purchase order with Truck & Trailer Specialties in the amount of \$42,140.00 for the purchase and installation of five (5) pick-up truck snowplows and cab guards.

Roll Call Vote:

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

MOTION CARRIED 6-0.

**RECOMMENDED APPROVAL OF AWARD OF BID FOR MEDICAL USE OXYGEN TO BLUE WATER INDUSTRIAL PRODUCTS IN THE ESTIMATED ANNUAL AMOUNT OF \$25,000, WITH EXTENSIONS. CMR 10-23-115**

MOTION by Knol, support by Massey, that the City Council of Farmington Hills hereby authorizes the City Manager to approve the required contract and purchase orders to Blue Water Industrial Products for the Medical Use Oxygen in the estimated annual of \$25,000 with one or more administration approved extensions not-to-exceed a total of five (5) additional years.

Roll Call Vote:

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

MOTION CARRIED 6-0.

**RECOMMENDED APPROVAL OF CITY COUNCIL REGULAR SESSION MEETING MINUTES OF SEPTEMBER 11, 2023.**

MOTION by Massey, support by Knol, that the City Council of Farmington Hills hereby approves the City Council regular session meeting minutes of September 11, 2023.

Roll Call Vote:

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

MOTION CARRIED 5-1.

**RECOMMENDED APPROVAL OF CITY COUNCIL STUDY SESSION MEETING MINUTES OF SEPTEMBER 18, 2023.**

MOTION by Boleware, support by Newlin, that the City Council of Farmington Hills hereby approves the City Council study session meeting minutes of September 18, 2023

Roll Call Vote:

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

MOTION CARRIED 4-2.

**RECOMMENDED APPROVAL OF CITY COUNCIL REGULAR SESSION MEETING MINUTES OF SEPTEMBER 18, 2023.**

MOTION by Boleware, support by Newlin, that the City Council of Farmington Hills hereby approves the City Council regular session meeting minutes of September 18, 2023

Roll Call Vote:

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

MOTION CARRIED 4-2.

**ADDITIONS TO AGENDA**

There were no additions to the agenda.

**ATTORNEY REPORT**

The attorney's report was received.

**ADJOURNMENT**

MOTION by Massey, support by Bridges, to adjourn the regular session City Council meeting at 9:09pm.

MOTION CARRIED 6-0.

Respectfully submitted,



Pamela B. Smith, City Clerk