

AGENDA
CITY COUNCIL STUDY SESSION
OCTOBER 9, 2023 - 6:00PM
CITY OF FARMINGTON HILLS
CITY HALL – COMMUNITY ROOM
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
Telephone: 248-871-2410 Website: www.fhgov.com

1. Call Study Session to Order
2. Roll Call
3. [City Clerk Employment Agreement](#)
4. [Commercial Code Enforcement](#)
5. [Commercial Vehicle Parking](#)
6. Adjourn Study Session

Respectfully submitted,

Pamela B. Smith, City Clerk

Reviewed by:

Gary Mekjian, City Manager

NOTE: Anyone planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) is asked to contact the City Clerk's Office at 248-871-2410 at least two (2) business days prior to the meeting, wherein necessary arrangements/accommodations will be made. Thank you.



INTEROFFICE CORRESPONDENCE

TO: Mayor and City Council
FROM: Pamela B. Smith, City Clerk
DATE: October 9, 2023
SUBJECT: City Clerk Employment Agreement

The discussion regarding a contract for the City Clerk was mentioned by Council during the past City Clerk review and discussions surrounding succession planning for the office in light of my upcoming retirement. The question raised was why the City Clerk did not have an employment agreement similar to the other two positions hired by Council and whether that was something Council should consider.

In reviewing other communities, it varies as to whether the clerk has an agreement or not and part of that has to do with the structure of the position within that community. Township clerks are elected and not appointed and have a seat on their respective boards. A few city clerks are also elected positions. It was discovered that a few area city clerks have an employment agreement with their community similar to their City Manager including Royal Oak and Novi.

Staff met with the City Attorney to draft an employment agreement that would confirm compensation and any future raises, benefits offered of that position and that would also include a severance clause for this position similar to other city employment agreements approved by Council.

If there is City Council consensus to consider an employment agreement for the City Clerk position, a proposed agreement would be brought forth to a future study session and then a regular meeting for consideration.



Inter-Office Correspondence

DATE: October 9, 2023

TO: Gary Mekjian, City Manager

FROM: Charmaine Kettler-Schmult, Director of Planning and Community Development

SUBJECT: Commercial Code Enforcement

At the end of the City Council study session regarding rental registration on July 24, 2023, issues related to commercial code enforcement was briefly discussed. The City Council requested a study session be scheduled to further explore questions that arose. This topic is scheduled for the October 9, 2023 City Council Study session.

Planning and Community Development has assembled information to facilitate the discussion, to be presented at this meeting. The presentation will cover: background of the existing code enforcement priorities within commercial zones, efforts to resolve commercial enforcement and resolution efforts at recurring commercial locations.

Attachments:

- [City Council Study Session Minutes: July 24, 2023](#)
- [Memo regarding Commercial Code Enforcement](#)

MINUTES
CITY OF FARMINGTON HILLS
FARMINGTON HILLS CITY COUNCIL
CITY HALL - COMMUNITY ROOM
JULY 24, 2023 - 6:00PM

The study session meeting of the Farmington Hills City Council was called to order by Mayor Barnett at 6:04pm

Council Members Present: Barnett, Boleware, Bridges, Bruce, Knol, Massey and Newlin
(arrived at 6:07pm)

Council Members Absent: None

Others Present: City Manager Mekjian, City Clerk Smith, Assistant City Manager Valentine, Directors Brown and Kettler-Schmult and City Attorney Joppich

RENTAL DWELLING UNIT REGISTRY AND INSPECTION FOLLOW-UP

Mayor Barnett stated that Phil Neuman of the Detroit Metropolitan Apartment Association, who had participated in past discussions just recently found out about the meeting and is out of town so she will pass on information to Mr. Neuman; but requested that for any future discussions he is contacted directly about the meetings in advance.

Charmaine Kettler-Schmult, Director of Planning and Community Development, explained that study sessions were held on May 9 and October 10, 2022 with regard to expanding the rental inspection program to multi-family dwellings. She stated that the city has over 60 complexes and 10,000+ units. During the study sessions, several questions arose, including The Department of Housing and Urban Development (HUD) inspection standards and location of HUD units within the city, inspection fees and what would be included in the inspection.

Director Kettler-Schmult stated that the HUD inspection process is quite extensive involving a 19 page form and is conducted for new locations, during the annual inspection process or upon special request. She added that is it very difficult to pinpoint the HUD unit locations as that information is not freely provided.

(Councilmember Newlin arrived at 6:07pm)

Discussion was held on HUD standards and whether only a landlord could designate only a certain percentage of units for the HUD program or it had to be the entire building. Councilmember Boleware stated that she believed it could be only a percentage of units and suggested reaching out to the cities state and federal representatives for more information on location of HUD units within the city.

Steve Joppich, City Attorney, spoke to the different methods of regulating a multi-family inspection program and cautioned against the sampling method as that could put the city at risk for claims of discrimination or unfairness for targeting or sampling certain units. He added that other cities that have a multi-family inspection program do not use the sampling method and inspect all units within the city.

Mayor Barnett pointed out that Mr. Neuman had suggested inspecting on a complain basis but commented that many people are afraid to complain so she feels that would now work.

Discussion was held on the sampling method and Attorney Joppich stated that it is not the best route for the city as it comes with some risk and that it would be best to inspect all units on a rotating basis.

Council inquired about inspecting Air BNB's and Director Kettler-Schmult responded that they would not be part of the inspection program as they are not allowed in the city and would; therefore, be issued a citation.

Council expressed the need for more inspections for commercial properties as well as residential and stricter code enforcement upon commercial establishments.

Scott Lenhart, Building Official, discussed the top four areas of concern that are included in an initial inspection as they are considered life safety issues: dryer venting, smoke alarms (detectors), GFCI wall outlets and furnace certification; and noted that other blatant violations noticed during the inspection would also be addressed. He reviewed the proposed fee structure and potential costs to landlords and/or tenants.

Staff confirmed that any units covered under the HUD program and their inspection process would be exempt from the city's inspection program and that is another way to obtain location information for on these units.

Council suggested including apartment buildings/units that are 10 years + old from their certificate of occupancy into the program so the city is not wasting time and money inspecting newly constructed buildings. Attorney Joppich stated that language could be included in the ordinance to address this concern but that suggested yielding to the experts in the field about the time period and when the first inspection should occur.

In response to Council, staff noted that they could hire out the inspection program or handle it in house; but it would require additional staffing.

Council expressed concern regarding spending all of the city's resources on residential and reiterated the need to also focus on commercial properties and stricter code enforcement upon those properties.

Council suggested a spreadsheet showing them what other communities have an ordinance regulating an inspection program for multi-family dwellings, how often they inspect properties and samples of their inspection checklists. It was also suggested that the first building to be inspected should be chosen at random.

The consensus was for staff to proceed with drafting an ordinance for a full multi-family inspection program on a 3-4 year rotating basis with HUD units to be excluded from the program and for a schedule of inspection to be published.

Council also preferred the idea of using a third party to conduct the inspections due to the volume.

City Manager Mekjian stated that as far as a budget for the program, he feels cost recovery would be built into the fees so there would not be a cost and the city will review options for this.

Attorney Joppich added that the ordinance would reflect the 4 elements mentioned for the initial inspections as a start and that could always be amended to expand it at a later date if necessary.

Council requested a study session to further discuss commercial establishments including blight, parking lot potholes, signs in the right-of-way and maintenance of detention ponds.

ADJOURNMENT

The study session meeting adjourned at 7:03pm

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Smith', written over a horizontal line.

Pamela B. Smith, City Clerk



Inter-Office Correspondence

DATE: **October 9, 2023**

TO: **Charmaine Kettler-Schmult, Director of Planning and Community Development**

FROM: **Dennis Randt, Zoning Supervisor**

SUBJECT: **Commercial Code Enforcement**

The following are code violations in commercial areas that were prioritized from council members during the past three years. During this period of time the Zoning Division was instructed, because of complaints to the City Council, to focus on the following types of violations:

1. Strip lighting on commercial properties.
2. Potholes on commercial properties.
3. Site plan/landscaping issues: approved site plan requirements at strip malls and plazas.
4. Ensure donation/charity bins are registered and/or removed.
5. Trash behind businesses is removed and overflow dumpsters are addressed promptly.
6. Signs are removed from the Right-of-Way.
7. Fluttering flags/festoons or other prohibited signs in front of businesses.

The Zoning Division has sent out mailings to educate businesses on various enforcement topics: strip lighting, landscape/site-plan compliance, signs, and charity bins. Many of the property owners were able to comply without formal proceedings. These issues were and are continually enforced on as the inspectors observe or receive a complaint. When the inspectors observe a violation, they meet with the tenant and explain the violation. In most cases the issue is resolved without a formal notice or citation. In addition, the Inspectors continue to remove the signs in the right of way. A sample of specific complaints and addresses are as follows:

Resolved Commercial Complaints within the past 3 years:

Address:	Complaint:	Date Opened:	Date Resolved:
30000 Orchard Lake Road	LED Lighting/Flashing	12-18-2020	1/08/2021
34505 Halsted Road	Festoons	4/27/2021	4/29/2021
30740 Twelve Mile Road	Festoons	5/18/2021	7/16/2021
27909 Orchard Lake Road	Large Banner	7/27/2021	9/02/2021
31066 Twelve Mile Road	Trash/Landscape	9/02/2021	9/22/2021
28970 Orchard Lake Road	LED	9/13/2021	9/23/2021
29576 Orchard Lake Road	LED Scrolling	12/03/2021	1/05/2022
29945 Orchard Lake Road	Fluttering Flag	1/19/2022	2/09/2022
31779 Middlebelt	Strip Lighting	3/23/2022	6/21/2022
28829 Middlebelt Road	Strip Lighting	3/23/2022	6/21/2022
28829 Orchard Lake Road	Potholes	4/06/2022	5/05/2022
29594 Orchard Lake Road	Flashing	12/09/2022	2/02/2023
30445 Northwestern Hwy.	Landscape	01/07/2020	2/18/2020



Inter-Office Correspondence

28592 Orchard Lake Road	Potholes	1/07/2020	9/10/2020
31511 Thirteen Mile Road	LED	10/02/2020	10/08/2020
31995 Northwestern Hwy.	LED	1/26/2021	2/09/2021
27839 Orchard Lake Road	Potholes	3/30/2021	6/17/2021
32729 Northwestern Hwy.	Landscaping	4/27/2021	5/3/2021
29970 Twelve Mile Road	Lights/Landscaping	9/29/2020	1/06/2021
33350 Twelve Mile Road	Potholes	9/29/2021	6/04/2022
28237 Orchard Lake Road	Potholes	9/29/2021	11/05/2021
29564 Orchard Lake Road	Lights	2/07/2022	5/03/2022
28970 Orchard Lake Road	Potholes/Lights	4/07/2022	5/13/2022
27839 Orchard Lake Road	Potholes	4/11/2022	5/23/2022
32902 Middlebelt Road	Collection Bin/Trash	4/29/2022	6/13/2022
32990 Middlebelt Road	Collection Bin/Trash	4/29/2022	4/29/2022
30555 Northwestern Hwy.	Potholes	10/15/2022	11/11/2022
33250 Twelve Mile Road	Potholes	1/18/2023	1/19/2023
27835 Orchard Lake Road	Landscaping	11/3/2021	9/21/2021
31066 Twelve Mile Road	Landscaping	11/3/2021	11/17/2021
27815 Middlebelt Road	Landscaping	5/16/2022	11/21/2022
30955 Northwestern Hwy.	Landscaping	7/21/2022	11/21/2022
32550 Northwestern Hwy.	LED Signs	4/12/2021	6/23/2021

Resolved Prohibited Signs placed on Trucks:

- 31000 Northwestern Highway Commercial Box Truck Sign Advertising Conventional Loans
- 30955 Northwestern Highway Commercial Food Truck Advertising Savvy Sliders Hamburgers

Recurring Violations/City Council directed complaints:

- 37550 Twelve Mile Road, Kroger: Landscaping/Trash/Lights
- 31511 Thirteen Mile Road, Orchard Marketplace: Landscaping/Potholes/Trash/Lights
- 24233 Orchard Lake Road, FH Wine and Liquor: Site Plan Issues/Signs
- 30000 Grand River Avenue, Target Shopping Ctr: Site Plan Issues/Potholes Trash
- 28970 Orchard Lake Road, Hookah Lounge: LED Lights



Inter-Office Correspondence

DATE: October 9, 2023

TO: Gary Mekjian, City Manager

FROM: Charmaine Kettler-Schmult, Director of Planning and Community Development

SUBJECT: Commercial Vehicle Parking

The minutes of City Council's Goals Study Session on January 21, 2023, indicate a consensus regarding a desire to review how other communities are handling parking of service trucks in strip malls, and the historical perspective of the current ordinance. In particular, there was concern regarding some businesses using trucks with signs as essentially billboards for the business.

This topic is scheduled for the October 9, 2023, City Council Study Session. Planning and Community Development Department staff has compiled information to provide Council with some comparative and historical context regarding the parking of service trucks in strip malls, and we will be prepared to discuss the relevant issues and available to answer questions.

This session is intended to provide an overview of the City's Sign Ordinance as it relates to commercial vehicles, a summary of how other municipalities regulate commercial vehicles being used as signage, and a summary of current code enforcement efforts.

Attachments:

- [January 21, 2023, City Council Goals Study Session Minutes](#)
- [Memorandum Comparing City's Vehicle Sign Regulations to Other Communities'](#)

MINUTES
CITY OF FARMINGTON HILLS
CITY COUNCIL GOALS STUDY SESSION MEETING
COMMUNITY ROOM
JANUARY 21, 2023 – 9:00AM

The goals study session meeting of the Farmington Hills City Council was called to order by Mayor Barnett at 9:09am

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

Council Members Absent: None

Others Present: City Manager Mekjian, City Clerk Smith and Assistant City Manager Valentine

REVIEW OF 2022 GOALS:

PARKING OF DELIVERY VANS/BOX TRUCKS BY BUSINESS OWNERS IN STRIP MALL PARKING LOTS

Council comments and suggestions:

- Suggested a review of the city's current ordinance and update to fit current practices and include specifications in ordinance.
- Concern with some businesses using the trucks with signs as billboards for the business.

Council consensus:

- Review of how other communities are handling parking of service trucks in strip malls and historical perspective of current ordinance and pursue ordinance changes to meet current practices with specifications and hold a future study session on potential ordinance changes.

PUBLIC QUESTIONS AND COMMENTS:

There were no public comments.

ADJOURNMENT

The study session meeting adjourned at 12:04pm.

Respectfully submitted,



Pamela B. Smith, City Clerk



Inter-Office Correspondence

DATE: October 9, 2023
TO: Charmaine Kettler-Schmult, Director of Planning and Community Development
FROM: Erik Perdonik, City Planner
SUBJECT: City Council Study Session – “Overnight Parking of Commercial Vehicles”

In order to provide context for Farmington Hills’ regulations regarding parked vehicles and/or trailers being used primarily as signage, the following table indicates whether each municipality in our sample of nine (9) permits vehicle signs, permits vehicle signs with conditions, or does NOT permit vehicle signs (*the text of each municipality’s provision is **attached** to this memorandum):

Municipality	Vehicle Signs Permitted?	Vehicle Signs Permitted w/Conditions?	Vehicle Signs NOT Permitted?
City of Ann Arbor			X
Canton Twp			X
City of Farmington Hills		X	
City of Livonia			X
Macomb Twp			X
City of Novi		X	
City of Southfield			X
City of Troy			X
West Bloomfield Twp			X

Of the nine (9) sample municipalities, none permit vehicle signs, two (2) permit vehicle signs with conditions, and seven (7) do NOT permit vehicle signs, which illuminates a preference among municipalities in the sample for broad prohibition of such signage. The two (2) municipalities permitting vehicle signs with conditions, Farmington Hills and Novi, have very similar zoning ordinance text on the books. It should be noted that Farmington Hills and Novi’s approach provides some flexibility to prohibit vehicle signs in a wide range of circumstances without going so far as a blanket prohibition, thus allowing for a case-by-case evaluation.

ATTACHMENTS:

- Text of selected vehicle sign provisions

Text of Selected Vehicle Signage Provisions:

City of Ann Arbor

Prohibited Signs: Signs on a motor vehicle or trailer that is parked on a Premises so as to be visible from a Public Right-of-Way, outside of the hours that any Business on the Premises is open to the public, and for the primary purpose of advertising.

Charter Township of Canton

Signs prohibited in all districts: The parking of a vehicle or trailer on a public right-of-way or on public or private property, on an ongoing and/or continuing basis, so as to be visible from a public right-of-way, if the vehicle has attached thereto or located thereon any sign or advertising device which has the effect of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises.

City of Farmington Hills

iii. Unlawful motor vehicle signs. It shall be unlawful to park, place, or store a vehicle or trailer on which there is a motor vehicle sign on private property if:

- a. The motor vehicle sign is attached to a vehicle or trailer that is unregistered or not operable;
- b. The motor vehicle sign is larger in any dimension than or extends beyond any surface of the vehicle or trailer to which it is attached;
- c. The motor vehicle sign is attached to a vehicle or trailer that is parked or stored in a public right-of-way or an area not designed, designated, or commonly used for parking;
- d. The motor vehicle sign is attached to a vehicle or trailer that is regularly parked or stored in a "front yard" or "side yard," as such terms are defined in the zoning ordinance, Appendix B of this Code, that abuts a street, when there are other areas of the property designed, designated, or available for the parking or storage of the vehicle or trailer that are not visible from the street or do not abut streets; or
- e. The motor vehicle sign is attached to a vehicle or trailer that is regularly parked or stored within fifty (50) feet of a street, when there are other areas of the property designed, designated, or available for the parking or storage of the vehicle or trailer that are more distant from the street or not visible from the street.
- f. The foregoing prohibition shall not apply if:
 - (1) The vehicle is temporarily parked in a particular location in the course of conducting personal activities or business activities that involve the loading or unloading of goods for customers, providing services to off-site customers, conducting off-site business, or engaging in work breaks; provided:
 - (a) The activities in subsection 1, above, are being actively undertaken during the period of such parking;
 - (b) The activities in subsection 1, above, require the presence of the vehicle for purposes of transporting equipment, people, supplies and/or goods necessary for carrying out such activities; and
 - (c) The activities in subsection 1, above, are not, other than incidentally, related to advertising, identifying, displaying, directing, or attracting attention to an object, person, institution, organization, business, product, service, event or location.
 - (2) The sign is on a commercial vehicle parked as an accessory use as permitted in Section 34-4.14.

City of Livonia

Prohibited signs: Trailer signs.

Township of Macomb

Prohibited signs: Unlicensed vehicles or trailers.

City of Novi

Motor vehicle signs. It shall be unlawful to park, place, or store a vehicle or trailer on which there is a motor vehicle sign on private property if:

- a. The motor vehicle sign is attached to a vehicle or trailer that is unregistered or not operable;
- b. The motor vehicle sign is larger in any dimension than or extends beyond any surface of the vehicle or trailer to which it is attached;
- c. The motor vehicle sign is attached to a vehicle or trailer that is parked or stored in a public right-of-way or an area not designed, designated, or commonly used for parking;
- d. The motor vehicle sign is attached to a vehicle or trailer that is regularly parked or stored in a "front yard" or "side yard," as such terms are defined in the zoning ordinance, Appendix B of this Code, that abuts a street, when there are other areas of the property designed, designated, or available for the parking or storage of the vehicle or trailer that are not visible from the street or do not abut streets; or
- e. The motor vehicle sign is attached to a vehicle or trailer that is regularly parked or stored within fifty (50) feet of a street, when there are other areas of the property designed, designated, or available for the parking or storage of the vehicle or trailer that are more distant from the street or not visible from the street.

The foregoing prohibition shall not apply if:

- a. The vehicle is temporarily parked in a particular location in the course of conducting personal activities or business activities that involve the loading or unloading of goods for customers, providing services to off-site customers, conducting off-site business, or engaging in work breaks;
- b. The activities in subsection a, above, are being actively undertaken during the period of such parking; and
- c. The activities in subsection a, above, require the presence of the vehicle for purposes of transporting equipment, people, supplies and/or goods necessary for carrying out such activities.

City of Southfield

Prohibited sign types: The parking of a vehicle or trailer on a public right-of-way or on public or private property so as to be visible from a public right-of-way, if such vehicle has attached thereto or located thereon any sign or advertising device unless, the parking of the vehicle or trailer is incident to the loading, unloading or conveyance of persons, commodities, goods, or the provision of services.

City of Troy

Signs on Motor Vehicles: No person, corporation, partnership or other legal business entity shall attach a sign to a motor vehicle, trailer, or other mobile structure where the primary use of such structure is to provide a base for such sign or to constitute the sign itself. This provision shall not be interpreted to prohibit identification signs on vehicles used for normal business purposes, nor shall it be interpreted to prohibit bumper stickers.

Charter Township of West Bloomfield

Prohibited signs: Signs painted on or attached to parked vehicles which are intended to be used for transportation, but which are being used principally for advertising purposes;

AGENDA
CITY COUNCIL MEETING
OCTOBER 9, 2023 – 7:30PM
CITY OF FARMINGTON HILLS
3155 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
Telephone: 248-871-2410 Website: www.fhgov.com
Cable TV: Spectrum – Channel 203; AT&T – Channel 99
YouTube Channel: <https://www.youtube.com/user/FHChannel8>

REQUESTS TO SPEAK: Anyone requesting to speak before Council on any agenda item other than an advertised public hearing issue must complete and turn in to the City Clerk a blue, Public Participation Registration Form (located in the wall rack by the south door entering the council chambers).

REGULAR SESSION MEETING BEGINS AT 7:30P.M. IN THE CITY COUNCIL CHAMBER

STUDY SESSION (6:00 P.M. Community Room – See Separate Agenda)

REGULAR SESSION MEETING

CALL REGULAR SESSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Approval of regular session meeting agenda

CORRESPONDENCE

CONSENT AGENDA - (See Items No. 6 - 12)

All items listed under Consent Agenda are considered routine, administrative, or non-controversial by the City Council and will be enacted by one motion. There will be no separate discussion of these items, unless a Council Member or citizen so requests, in which event the items may be removed from the Consent Agenda for consideration.

CONSENT AGENDA ITEMS FOR DISCUSSION

PUBLIC QUESTIONS AND COMMENTS

Limited to five (5) minutes for any item of City business not on the agenda.

COUNCIL MEMBERS COMMENTS AND ANNOUNCEMENTS

CITY MANAGER UPDATE

UNFINISHED BUSINESS:

2. 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.
3. 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.

NEW BUSINESS:

4. Consideration of approval of the First Amendment to Planned Unit Development ([PUD](#)) 6, 1993 (Timbercrest) Agreement.
5. Consideration of approval of [appointments](#) to the Farmington Community Library Board and Employee Retirement System.

CONSENT AGENDA:

6. 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](#)
7. Recommended authorization of Event Participation Agreement with Oakland County for the 2023 MiCareerQuestSE to be held on November 14, 2023. [CMR 10-23-113](#)
8. 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](#)
9. 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](#)
10. Recommended approval of City Council [regular session meeting minutes](#) of September 11, 2023.
11. Recommended approval of City Council [study session meeting minutes](#) of September 18, 2023.
12. Recommended approval of City Council [regular session meeting minutes](#) of September 18, 2023.

ADDITIONS TO AGENDA

13. Attorney Report

ADJOURNMENT

Respectfully submitted,

Pamela B. Smith, City Clerk

Reviewed by:

Gary Mekjian, City Manager

NOTE: Anyone planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) is asked to contact the City Clerk's Office at 248-871-2410 at least two (2) business days prior to the meeting, wherein necessary arrangements/ accommodations will be made.



DATE: October 9, 2023

TO: Gary Mekjian, City Manager

FROM: Charmaine Kettler-Schmult, Director of Planning & Community Development

SUBJECT: Draft Zoning Text Amendment (ZTA) 2, 2023 – Regulation of Shipping Containers and Similar Off-Site-Built Enclosures

BACKGROUND:

Draft ZTA 2, 2023, is intended to clarify the City’s zoning regulations regarding the use of shipping containers and similar off-site-built enclosures as accessory buildings within commercial, industrial, and residential zoning districts. The draft amendment was jointly drafted by the City Attorney and City Planner at the direction of the City Manager and Director of Planning and Community Development.

The draft amendment is a response to concerns raised by City Council, a high volume of inquiries coming into the Planning Office regarding placement of shipping containers in a variety of areas, and observations by City staff and others that the use of shipping containers and similar enclosures for storage, often on a permanent basis, has become increasingly common throughout the residential neighborhoods of the City.

Draft ZTA 2, 2023, would prohibit the use of shipping containers and similar off-site-built enclosures as accessory structures or uses, with four (4) exceptions:

- (1) Use of one (1) such enclosure on a permanent basis within the LI-1, Light Industrial zoning district with the approval of a site plan;
- (2) Enclosures permitted on a temporary basis by the Zoning Board of Appeals;
- (3) Enclosures placed on residential lots for a period of time not to exceed thirty (30) days, with an additional thirty (30) days available where good cause is shown; and
- (4) Enclosures placed within any zoning district in connection with an ongoing construction project during the duration of such project.

Please note that, at the time of adoption, there were two (2) minor typographical errors that have since been corrected: In Section 34-5.1.1.H.i of the draft ZTA where it read “approval such site plan” but should have read “approval of such site plan[.]” In Section 34-5.1.1.H.iii where it read “Section 34-7.14.3.E” but should have read “34-7.14.6.E[.]”



PROCEDURAL HISTORY:

- March 16, 2023 – Staff introduces draft ZTA 2, 2023, and Planning Commission passes motion to postpone item for additional information ([minutes](#)).
- May 18, 2023 – Staff brings draft ZTA 2, 2023, back before the Planning Commission with additional context regarding how the ordinance would be administered, and the Planning Commission unanimously passes motion setting them item for public hearing ([minutes](#)).
- July 20, 2023 – Following a public hearing, the Planning Commission unanimously passes motion recommending to City Council that draft ZTA 2, 2023, be adopted ([minutes](#)).
- August 28, 2023 – Staff introduces draft ZTA 2, 2023, and City Council opens public hearing and passes motion to postpone item to September 18, 2023, meeting so that a correction can be made to the legal notice ([minutes](#)).
- September 18, 2023 – Staff reintroduces draft ZTA 2, 2023, and City Council continues public hearing and passes motion (4-1) adopting draft amendment. ([minutes](#))

ACTION REQUESTED:

The following motion is suggested:

RESOLVE that City Council APPROVE the ENACTMENT of draft Zoning Text Amendment 2, 2023.

ATTACHMENTS:

- [Draft ZTA 2, 2023](#)
- [March 16, 2023, Planning Commission Regular Meeting minutes](#)
- [May 18, 2023, Planning Commission Regular Meeting minutes](#)
- [July 20, 2023, Planning Commission Regular Meeting minutes](#)
- [August 28, 2023, City Council Regular Meeting minutes](#)
- [September 18, 2023 Draft City Council minutes](#)

Department Authorization by: Charmaine Kettler-Schmult, Director of Planning and Community Development

Prepared by: Erik Perdonik, City Planner

ORDINANCE NO. C-8-2023

CITY OF FARMINGTON HILLS
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE FARMINGTON HILLS CODE OF ORDINANCES, CHAPTER 34, “ZONING,” ARTICLE 2, “DEFINITIONS,” IN ORDER TO ADD A DEFINITION OF “SHIPPING CONTAINER” AND AMEND THE DEFINITION OF “BUILDING,” AND TO AMEND ARTICLE 5, “SITE STANDARDS,” SECTION 34-5.1, “ACCESSORY BUILDINGS AND STRUCTURES,” TO INCLUDE A NEW SUBSECTION 34-5.1.1.H 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.

THE CITY OF FARMINGTON HILLS ORDAINS:

Section 1 of Ordinance. Ordinance Amendment.

The Farmington Hills City Code, Chapter 34, “Zoning,” Article 2, “Definitions,” is amended to amend the definition of “building” and add a definition of “shipping container,” which are to read as follows:

Building means any structure or physical enclosure, either temporary or permanent, having a roof or top, and used, placed, or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include, without limitation, tents, awnings, vehicles, trailers, and other similar enclosures situated on private property and used for such purposes.

Shipping container means:

1. Any transportation trailer, shipping container, shipping crate, cargo bin or other container produced for the transportation, relocation or shipping of any item(s);
2. Containers designed or intended to be loaded and hauled to another location for storage; and
3. Containers which have been altered or pinned in any way to be rendered immobile.

Section 2 of Ordinance. Ordinance Amendment.

The Farmington Hills City Code, Chapter 34, “Zoning,” Article 5, “Site Standards,” Section 34-5.1 “Accessory Buildings and Structures,” is amended to add a new Subsection 34-5.1.1.H and shall hereafter read as follows:

Section 34-5.1. Accessory Buildings and Structures

1. Accessory buildings or structures located in any use district shall be subject to the following regulations, unless otherwise provided in this chapter:

- A. Where an accessory building or structure is physically attached to a main building, it shall be subject to and must conform to all regulations of this chapter applicable to main buildings.
- B. Accessory buildings or structures shall not be erected in any front yard nor in any exterior side yard setback unless otherwise provided in this chapter.
- C. A detached accessory building shall not be located within ten (10) feet of any main building, nor shall it be located within one (1) foot of an alley right-of-way. In no instance shall an accessory building or deck be located within an easement for public utilities or a public or private right-of way.
- D. See Section 34-5.2 and Section 34-5.3 regarding accessory off-street parking.
- E. See Section 34-5.4 regarding accessory off -street loading and unloading.
- F. See Section 34-5.5 regarding accessory signs.
- G. Satellite reception antennas may be permitted as an accessory use subject to the following conditions:
 - i. Roof-mounted antennas shall be subject to the requirements of Section 34-3.26.3.B.
 - ii. Ground-mounted antennas shall be subject to the following conditions:
 - a. The maximum height permitted shall be fourteen (14) feet.
 - b. Such antenna shall be located only in the rear yard.
 - c. Where existing structures or vegetation will not screen the antenna from the view of abutting properties, the antenna shall be screened by installation of a wall or fence, berm, evergreen plantings or a combination thereof.
 - d. The nature, size and extent of the screening shall be reviewed and approved by the director of planning and community development, or his designee, who shall take into consideration screening design principles established and adopted by the planning commission. Review and approval shall take into consideration: (i) that the proposed screening shall not operate to impose unreasonable limitations on or to prevent the reception of satellite-delivered signals; and (ii) that the cost of the required screening shall not exceed fifty (50) percent of the purchase and installation cost of such equipment.
 - iii. Conventional VHF and UHF television antennas are excluded from operation of this section on the basis of the following findings: there is a relatively small concern for wind and snow load issues; there has been a long-demonstrated safety record; there has been an historical acceptance of

such facilities from architectural and aesthetic standpoints; and the cost of complying with the procedure for application and review would be great in relation to the cost of purchasing and installing such conventional facilities.

H. Vehicles, commercial vehicles, recreational equipment, trailers, storage pods, and shipping containers and similar off-site-built enclosures shall not be used as an accessory building or use except:

- i. One (1) such building, not to exceed 160 square feet of floor space, may be permitted per zoning lot within the LI-1, Light Industrial District following the submission of a site plan in accordance with Section 34-6.1 of this Chapter and approval of such site plan by the City Planner (or his or her designee) based on all applicable requirements of this Chapter;
- ii. One such building, not to exceed 160 square feet of floor space, may be permitted in any residential zoning district for one (1) thirty (30)-day period per year with extensions of time permitted in the discretion of the Zoning Supervisor (or his or her designee) for good cause shown; and
- iii. Where such building is temporarily permitted per Section 34-7.14.6.E of this Chapter.

2. *[Unchanged.]*

3. *[Unchanged.]*

4. *[Unchanged.]*

4. *[Unchanged.]*

Section 3 of Ordinance. Repealer.

All ordinances, parts of ordinances, or sections of the City Code in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect, and the Farmington Hills Ordinance Code shall remain in full force and effect, amended only as specified above.

Section 4 of Ordinance. Savings.

The amendments of the Farmington Hills Code of Ordinances set forth in this ordinance do not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendments of the Farmington Hills Code of Ordinances set forth in this ordinance.

Section 5 of Ordinance. Severability.

If any section, clause or provision of this ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated, and such section, clause or provision declared to be unconstitutional, void or

illegal shall thereby cease to be a part of this Ordinance, but the remainder of this ordinance shall stand and be in full force and effect.

Section 6 of Ordinance. Effective Date.

The provisions of this ordinance are ordered to take effect twenty-one (21) days after enactment.

Section 7 of Ordinance. Date and Publication.

This ordinance is declared to have been enacted by the City Council of the City of Farmington Hills at a meeting called and held on the 9th day of October, 2023, and ordered to be given publication in the manner prescribed by law.

Ayes:

Nays:

Abstentions:

Absent:

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

I, the undersigned, the qualified and acting City Clerk of the City of Farmington Hills, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance adopted by the City Council of the City of Farmington Hills at a meeting held on the 9th day of October, 2023, the original of which is on file in my office.

PAMELA B. SMITH, City Clerk
City of Farmington Hills

SUMMARY
ORDINANCE NO. C-8-2023
CITY OF FARMINGTON HILLS
OAKLAND COUNTY, MICHIGAN

NOTICE OF AN ORDINANCE TO AMEND THE FARMINGTON HILLS CODE OF ORDINANCES, CHAPTER 34, "ZONING," ARTICLE 2, "DEFINITIONS," IN ORDER TO ADD A DEFINITION OF "SHIPPING CONTAINER" AND AMEND THE DEFINITION OF "BUILDING," AND TO AMEND ARTICLE 5, "SITE STANDARDS," SECTION 34-5.1, "ACCESSORY BUILDINGS AND STRUCTURES," TO INCLUDE A NEW SUBSECTION 34-5.1.1.H 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.

A full copy of the Ordinance is on file in the Clerk's Office for public review between the hours of 8:30am and 4:30pm Monday through Friday.

Sections 1-2, Ordinance Amendment

Section 3, Repealer

Section 4, Savings

Section 5, Severability

Section 6, Effective Date

The provisions of this Ordinance are ordered to take effect twenty-one (21) days after enactment.

Section 7, Date and Publication

PAMELA B. SMITH, City Clerk

Publish: October 15, 2023

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION MEETING
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
MARCH 16, 2023, 7:30 P.M.**

CALL MEETING TO ORDER

The Planning Commission Regular Meeting was called to order by Chair Countegan at 7:30 p.m.

ROLL CALL

Commissioners present: Aspinall, Brickner, Countegan, Grant, Stimson, Trafelet, Varga, Ware

Commissioners Absent: Mantey

Others Present: Staff Planner Canty, City Attorney Schultz, Planning Consultant
Tangari

APPROVAL OF THE AGENDA

MOTION by Brickner, support by Trafelet, to approve the agenda as submitted.

MOTION passed unanimously by voice vote.

Motion passed by voice vote 7-1 (Stimson opposed).

REGULAR MEETING:

E. ZONING TEXT AMENDMENT 2, 2023

CHAPTER OF CODE: 34, Zoning Ordinance

PROPOSED AMENDMENT: Amend Zoning Ordinance to include definition of “shipping container,” amend existing definition of “building,” and to include new subsection addressing use of off-site-built enclosures as accessory buildings or uses

ACTION REQUESTED: Set for public hearing

SECTIONS: 34-2.2 and 34-5.1.1

As outlined in City Planner Perdonik’s March 8, 2023 memorandum, the purpose of ZTA 2, 2023 was to amend the Zoning Ordinance to include a definition of “shipping container,” amend the existing definition of “building,” and to include a new subsection addressing use of off-site-built enclosures, such as shipping containers, as permanent accessory structures or uses.

A recent trend has emerged in that communities in Southeast Michigan are observing industrial grade metal enclosures, such as large shipping containers, being placed within residential yards on a permanent basis for storage, as an alternative to a more traditional shed or storage building. Additionally, the Planning Office receives a high volume of inquiries regarding placing shipping containers on commercial and office properties on a permanent basis.

Under the Zoning Ordinance as presently written, staff is obligated to permit these structures permanently if they meet the height and other dimensional requirements applicable to any accessory structure.

ZTA 2, 2023 was drafted by the Planning Office with the assistance of the City Attorney’s Office, at the City Manager’s request. In the interest of the character of the community, City Council is taking the

position that such enclosures should generally be prohibited. ZTA 2, 2023 would prohibit the use shipping containers and other nontraditional off-site-built enclosures as accessory structures or uses, with three (3) exceptions:

1. Use of one (1) such structure within the LI-1, Light Industrial zoning district with the approval of an administrative site plan;
2. Structures permitted on a temporary basis by the Zoning Board of Appeals; and
3. Structures placed on residential lots for a period of time not to exceed thirty (30) days per year with the approval of the Zoning Division Supervisor.

Discussion:

- People using storage containers such as PODS when renovating their homes often needed the containers longer than 30 days. However, the draft language did allow the 30 days to be extended. The intent was to prevent storage containers being treated as permanent structures.
- Some people used storage containers as permanent housing, and in some communities storage containers were stacked and used for apartments.
- Other uses of storage containers included RV storage, lawn equipment storage, etc.
- The comment was made that the 30-day limit seemed punitive, especially as people needed to use storage containers while renovating their homes. 30 days did not seem reasonable. On the other hand, the ordinance would serve those residents who had a POD or other storage container stored next to them for long periods of time, without recourse.
- Some Commissioners wondered if this ordinance was necessary. Had the City received many complaints regarding storage containers?

After further discussion, Chair Countegan suggested that before taking action, the Planning Commission study this Zoning Text Amendment further during a future study session, and closed discussion on this item.

PUBLIC COMMENT

None.

ADJOURNMENT

MOTION by Trafelet, support by Grant, to adjourn the meeting at 10:14pm.

MOTION passed unanimously by voice vote.

City of Farmington Hills
Planning Commission Meeting
March 16, 2023
Page 3

Respectfully Submitted,
Marisa Varga
Planning Commission Secretary

/cem

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION MEETING
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
MAY 18, 2023, 8:00 P.M.**

CALL MEETING TO ORDER

The Planning Commission Regular Meeting was called to order by Chair Countegan at 8:00 p.m.

ROLL CALL

Commissioners present: Aspinall, Brickner, Countegan, Grant, Mantey, Trafelet, Varga

Commissioners Absent: Stimpson, Ware

Others Present: City Planner Perdonik, City Attorney Schultz, Planning Consultant
Tangari

APPROVAL OF THE AGENDA

MOTION by Trafelet, support by Brickner, to approve the agenda as submitted.

MOTION passed by voice vote.

REGULAR MEETING

A. ZONING TEXT AMENDMENT 2, 2023

CHAPTER OF CODE: 34, Zoning Ordinance

PROPOSED AMENDMENT: Amend Zoning Ordinance to include definition of “shipping container,” amend existing definition of “building,” and to include new subsection addressing use of off-site-built enclosures as accessory buildings or uses

ACTION REQUESTED: Set for public hearing

SECTIONS: 34-2.2 and 34-5.1.1

City Planner Perdonik introduced draft Zoning Text Amendment 2, 2023, which is intended to clarify the city's zoning regulations relative to the use of shipping containers and similar offsite built enclosures as accessory buildings on both a temporary and permanent basis within commercial, industrial and residential zoning districts.

The Planning Commission discussed the draft amendment at the March 16, 2023 meeting in some detail but ultimately passed a motion tabling it.

The draft amendment is a response to concerns raised by City Council, a high volume of inquiries coming into the Planning Office regarding placement of shipping containers in a variety of areas, and observations by City staff and others that the use of shipping containers and similar structures for storage, often on a permanent basis, has become increasingly common throughout the City, including within residential neighborhoods. Photographs in the packet illustrate some examples of shipping containers being placed on residential and commercial properties.

In response to the March 16 meeting discussion, City Planner Perdonik offered the following:

- Staff will not be administering a formal approval process for the draft ordinance relative to residential properties. The ordinance is meant to serve as a basis for complaint-driven enforcement activities in providing a clock – a starting date as well as an end date after which enforcement, possibly including a citation, can go forward.
- In order to clarify the City’s intent, the draft language had been revised, removing the reference to the approval of the zoning supervisor.
- There have been some egregious cases and the City has received complaints relative to shipping containers placed on residential lots.
- Staff will work with non-compliant homeowners on a one-to-one basis, and the zoning text amendment will give staff a backdrop for enforcement when enforcement is needed.
- During construction, a property owner is allowed to have a POD or other container on site for the duration of the construction, as long as a permit has been granted for that construction.

The Commission discussed whether to set a 30 or 60 day time frame, after a City inspector has noticed/confirmed that there is a shipping container on site. Either time limitation would be acceptable. At the end of the time period an extension can be granted by staff if circumstances so warrant.

Staff Planner Perdonik said that there were not many ordinances in the State that dealt with this emerging issue, and Farmington Hills’ ordinance would probably be used by other municipalities as they developed their own ordinance language.

MOTION by Trafelet, support by Brickner, that Zoning Text Amendment 2, 2023, which proposes to amend the Farmington Hills Code of Ordinances, Chapter 34, “Zoning,” Article 2.0, “Definitions,” to add a definition of “Shipping Container” and revise the definition of “Building,” and to amend Article 5.0, “Site Standards,” Section 34-5.1, “Accessory Building and Structures,” to include new Subsection 34-5.1.1.H addressing the use of offsite built enclosures as accessory buildings or uses, be set for public hearing for the Planning Commission’s next available regular meeting agenda.

Motion passed unanimously by voice vote.

ADJOURNMENT

MOTION by Trafelet, support by Grant, to adjourn the meeting at 8:39pm.

MOTION passed unanimously by voice vote.

Respectfully Submitted,
Marisa Varga
Planning Commission Secretary

/cem

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION MEETING
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
July 20, 2023, 7:30 P.M.**

CALL MEETING TO ORDER

The Planning Commission Regular Meeting was called to order by Chair Countegan at 7:30 p.m.

ROLL CALL

Commissioners present: Aspinall, Brickner, Countegan, Mantey, Trafelet, Stimson, Ware

Commissioners Absent: Grant, Varga

Others Present: City Planner Perdonik, City Attorney Schultz, Planning Consultant Bahm

APPROVAL OF THE AGENDA

MOTION by Trafelet, support by Brickner, to approve the agenda as published.

Motion passed unanimously by voice vote.

PUBLIC HEARING

A. ZONING TEXT AMENDMENT 2, 2023

CHAPTER OF CODE: 34, Zoning Ordinance
PROPOSED AMENDMENT: Amend Zoning Ordinance to include definition of “shipping container,” amend existing definition of “building,” and to include new subsection addressing use of off-site-built enclosures as accessory buildings or uses.

ACTION REQUESTED: Recommendation to City Council

SECTIONS: 34-2.2 and 34-5.1.1

City Planner Perdonik explained that ZTA 2, 2023 is intended to clarify the City’s zoning regulations regarding the use of shipping containers and similar off-site-built enclosures as accessory buildings within commercial, industrial, and residential zoning districts. The draft amendment was jointly drafted by the City Planner and City Attorney at the direction of the City Manager and Director of Planning and Community Development.

The draft amendment is a response to concerns raised by City Council, a high volume of inquiries coming into the Planning Office regarding placement of shipping containers in a variety of areas, and observations by City staff and others that the use of shipping containers and similar structures for storage, often on a permanent basis, has become increasingly common throughout the City, including within residential neighborhoods.

Staff introduced Draft ZTA 2, 2023, at the Planning Commission’s March 16, 2023, meeting. At such meeting, the Commission discussed the draft amendment in some detail but ultimately passed a motion tabling it. In response to questions at that meeting, City Planner Perdonik explained that 1) staff will *not* require that residents obtain approval for temporary use of PODS or the like; this was

never the intent, as the thirty (30)-day requirement is intended to provide a clock for enforcement purposes, and 2) any residence or business undergoing construction may use a temporary structure provided a valid permit for such construction exists; this would not change with the adoption of ZTA 2, 2023.

In response to questions, City Planner Perdonik provided the following further information:

- ZTA 2, 2023 is a direct response to the residential use of industrial shipping containers as sheds, as well as corporate entities wanting to keep them on site on a permanent basis. Both situations impact the appearance of the community.
- For a remodeling project, the enforcement clock would begin after the remodeling was complete.

Chair Countegan opened the public hearing. Seeing that no public indicated that they wished to speak on this agenda item, Chair Countegan closed the public hearing and brought the matter back to the Commission.

MOTION by Brickner, support by Trafelet, to recommend to City Council that Revised Draft Zoning Text Amendment 2, 2023, which proposes to amend the Farmington Hills Code of Ordinances, Chapter 34, "Zoning," Article 2.0, "Definitions," to add a definition of "Shipping Container" and revise the definition of "Building," and to amend Article 5.0, "Site Standards," Section 34-5.1, "Accessory Building and Structures," to include a new Subsection 34-5.1.1.H addressing the use of off-site-built enclosures as accessory buildings or uses, be adopted.

Motion passed unanimously by voice vote.

PUBLIC COMMENT

Richard Owens, Holly Hill Farms, shared the following concerns and questions regarding Planned United Development (PUD) 1, 2023 (Item 5A on tonight's agenda):

- What does "affordable housing" mean, and how does the proposed apartment complex compare to other apartment complexes along 12 Mile Road?
- How would the proposed development affect nearby property values?
- Has there been any pressure from the State to approve this PUD?
- Mr. Owens said the applicants notified neighbors only tonight regarding tonight's meeting.

City Attorney Shultz noted that there is a legal definition of affordable housing that has to be met. However, when making its recommendation to City Council, the Planning Commission will function in its role as a land-use approving body, and how much money potential tenants make will not be considered.

ADJOURNMENT

Motion by Trafelet, support by Ware, to adjourn the meeting at 9:01pm.

Motion carried unanimously by voice vote.

Respectfully Submitted,

Marisa Varga
Planning Commission Secretary
/cem

APPROVED 9/11/2023

MINUTES
CITY OF FARMINGTON HILLS
CITY COUNCIL MEETING
CITY HALL – COUNCIL CHAMBER
AUGUST 28, 2023 – 7:30 PM

The regular session meeting of the Farmington Hills City Council was called to order by Mayor Barnett at 7:36pm.

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

Council Members Absent: Bruce

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

Roll Call Vote:

Yeas: BARNETT, BOLEWARE, KNOL, MASSEY AND NEWLIN

Nays: NONE

Absent: BRUCE

Abstentions: BRIDGES

MOTION CARRIED 5-0-1-1.

PUBLIC QUESTIONS AND COMMENTS

Pam Gerald spoke about the Suicide Prevention Community Forum on September 14th from 5:30pm to 8:30pm at The Hawk,

COUNCIL MEMBERS COMMENTS AND ANNOUNCEMENTS

The following Councilmember comments or announcements were made:

- Farmington Ridge Subdivision Homeowners Association Picnic Event
- Harvest Moon Festival to be held on September 14th through 16th in downtown Farmington

CITY MANAGER UPDATE

City Manager Mekjian provided an update on the following:

- City Wide Open House to be held on October 8th
- Storm aftermath and yard waste guidelines

Mayor Barnett inquired about illumination of the proposed signage. Mr. Kojaian assured Council that the lighting would not adversely affect property across the freeway and that they would comply with the city's lighting ordinance.

City Planner Perdonik confirmed that if the amendment were approved this evening, a sign permit would be required, and illumination standards reviewed at that time.

PUBLIC HEARING AND CONSIDERATION OF THE INTRODUCTION OF AN ORDINANCE AMENDING THE FARMINGTON HILLS CODE OF ORDINANCES, CHAPTER 34, "ZONING," ARTICLE 2, "DEFINITIONS," IN ORDER TO ADD A DEFINITION OF "SHIPPING CONTAINER" AND AMEND THE DEFINITION OF "BUILDING," AND TO AMEND ARTICLE 5, "SITE STANDARDS," SECTION 34-5.1, "ACCESSORY BUILDINGS AND STRUCTURES," TO INCLUDE A NEW SUBSECTION 34-5.1.1.H 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 (ZONING TEXT AMENDMENT 2, 2023).

Mayor Barnett explained that there was a minor publishing error in the public hearing notice for this evening so the public hearing will be opened for those in attendance and action postponed until the meeting of September 18, 2023. The public hearing will remain open for that meeting as well as closed following all comments from the public.

Charmaine Kettler-Schmult, Director of Planning and Community Development, explained that the proposed zoning text amendment outlines how shipping containers and similar items may be used within the city and where they are permitted to be located. The Planning Commission has unanimously recommended approval following their public hearing meeting. Director Kettler-Schmult stated that it is staff's recommendation that the public hearing is opened and postponed for further comments as well as discussion and determination by City Council until the meeting of September 18, 2023.

Mayor Barnett opened the public hearing. There being no comments at this time, Mayor Barnett suspended the public hearing until the regular City Council meeting of September 18, 2023.

MOTION by Bridges, support by Massey, that the City Council of Farmington Hills hereby postpones discussion and action on draft Zoning Text Amendment 2, 2023 until September 18, 2023.

MOTION CARRIED 6-0.

PUBLIC HEARING AND CONSIDERATION OF THE INTRODUCTION OF AN ORDINANCE AMENDING THE FARMINGTON HILLS CODE OF ORDINANCES, CHAPTER 34, "ZONING," ARTICLE 2.0, SECTION 2.2, "DEFINITIONS," TO AMEND THE DEFINITION OF "MOTEL" (ZONING TEXT AMENDMENT 3, 2023).

Director Kettler-Schmult noted that the same error was made on this public hearing notices and staff is again recommending that the public hearing is opened and that further comments, discussion and determination by City Council are postponed until the meeting of September 18, 2023. She explained that the proposed zoning text amendment would provide for a definition of "motel" in order to address short term rentals and where those may be operated. The Planning Commission recommended approval to City Council following their public hearing meeting.

Mayor Barnett opened the public hearing.

Pam Gerald inquired about renting of motels for an extended period of time and the concern of human trafficking.

Mayor Barnett clarified that the ordinance is proposed to address air BnB's and short term rentals in residential neighborhoods.

Steve Joppich, City Attorney, explained that if a motel were to start operating and charging persons on a monthly basis, it would be considered a multi-family use and would be subject to those requirements.

There being no further comments, Mayor Barnett suspended the public hearing until the regular City

MOTION by Bridges, support by Knol, that the City Council of Farmington Hills hereby postpones discussion and action on draft Zoning Text Amendment 3, 2023 until September 18, 2023.

MOTION CARRIED 6-0.

CONSENT AGENDA

Roll Call Vote:

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

MOTION CARRIED 5-0-1-1.

ADDITIONS TO AGENDA

There were no additions to the agenda.

ADJOURNMENT

MOTION by Bridges, support by Bruce, to adjourn the regular session City Council meeting at 8:16pm.

MOTION CARRIED 6-0.

Respectfully submitted,



Pamela B. Smith, City Clerk

MINUTES
CITY OF FARMINGTON HILLS
CITY COUNCIL MEETING
CITY HALL – COUNCIL CHAMBER
SEPTEMBER 18, 2023 – 7:30 PM

The regular session meeting of the Farmington Hills City Council was called to order by Mayor Barnett at 7:31pm.

Council Members Present: Barnett, Boleware, Bruce, Knol, and Newlin

Council Members Absent: Bridges and Massey

Others Present: City Manager Mekjian, Deputy City Clerk Lindahl, Directors Aranowski, Kettler-Schmult and Schnackel, Fire Chief Unruh and City Attorney Joppich

PLEDGE OF ALLEGIANCE

Fire Chief Unruh led the pledge of allegiance.

APPROVAL OF REGULAR SESSION MEETING AGENDA

MOTION by Knol, support by Bruce, to approve the agenda as published.

MOTION CARRIED 5-0.

PRESENTATION OF BREAST CANCER AWARENESS SHIRTS TO CITY COUNCIL BY THE FIRE DEPARTMENT

Fire Chief Unruh announced that once again the Fire Department has designed t-shirts to support breast cancer awareness and introduced Senior Fire Fighter and Vice President of the union, Kevin Steen, to speak on this year's design and the proceeds of the sales.

Kevin Steen explained that the shirts are designed in house and worn by all on-duty firefighters and paramedics for the month of October with 100% of the revenue from the sale of the shirts to go directly to the Corewell Health Foundation. Funds will be specifically earmarked for Farmington Hills residents. Over the past 10 years the shirts have raised over \$30,000 for breast cancer patients and survivors.

CORRESPONDENCE

The following correspondence was acknowledged:

- Emails received regarding new 96-gallon trash bins

CONSENT AGENDA

MOTION by Boleware, support by Newlin, to approve the consent agenda as read.

Roll Call Vote:

Yeas: BARNETT, BOLEWARE, BRUCE, KNOL AND NEWLIN

Nays: NONE

Absent: BRIDGES AND MASSEY

Abstentions: NONE

MOTION CARRIED 5-0.

PUBLIC QUESTIONS AND COMMENTS

Pam Gerald thanked those that came out to support the Suicide Prevention Community Forum on September 14th from 5:30pm to 8:30pm at The Hawk.

Tim Siegrist read the following Emergency Preparedness Tip of The Month:

**CITY OF FARMINGTON and FARMINGTON HILLS
EMERGENCY PREPAREDNESS COMMISSION
Tip of the Month
September 2023**

Goal for September: Be Informed

During a disaster getting correct information during an emergency is the key to taking safe action. Not everyone will know what to do with emergency information as they receive it. Now is the time as the weather begins to change to start thinking of reviewing what to do for different emergency alerts, signals, sirens, and messaging.

Things to think about

- Emergency weather and broadcast alerts may not be in closed caption
- Information may only be printed on the screen and not spoken, this information may also move at a very fast speed
- Automated voices and messaging over speakers or phones may be hard to understand
- Information may be given quickly and the stress of the event may make it hard to understand or remember instructions
- The alert screen may be difficult for some to read if they are color blind
- English may not be a primary language

How to Be Informed

Sign up for these local emergency notification systems...

- FH ALERT, <https://fhgov.com> select "Stay Connected," then "FH ALERT," then "Sign Up"
- Oakland Counties alert system OakAlert, <https://www.oakgov.com/community/emergency-management/need-to-know/alerts/oakalert>

Familiarize yourself with other alert systems such as outdoor warning sirens.

Elect to purchase a NOAA Weather Radio for your family and know how to use it.

Review local weather before planning or attending an event. Prepare accordingly.

Kevin Steen thanked Council for approval of the charitable gaming license and stated that the Farmington Hills Firefighters Local Charity Fund was formed in January 2023 with the sole purpose of serving the residents of Farmington Hills. He noted that some of their current programs include Feeding Seniors, Winter Weather Warmup, After The Fire and Beyond the Call.

COUNCIL MEMBERS COMMENTS AND ANNOUNCEMENTS

The following Councilmember comments or announcements were made:

- The success of the following events:
 - Police and Fire Benevolent Golf Outing
 - Harvest Moon Festival in downtown Farmington
- Congratulations to those promoted at last week’s Police and Fire promotional ceremonies

CITY MANAGER UPDATE

City Manager Mekjian provided an update on the following:

- Heritage Festival will be held on September 22nd
- City Wide Open House to be held on October 8th Noon – 3pm
- Hawk Hustle walk/run will take place October 8th at 9am

PUBLIC HEARING

PUBLIC HEARING AND CONSIDERATION OF THE INTRODUCTION OF AN ORDINANCE AMENDING THE FARMINGTON HILLS CODE OF ORDINANCES, CHAPTER 34, “ZONING,” ARTICLE 2, “DEFINITIONS,” IN ORDER TO ADD A DEFINITION OF “SHIPPING CONTAINER” AND AMEND THE DEFINITION OF “BUILDING,” AND TO AMEND ARTICLE 5, “SITE STANDARDS,” SECTION 34-5.1, “ACCESSORY BUILDINGS AND STRUCTURES,” TO INCLUDE A NEW SUBSECTION 34-5.1.1.H 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 (ZONING TEXT AMENDMENT 2, 2023).

Mayor Barnett explained that this item was postponed from the September 11, 2023 meeting as there was a minor publishing error in the public hearing notice.

Charmaine Kettler-Schmult, Director of Planning and Community Development, explained that the proposed text amendment is intended to clarify the City’s zoning regulations regarding the use of shipping containers and similar off-site-built enclosures as accessory buildings within commercial, industrial, and residential zoning districts. The amendment is in response to concerns raised by City Council, inquiries received by the Planning Office regarding placement of shipping containers in a variety of areas, and observations by City staff.

The amendment would prohibit the use of shipping containers and similar off-site-built enclosures as accessory structures or uses, with exceptions:

- Use of one (1) such enclosure on a permanent basis within the LI-1, Light Industrial zoning district with the approval of a site plan;
- Enclosures permitted on a temporary basis by the Zoning Board of Appeals;
- Enclosures placed on residential lots for a period of time not to exceed thirty (30) days, with an additional thirty (30) days available where good cause is shown; and
- Enclosures placed within any zoning district in connection with an ongoing construction project during the duration of such project.

The Planning Commission has unanimously recommended approval following their public hearing meeting.

Mayor Barnett opened the public hearing.

Pam Gerald, resident, asked for more clarification regarding city rules verses homeowners association rules and which rules would apply

Attorney Joppich stated that if the city zoning ordinance prohibits something that the homeowner rules does not prohibit, the city rules will apply.

Eva Diachanko, small business employee, stated that she does not support the amendment as she feels it will deter small businesses coming into the city and would like to know what will be done for existing businesses that are currently using shipping containers.

Attorney Joppich explained that there is a non-conforming use allowance under the zoning ordinance.

Director Kettler-Schmult added that the draft amendment outlines one permanent shipping container for light-industrial locations and the option for site plan approval for additional containers.

Mayor Barnett noted that this amendment targets the growth of permanent shipping containers in residential areas but does allow shipping containers for light-industrial properties.

Allan Whittmore, President of Country Estates Homeowners Association, stated that his neighbor approached the association requesting to put a shipping container on his property after the city told him a permit was not needed. Mr. Whittmore expressed concerns that the container was not conducive to the neighborhood, and he is in support of the ordinance amendment to assist with future requests.

There being no further comments, Mayor Barnett closed the public hearing.

Council noted that this amendment only applies to shipping containers being used permanently in residential areas, it does not change the city's ordinance regarding sheds and asked how this amendment would apply to business districts other than light-industrial that may have equipment delivered in a shipping container to their property.

Erik Perdonik, City Planner, confirmed that the ordinance amendment is intended to target permanent fixtures not containers that are coming and going on business properties.

Attorney Joppich added that the ordinance language covers this situation as it calls out enclosures being used as an accessory building on a permanent basis.

Councilmember Newlin stated she would not be in support of this amendment as she is in favor of using shipping containers as homes and she is concerned with the ordinance mixing business and residential areas.

MOTION by Bruce, support by Boleware, that the City Council of Farmington Hills hereby approves the INTRODUCTION of an ordinance 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. Zoning Text Amendment 2, 2023 (postponed from August 28, 2023).

Roll Call Vote:

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

MOTION CARRIED 4-1-2-0.

PUBLIC HEARING AND CONSIDERATION OF THE INTRODUCTION OF AN ORDINANCE AMENDING THE FARMINGTON HILLS CODE OF ORDINANCES, CHAPTER 34, "ZONING," ARTICLE 2.0, SECTION 2.2, "DEFINITIONS," TO AMEND THE DEFINITION OF "MOTEL" (ZONING TEXT AMENDMENT 3, 2023).

Mayor Barnett explained that this item was postponed from the September 11, 2023 meeting as there was a minor publishing error in the public hearing notice.

Charmaine Kettler-Schmult, Director of Planning and Community Development, explained that the proposed text amendment is intended to strengthen the City's zoning regulations regarding the use of residential homes as short-term rentals, which is not a permitted use within residential districts of the City. The proposed amendment revises the existing definition of "motel" to include short-term rentals and this approach more clearly is based on Michigan case law which focused on the definition of "motel" and the limitation of motels to non-residential zoning districts. This proposed amendment puts the city on firmer ground to classify a short-term rental of a home as a commercial use as motels are restricted to the B-3, General Business, and ES, Expressway Service zoning districts. The Planning Commission recommended approval to City Council following their public hearing meeting.

Mayor Barnett opened the public hearing.

Pam Gerald questioned whether this amendment would affect motels being used as temporary housing or residents renting their homes on a seasonal basis.

Mayor Barnett stated that the amendment prevents residential property being used as a short-term rental inside a neighborhood, motels will not be affected and can have guests for as long as the guests want to stay.

City Attorney Joppich clarified that this does not prevent motels to continue to be motels as long as they are in the proper zoning district and the ordinance is not based on how long guests stay but how the motel is compensated. He added that as far as rental homes, if it is being rented on a monthly basis, then this ordinance would not apply.

Mayor Barnett explained that there have been issues with homes in the city being rented by the day or hours causing disruption in neighborhoods.

There being no further comments, Mayor Barnett closed the public hearing.

MOTION by Bruce, support by Boleware, that the City Council of Farmington Hills hereby approves the INTRODUCTION of an ordinance amending the Farmington Hills Code of Ordinances, Chapter 34, "Zoning," to amend the definition of "Motel". Zoning Text Amendment 3, 2023, (postponed from August 28, 2023).

Roll Call Vote:

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

MOTION CARRIED 4-1-2-0.

Councilmember Newlin stated she is not in support of this amendment as she believes travel patterns have changed and families are more likely to stay together in larger rental homes rather than hotels and some residents need to rent out their homes for financial purposes.

NEW BUSINESS

CONSIDERATION OF APPROVAL OF AGREEMENT WITH OAKLAND COUNTY FOR ELECTION SERVICES RELATED TO EARLY VOTING.

Deputy City Clerk Lindahl stated that with the passing of Proposal 2 last November, early voting was now required for all state and federal elections, and as discussed at the City Council study session meeting of June 12, 2022, the City of Farmington Hills along with the City of Farmington are partnering with Oakland County to offer early voting in every election and the agreement is before Council tonight for consideration.

MOTION by Bruce, support by Boleware, that the City Council of Farmington Hills hereby authorizes the City Clerk to enter into an agreement for election services with Oakland County for the purposes of operating an early voting site in Farmington Hills beginning with the November 7, 2023 Election, subject to final review by the City Attorney's Office.

MOTION CARRIED 5-0.

CONSENT AGENDA

RECOMMENDED APPROVAL OF A RESOLUTION RECOGNIZING FARMINGTON HILLS FIREFIGHTERS LOCAL CHARITY FUND AS A NON-PROFIT ORGANIZATION OPERATING IN THE COMMUNITY FOR THE PURPOSE OF OBTAINING A CHARITABLE GAMING LICENSE.



LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES
(Required by MCL 432.103(K)(ii))

At a Regular meeting of the Farmington Hills City Council
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD
called to order by Mayor Barnett on September 18, 2023
DATE
at 7:30p.m. a.m./p.m. the following resolution was offered:
TIME
Moved by Councilmember Boleware and supported by Councilmember Newlin
that the request from Farmington Hills Firefighters Local Charity Fund of Farmington Hills
NAME OF ORGANIZATION CITY
county of Oakland, asking that they be recognized as a
COUNTY NAME
nonprofit organization operating in the community for the purpose of obtaining charitable
gaming licenses, be considered for APPROVAL.
APPROVAL/DISAPPROVAL

APPROVAL	DISAPPROVAL
Yeas: <u>5</u>	Yeas: <u> </u>
Nays: <u>0</u>	Nays: <u> </u>
Absent: <u>2</u>	Absent: <u> </u>

I hereby certify that the foregoing is a true and complete copy of a resolution offered and
adopted by the Farmington Hills City Council at a Regular
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL
meeting held on September 18, 2023.
DATE

SIGNED: 
TOWNSHIP, CITY, OR VILLAGE CLERK

Pamela B. Smith, City Clerk

PRINTED NAME AND TITLE

31555 W. 11 Mile Road, Farmington Hills, MI 48336

ADDRESS

COMPLETION: Required.
PENALTY: Possible denial of application.
BSL-CG-1153(R6/09)

RECOMMENDED APPROVAL OF PURCHASE OF A JOHN DEERE PRO GATOR FOR FARMINGTON HILLS GOLF CLUB MAINTENANCE WITH REVELS TURF & TRACTOR IN THE AMOUNT OF \$24,637.86. CMR 9-23-110

MOTION by Boleware, support by Newlin, that the City Council of Farmington Hills hereby authorizes the City Manager to approve a purchase order in the amount of \$24,637.86 for one (1) John Deere Pro Gator 2020A, to John Deere and to take delivery of the equipment via Revels Turf & Tractor as an authorized dealer.

Roll Call Vote:

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

MOTION CARRIED 5-0.

RECOMMENDED APPROVAL OF PURCHASE OF KITCHEN EQUIPMENT FOR THE SENIOR DIVISION AT THE COSTICK CENTER WITH SAM TELL AND SON, INC. IN THE AMOUNT OF \$31,148.44. CMR 9-23-111

MOTION by Boleware, support by Newlin, that the City Council of Farmington Hills hereby authorizes the City Manager to approve a purchase order for one (1) ChillTemp Refrigerated Cabinet and one (1) Vulcan Floor Steamer to Sam Tell and Son, Inc. in the amount of \$31,148.44.

Roll Call Vote:

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

MOTION CARRIED 5-0.

RECOMMENDED APPROVAL OF REQUEST FOR EMPLOYMENT UNDER SECTION 10.01A OF THE CITY CHARTER FOR A HAWK'S NEST AIDE.

MOTION by Boleware, support by Newlin, that the City Council of Farmington Hills hereby approves the request for employment under Section 10.01A of the City Charter for Christine Afolabi as a Hawk's Nest Aide in the Special Services Department. Christine is the sister of Angel Afolabi, who is employed in the Recreation Division of the Special Services Department.

Roll Call Vote:

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

MOTION CARRIED 5-0.

RECOMMENDED APPROVAL OF REQUEST FOR EMPLOYMENT UNDER SECTION 10.01A OF THE CITY CHARTER FOR A LIFE GUARD.

MOTION by Boleware, support by Newlin, that the City Council of Farmington Hills hereby approves the request for employment under Section 10.01A of the City Charter for Luke Morden as a Lifeguard in the Special Services Department. Luke is the brother of Lorn Mordon, who is a Facility Coordinator in the Special Services Department.

Roll Call Vote:

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

MOTION CARRIED 5-0.

ADDITIONS TO AGENDA

There were no additions to the agenda.

ADJOURNMENT

MOTION by Newlin, support by Boleware, to adjourn the regular session City Council meeting at 8:54pm.

MOTION CARRIED 6-0.

Respectfully submitted,



Pamela B. Smith, City Clerk



DATE: October 9, 2023

TO: Gary Mekjian, City Manager

FROM: Charmaine Kettler-Schmult, Director of Planning & Community Development

SUBJECT: Draft Zoning Text Amendment (ZTA) 3, 2023 – Revise the Definition of “Motel” to Include Short-Term Rental of Residential Homes

BACKGROUND:

Draft ZTA 3, 2023, was drafted by the City Attorney’s Office at the direction of the City Manager in response to concerns from City Council.

Draft ZTA 3, 2023, is intended to strengthen the City’s zoning regulations regarding short-term rental of residential homes, which is not a permitted use within the residential districts of the City. To this end, the proposed amendment revises the existing definition of “motel” in such a way as to more clearly include short-term rentals.

This approach is based on Michigan case law which focused on the definition of “motel” and the limitation of motels to non-residential zoning districts as a means of prohibiting them in residential districts. Under the Zoning Ordinance, motels are restricted to the B-3, General Business, and ES, Expressway Service zoning districts.

PROCEDURAL HISTORY:

May 18, 2023 – Staff introduces draft ZTA 3, 2023, and Planning Commission unanimously passes motion setting item for public hearing (**minutes**).

July 20, 2023 – Following a public hearing, the Planning Commission unanimously passes motion recommending to City Council that draft ZTA 3, 2023, be adopted (**minutes**).

August 28, 2023 – Staff introduces draft ZTA 3, 2023, and City Council opens public hearing and passes motion to postpone item to September 18, 2023, meeting so that a correction can be made to the legal notice (**minutes**).

September 18, 2023 – Staff reintroduces draft ZTA 3, 2023, and City Council continues public hearing and passes motion (4-1) adopting draft amendment.



ACTION REQUESTED:

The following motion is suggested:

RESOLVE that City Council APPROVE the ENACTMENT of draft Zoning Text Amendment 3, 2023.

ATTACHMENTS:

- [Draft ZTA 3, 2023](#)
- [May 18, 2023, Planning Commission Regular Meeting minutes](#)
- [July 20, 2023, Planning Commission Regular Meeting minutes](#)
- [August 28, 2023, City Council Regular Meeting minutes](#)

Department Authorization by: Charmaine Kettler-Schmult, Director of Planning and
Community Development

Prepared by: Erik Perdonik, City Planner

ORDINANCE NO. C-9-2023

**CITY OF FARMINGTON HILLS
OAKLAND COUNTY, MICHIGAN**

AN ORDINANCE TO AMEND THE FARMINGTON HILLS CODE OF ORDINANCES, CHAPTER 34, “ZONING,” ARTICLE 2.0, SECTION 2.2, “DEFINITIONS,” TO AMEND THE DEFINITION OF “MOTEL.”

THE CITY OF FARMINGTON HILLS ORDAINS:

Section 1 of Ordinance. Ordinance Amendment.

The Farmington Hills City Code, Chapter 34, “Zoning,” Article 2.0, Section 2.2, “Definitions,” is hereby amended to change the definition of “Motel” to read as follows:

Motel means a dwelling unit, group of dwelling units, and any other type of building or group of buildings, which contains one or more rooms or sleeping units that are accessible from either the exterior or interior of such building or buildings, has access to a garage or other area to park vehicles, and provides overnight lodging that is offered or made available to the public for compensation on a per night or weekly basis.

Section 2 of Ordinance. Repealer.

All ordinances, parts of ordinances, or sections of the City Code in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect, and the Farmington Hills Ordinance Code shall remain in full force and effect, amended only as specified above.

Section 3 of Ordinance. Savings.

The amendments of the Farmington Hills Code of Ordinances set forth in this ordinance do not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendments of the Farmington Hills Code of Ordinances set forth in this ordinance.

Section 4 of Ordinance. Severability.

If any section, clause or provision of this ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated, and such section, clause or provision declared to be unconstitutional, void or

illegal shall thereby cease to be a part of this Ordinance, but the remainder of this ordinance shall stand and be in full force and effect.

Section 5 of Ordinance. Effective Date.

The provisions of this ordinance are ordered to take effect twenty-one (21) days after enactment.

Section 6 of Ordinance. Date and Publication.

This ordinance is declared to have been enacted by the City Council of the City of Farmington Hills at a meeting called and held on the 9th day of October, 2023, and ordered to be given publication in the manner prescribed by law.

Ayes:

Nays:

Abstentions:

Absent:

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

I, the undersigned, the qualified and acting City Clerk of the City of Farmington Hills, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance adopted by the City Council of the City of Farmington Hills at a meeting held of the 9th day of October, 2023, the original of which is on file in my office.

Pamela B. Smith, City Clerk
City of Farmington Hills

SUMMARY
ORDINANCE NO. C-9-2023
CITY OF FARMINGTON HILLS
OAKLAND COUNTY, MICHIGAN

NOTICE OF AN ORDINANCE TO AMEND THE FARMINGTON HILLS CODE OF ORDINANCES, CHAPTER 34, "ZONING," ARTICLE 2.0, SECTION 2.2, "DEFINITIONS," TO AMEND THE DEFINITION OF "MOTEL."

A full copy of the Ordinance is on file in the Clerk's Office for public review between the hours of 8:30am and 4:30pm Monday through Friday.

Section 1, Ordinance Amendment

Section 2, Repealer

Section 3, Savings

Section 4, Severability

Section 5, Effective Date

The provisions of this Ordinance are ordered to take effect twenty-one (21) days after enactment.

Section 6, Date and Publication

PAMELA B. SMITH, City Clerk

Publish: October 15, 2023

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION MEETING
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
MAY 18, 2023, 8:00 P.M.**

CALL MEETING TO ORDER

The Planning Commission Regular Meeting was called to order by Chair Countegan at 8:00 p.m.

ROLL CALL

Commissioners present: Aspinall, Brickner, Countegan, Grant, Mantey, Trafelet, Varga

Commissioners Absent: Stimpson, Ware

Others Present: City Planner Perdonik, City Attorney Schultz, Planning Consultant
Tangari

APPROVAL OF THE AGENDA

MOTION by Trafelet, support by Brickner, to approve the agenda as submitted.

MOTION passed by voice vote.

REGULAR MEETING

A. ZONING TEXT AMENDMENT 2, 2023

CHAPTER OF CODE: 34, Zoning Ordinance

PROPOSED AMENDMENT: Amend Zoning Ordinance to include definition of “shipping container,” amend existing definition of “building,” and to include new subsection addressing use of off-site-built enclosures as accessory buildings or uses

ACTION REQUESTED: Set for public hearing

SECTIONS: 34-2.2 and 34-5.1.1

City Planner Perdonik introduced draft Zoning Text Amendment 2, 2023, which is intended to clarify the city's zoning regulations relative to the use of shipping containers and similar offsite built enclosures as accessory buildings on both a temporary and permanent basis within commercial, industrial and residential zoning districts.

The Planning Commission discussed the draft amendment at the March 16, 2023 meeting in some detail but ultimately passed a motion tabling it.

The draft amendment is a response to concerns raised by City Council, a high volume of inquiries coming into the Planning Office regarding placement of shipping containers in a variety of areas, and observations by City staff and others that the use of shipping containers and similar structures for storage, often on a permanent basis, has become increasingly common throughout the City, including within residential neighborhoods. Photographs in the packet illustrate some examples of shipping containers being placed on residential and commercial properties.

In response to the March 16 meeting discussion, City Planner Perdonik offered the following:

- Staff will not be administering a formal approval process for the draft ordinance relative to residential properties. The ordinance is meant to serve as a basis for complaint-driven enforcement activities in providing a clock – a starting date as well as an end date after which enforcement, possibly including a citation, can go forward.
- In order to clarify the City’s intent, the draft language had been revised, removing the reference to the approval of the zoning supervisor.
- There have been some egregious cases and the City has received complaints relative to shipping containers placed on residential lots.
- Staff will work with non-compliant homeowners on a one-to-one basis, and the zoning text amendment will give staff a backdrop for enforcement when enforcement is needed.
- During construction, a property owner is allowed to have a POD or other container on site for the duration of the construction, as long as a permit has been granted for that construction.

The Commission discussed whether to set a 30 or 60 day time frame, after a City inspector has noticed/confirmed that there is a shipping container on site. Either time limitation would be acceptable. At the end of the time period an extension can be granted by staff if circumstances so warrant.

Staff Planner Perdonik said that there were not many ordinances in the State that dealt with this emerging issue, and Farmington Hills’ ordinance would probably be used by other municipalities as they developed their own ordinance language.

MOTION by Trafelet, support by Brickner, that Zoning Text Amendment 2, 2023, which proposes to amend the Farmington Hills Code of Ordinances, Chapter 34, “Zoning,” Article 2.0, “Definitions,” to add a definition of “Shipping Container” and revise the definition of “Building,” and to amend Article 5.0, “Site Standards,” Section 34-5.1, “Accessory Building and Structures,” to include new Subsection 34-5.1.1.H addressing the use of offsite built enclosures as accessory buildings or uses, be set for public hearing for the Planning Commission’s next available regular meeting agenda.

Motion passed unanimously by voice vote.

ADJOURNMENT

MOTION by Trafelet, support by Grant, to adjourn the meeting at 8:39pm.

MOTION passed unanimously by voice vote.

Respectfully Submitted,
Marisa Varga
Planning Commission Secretary

/cem

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION MEETING
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
July 20, 2023, 7:30 P.M.**

CALL MEETING TO ORDER

The Planning Commission Regular Meeting was called to order by Chair Countegan at 7:30 p.m.

ROLL CALL

Commissioners present: Aspinall, Brickner, Countegan, Mantey, Trafelet, Stimson, Ware

Commissioners Absent: Grant, Varga

Others Present: City Planner Perdonik, City Attorney Schultz, Planning Consultant Bahm

APPROVAL OF THE AGENDA

MOTION by Trafelet, support by Brickner, to approve the agenda as published.

Motion passed unanimously by voice vote.

PUBLIC HEARING

A. ZONING TEXT AMENDMENT 2, 2023

CHAPTER OF CODE: 34, Zoning Ordinance
PROPOSED AMENDMENT: Amend Zoning Ordinance to include definition of “shipping container,” amend existing definition of “building,” and to include new subsection addressing use of off-site-built enclosures as accessory buildings or uses.

ACTION REQUESTED: Recommendation to City Council

SECTIONS: 34-2.2 and 34-5.1.1

City Planner Perdonik explained that ZTA 2, 2023 is intended to clarify the City’s zoning regulations regarding the use of shipping containers and similar off-site-built enclosures as accessory buildings within commercial, industrial, and residential zoning districts. The draft amendment was jointly drafted by the City Planner and City Attorney at the direction of the City Manager and Director of Planning and Community Development.

The draft amendment is a response to concerns raised by City Council, a high volume of inquiries coming into the Planning Office regarding placement of shipping containers in a variety of areas, and observations by City staff and others that the use of shipping containers and similar structures for storage, often on a permanent basis, has become increasingly common throughout the City, including within residential neighborhoods.

Staff introduced Draft ZTA 2, 2023, at the Planning Commission’s March 16, 2023, meeting. At such meeting, the Commission discussed the draft amendment in some detail but ultimately passed a motion tabling it. In response to questions at that meeting, City Planner Perdonik explained that 1) staff will *not* require that residents obtain approval for temporary use of PODS or the like; this was

never the intent, as the thirty (30)-day requirement is intended to provide a clock for enforcement purposes, and 2) any residence or business undergoing construction may use a temporary structure provided a valid permit for such construction exists; this would not change with the adoption of ZTA 2, 2023.

In response to questions, City Planner Perdonik provided the following further information:

- ZTA 2, 2023 is a direct response to the residential use of industrial shipping containers as sheds, as well as corporate entities wanting to keep them on site on a permanent basis. Both situations impact the appearance of the community.
- For a remodeling project, the enforcement clock would begin after the remodeling was complete.

Chair Countegan opened the public hearing. Seeing that no public indicated that they wished to speak on this agenda item, Chair Countegan closed the public hearing and brought the matter back to the Commission.

MOTION by Brickner, support by Trafelet, to recommend to City Council that Revised Draft Zoning Text Amendment 2, 2023, which proposes to amend the Farmington Hills Code of Ordinances, Chapter 34, "Zoning," Article 2.0, "Definitions," to add a definition of "Shipping Container" and revise the definition of "Building," and to amend Article 5.0, "Site Standards," Section 34-5.1, "Accessory Building and Structures," to include a new Subsection 34-5.1.1.H addressing the use of off-site-built enclosures as accessory buildings or uses, be adopted.

Motion passed unanimously by voice vote.

PUBLIC COMMENT

Richard Owens, Holly Hill Farms, shared the following concerns and questions regarding Planned United Development (PUD) 1, 2023 (Item 5A on tonight's agenda):

- What does "affordable housing" mean, and how does the proposed apartment complex compare to other apartment complexes along 12 Mile Road?
- How would the proposed development affect nearby property values?
- Has there been any pressure from the State to approve this PUD?
- Mr. Owens said the applicants notified neighbors only tonight regarding tonight's meeting.

City Attorney Shultz noted that there is a legal definition of affordable housing that has to be met. However, when making its recommendation to City Council, the Planning Commission will function in its role as a land-use approving body, and how much money potential tenants make will not be considered.

ADJOURNMENT

Motion by Trafelet, support by Ware, to adjourn the meeting at 9:01pm.

Motion carried unanimously by voice vote.

Respectfully Submitted,

Marisa Varga
Planning Commission Secretary
/cem

APPROVED 9/11/2023

MINUTES
CITY OF FARMINGTON HILLS
CITY COUNCIL MEETING
CITY HALL – COUNCIL CHAMBER
AUGUST 28, 2023 – 7:30 PM

The regular session meeting of the Farmington Hills City Council was called to order by Mayor Barnett at 7:36pm.

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

Council Members Absent: Bruce

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

Roll Call Vote:

Yeas: BARNETT, BOLEWARE, KNOL, MASSEY AND NEWLIN

Nays: NONE

Absent: BRUCE

Abstentions: BRIDGES

MOTION CARRIED 5-0-1-1.

PUBLIC QUESTIONS AND COMMENTS

Pam Gerald spoke about the Suicide Prevention Community Forum on September 14th from 5:30pm to 8:30pm at The Hawk,

COUNCIL MEMBERS COMMENTS AND ANNOUNCEMENTS

The following Councilmember comments or announcements were made:

- Farmington Ridge Subdivision Homeowners Association Picnic Event
- Harvest Moon Festival to be held on September 14th through 16th in downtown Farmington

CITY MANAGER UPDATE

City Manager Mekjian provided an update on the following:

- City Wide Open House to be held on October 8th
- Storm aftermath and yard waste guidelines

Mayor Barnett inquired about illumination of the proposed signage. Mr. Kojaian assured Council that the lighting would not adversely affect property across the freeway and that they would comply with the city's lighting ordinance.

City Planner Perdonik confirmed that if the amendment were approved this evening, a sign permit would be required, and illumination standards reviewed at that time.

PUBLIC HEARING AND CONSIDERATION OF THE INTRODUCTION OF AN ORDINANCE AMENDING THE FARMINGTON HILLS CODE OF ORDINANCES, CHAPTER 34, "ZONING," ARTICLE 2, "DEFINITIONS," IN ORDER TO ADD A DEFINITION OF "SHIPPING CONTAINER" AND AMEND THE DEFINITION OF "BUILDING," AND TO AMEND ARTICLE 5, "SITE STANDARDS," SECTION 34-5.1, "ACCESSORY BUILDINGS AND STRUCTURES," TO INCLUDE A NEW SUBSECTION 34-5.1.1.H 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 (ZONING TEXT AMENDMENT 2, 2023).

Mayor Barnett explained that there was a minor publishing error in the public hearing notice for this evening so the public hearing will be opened for those in attendance and action postponed until the meeting of September 18, 2023. The public hearing will remain open for that meeting as well as closed following all comments from the public.

Charmaine Kettler-Schmult, Director of Planning and Community Development, explained that the proposed zoning text amendment outlines how shipping containers and similar items may be used within the city and where they are permitted to be located. The Planning Commission has unanimously recommended approval following their public hearing meeting. Director Kettler-Schmult stated that it is staff's recommendation that the public hearing is opened and postponed for further comments as well as discussion and determination by City Council until the meeting of September 18, 2023.

Mayor Barnett opened the public hearing. There being no comments at this time, Mayor Barnett suspended the public hearing until the regular City Council meeting of September 18, 2023.

MOTION by Bridges, support by Massey, that the City Council of Farmington Hills hereby postpones discussion and action on draft Zoning Text Amendment 2, 2023 until September 18, 2023.

MOTION CARRIED 6-0.

PUBLIC HEARING AND CONSIDERATION OF THE INTRODUCTION OF AN ORDINANCE AMENDING THE FARMINGTON HILLS CODE OF ORDINANCES, CHAPTER 34, "ZONING," ARTICLE 2.0, SECTION 2.2, "DEFINITIONS," TO AMEND THE DEFINITION OF "MOTEL" (ZONING TEXT AMENDMENT 3, 2023).

Director Kettler-Schmult noted that the same error was made on this public hearing notices and staff is again recommending that the public hearing is opened and that further comments, discussion and determination by City Council are postponed until the meeting of September 18, 2023. She explained that the proposed zoning text amendment would provide for a definition of "motel" in order to address short term rentals and where those may be operated. The Planning Commission recommended approval to City Council following their public hearing meeting.

Mayor Barnett opened the public hearing.

Pam Gerald inquired about renting of motels for an extended period of time and the concern of human trafficking.

Mayor Barnett clarified that the ordinance is proposed to address air BnB's and short term rentals in residential neighborhoods.

Steve Joppich, City Attorney, explained that if a motel were to start operating and charging persons on a monthly basis, it would be considered a multi-family use and would be subject to those requirements.

There being no further comments, Mayor Barnett suspended the public hearing until the regular City

MOTION by Bridges, support by Knol, that the City Council of Farmington Hills hereby postpones discussion and action on draft Zoning Text Amendment 3, 2023 until September 18, 2023.

MOTION CARRIED 6-0.

CONSENT AGENDA

Roll Call Vote:

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

MOTION CARRIED 5-0-1-1.

ADDITIONS TO AGENDA

There were no additions to the agenda.

ADJOURNMENT

MOTION by Bridges, support by Bruce, to adjourn the regular session City Council meeting at 8:16pm.

MOTION CARRIED 6-0.

Respectfully submitted,



Pamela B. Smith, City Clerk



Inter-Office Correspondence

DATE: October 9, 2023

TO: Gary Mekjian, City Manager

FROM: Charmaine Kettler-Schmult, Director of Planning and Community Development

SUBJECT: Amend Planned Unit Development (“PUD”) 6, 1993 (Timbercrest), Agreement

Please see the [attached](#) amended PUD agreement for consideration at Council’s October 9, 2023, meeting.

Following a public hearing on April 24, 2023, City Council approved an amendment to PUD Plan 6, 1993, to modify the northernmost tenant space in the existing southerly outbuilding in the shopping center at 27604 Middlebelt Road to accommodate a drive-through restaurant use, which is not a permitted use under the current PUD agreement ([minutes](#)).

A condition of approval of any PUD plan is that a separate PUD agreement be approved by City Council.

It is the position of the City Attorney’s Office that the amended agreement is in conformance with the City’s zoning regulations regarding amending development agreements for PUDs ([memorandum](#)). Please note that approval of the amended agreement will authorize the use to have an outdoor seating component, as discussed by Council at their April 24, 2023, meeting.

Department of Planning and Community Development staff and the City Attorney will be present at the meeting to address any questions you might have.

Department Authorization by: Charmaine Kettler-Schmult, Director of Planning and Community Development

Prepared by: Erik Perdonik, City Planner

Attachments:

- [Executed First Amendment to PUD Agreement Timbercrest PUD](#)
- [April 24, 2023, City Council Regular Meeting minutes](#)

**STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF FARMINGTON HILLS**

**FIRST AMENDMENT TO PLANNED UNIT DEVELOPMENT AGREEMENT
TIMBERCREST PLANNED UNIT DEVELOPMENT**

THIS FIRST AMENDMENT TO PLANNED UNIT DEVELOPMENT AGREEMENT (the "First Amendment to PUD Agreement"), dated _____, 2023, is made and entered into by and between the **CITY OF FARMINGTON HILLS**, a Michigan municipal corporation, having the address of 31555 West Eleven Mile Road, Farmington Hills, Michigan 48336, hereinafter referred to as and called the "City", and **MERCHANTS MARKETPLACE, LLC**, a Michigan limited liability company, whose address is 2028 Harrison St., Suite 202, Hollywood, Florida 33020, hereinafter referred to as and called "Merchants."

RECITALS:

A. Merchants, as successor to Jonna Realty Ventures, Inc., and the City are parties to a certain Planned Unit Development Agreement dated October 6, 1994, recorded on October 6, 1994, in Liber 15022, Page 616, Oakland County Records (the "Agreement"), pertaining to real property situated in the City of Farmington Hills, Oakland County, Michigan, being more particularly described in attached **Exhibit A** to the Agreement (hereinafter referred to as the "Property").

B. The Property has been developed pursuant to the Agreement to include office, retail and residential uses, as depicted and described on the Land Use Plan attached to the Agreement.

C. Jonna Realty Ventures, Inc. retains control over the common elements within the Planned Unit Development, being PUD Plan 6, 1993.

D. Merchants is the fee owner developer of approximately 7.53 acres of the Property, which comprises the retail/office component of the development, as depicted on the Land Use Plan attached to the Agreement as parcel "A," and as more particularly described in attached **Exhibit B** (hereinafter referred to as the "First Amended Property").

E. The First Amended Property consists of two buildings. One building is a shopping center strip along the east side of the First Amended Property and is zoned B-2, Community Business. The southerly outbuilding located on the west side of the First Amended Property is zoned OS-1, Office Service.

F. Merchants applied for an amendment to the PUD Plan 6, 1993, dated October 6, 1993, to allow a drive-thru use in the northerly tenant space in the southerly outbuilding on the First Amended Property, along with outdoor dining, in accordance with a Concept Plan, attached as **Exhibit C**.

G. On March 16, 2023, after providing notice as required by law, a public hearing on Merchants application for a First Amendment to PUD Plan 6, 1993, dated October 6, 1993, was held before the City Planning Commission.

H. On March 16, 2023, the Planning Commission considered and recommended approval of the application for a First Amendment to PUD Plan 6, 1993, dated October 6, 1993, to authorize, with conditions, the drive-thru use only in the southerly outbuilding on the First Amended Property.

I. On April 24, 2023, the City Council considered and approved a First Amendment to the PUD Plan 6, 1993, dated October 6, 1993, to authorize a drive-thru in the northerly tenant space, along with outdoor seating, in the southerly outbuilding on the First Amended Property subject to conditions, including the following:

- (1) The drive-thru use be limited to a coffee shop without ovens or fryers, limited only to heating devices such as microwaves;
- (2) The submission and approval by the Planning Commission of a revised site plan that (i) adequately addresses parking and traffic circulation, after consultation with traffic engineers, to minimizes the impact on existing neighboring businesses; (ii) adequately addresses pedestrian safety and noise nuisance; and (iii) depicts a marked pedestrian crosswalk at the back of the building;
- (3) The conditions and requirements stated in the review of the City's Planning Consultant, Joe Tangari, AICP of Giffels Webster, dated March 8, 2023, including (i) identification, on the Land Use Plan attached to the Agreement, of each use and its corresponding zoning district within the PUD; (ii) amendment to the PUD Agreement to allow for uses as determined appropriate by City's Planning and Community Development Department; and (iii) consideration by the City's Planning and Community Development Department whether additional City benefit must be provided;
- (4) Approval, execution and recordation of this Agreement.

J. Merchants accepts any and all risks associated with the City's approval of the First Amendment to PUD Plan 6, 1993, dated October 6, 1993, and agrees to release and hold the City harmless from any and all claims, liabilities, causes of action, damages, judgments, attorney fees, court costs, and expenses which arise out of or are related to the City's approval of the First Amendment to PUD Plan 6, 1993, dated October 6, 1993.

K. Pursuant to Section 25 of the Agreement and in accordance with the procedures set forth in Section 34-3.20 of the City's Zoning Ordinance, Merchants and the City desire to amend the Agreement for the purposes set forth in this First Amendment to Planned Unit Development Agreement.

NOW, THEREFORE, in consideration of the covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed as follows:

1. All references in the Agreement to the PUD Plan, site plan, landscape plan and any other plans, elevations and surveys are hereby amended to include and shall be amended to include the final approved site plan for the First Amended Property, once approved by the City in accordance with this First Amendment to Planned Unit Development Agreement.

2. Paragraph 3(a)(i) of the Agreement is removed and replaced, in full, by the following:

The following uses shall be prohibited: post offices; recreation space for children's amusement parks; shuffleboard, miniature golf and similar recreation businesses; automobile service centers; veterinary hospitals or clinics; bowling alleys, indoor archery, tennis, skating or similar indoor commercial recreation businesses; restaurants having more than one coin-operated amusement device per seven hundred fifty square feet of total floor area; free standing restaurants; and nightclubs. In addition, no principal use shall be an open air business use as described in Section 34-4.30 of the Zoning Ordinance.

3. Merchants acknowledges that, at the time of the execution of this First Amendment to Planned Unit Development Agreement, Merchants has not yet obtained site plan or engineering approvals for the work authorized by this First Amendment to Planned Unit Development Agreement on the First Amended Property. Merchants acknowledges that the City's Planning and Community Development Department and the City's Engineering Division may impose additional conditions other than those contained in this First Amendment during its plan reviews and approvals as authorized by law; provided, however, that such conditions shall not change or eliminate any development right authorized thereby. The plans approved by the City's Planning and Community Development Department and the City's Engineering Division and any conditions imposed thereto as authorized by law shall be incorporated into and made a part of this First Amendment automatically upon issuance of the City's Planning and Community Development Department and the City's Engineering Division's approval of same and without the necessity of amending this First Amendment, and shall be enforceable against Merchants in the event Merchants proceeds with the work on the development on the First Amended Property.

4. The exhibits attached hereto and the recital paragraphs set forth above are hereby incorporated into this First Amendment to Planned Unit Development Agreement by this reference as though fully set forth herein.

5. The parties acknowledge and agree that, except as expressly set forth in the First Amendment to Planned Unit Development Agreement; all of terms, conditions and obligations contained in the Agreement remain unchanged and are in full force and effect.

6. This First Amendment to Planned Unit Development Agreement shall be recorded at the Oakland County Register of Deeds Office.

[Signatures on Next Page]

IN WITNESS WHEREOF, the parties hereto have set their hands on the day and year set forth with the notarization of their signatures.

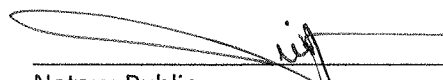
MERCHANTS:

MERCHANTS MARKETPLACE, LLC, a Michigan limited liability company

By: 
Its: Manager

Florida)
STATE OF MICHIGAN)
Broward) SS
COUNTY OF OAKLAND)

On this 21st day of September, 2023, before me personally appeared Jacob Khotsveli the Manager of Merchants Marketplace, LLC, a Michigan limited liability company, who acknowledged that he/she signed this Agreement on behalf of said company.



Notary Public
~~Oakland County, Michigan~~
~~Acting in Oakland County, Michigan~~
My Commission Expires: 10-23-27



CITY:

CITY OF FARMINGTON HILLS,
a Michigan municipal corporation

By: Gary Mekjian
Its: City Manager

Attested: Pamela B. Smith
Its: City Clerk

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

On this ____ day of _____, 2023, before me personally appeared Gary Mekjian, the City Manager, and Pamela B. Smith, the City Clerk, who acknowledged that they signed and attested to this Agreement on behalf of the City of Farmington Hills.

Notary Public
Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires: _____

Drafted Jointly By:
Steven P. Joppich, Esq.
Rosati Schultz Joppich & Amtsbuechler, P.C.
27555 Executive Drive, Suite 250
Farmington Hills, MI 48331-3550

When Recorded, Return To:
City Clerk
City of Farmington Hills
31555 West Eleven Mile Road
Farmington Hills, MI 48336-1165

and

Thomas W. Forster, Esq.
Varnum LLP
999 Vanderbilt Beach Rd., Suite 300
Naples, Florida 34108

EXHIBIT A

PROPERTY LEGAL DESCRIPTION
(Attached)

An irregularly-shaped parcel of vacant land located in the City of Farmington Hills, Oakland County, Michigan, containing unknown acres, more or less, more particularly described as follows:

A parcel of land located in the West one half of Section 13, T.1.N., R.9.E, City of Farmington Hills, Oakland County, Michigan, described as follows: Commencing at the Northwest corner of said Section 13, thence along the North section line (also being the centerline of Twelve Mile Road - 120' wide) S. 89* 12' 00" E, 1,306.08 feet; thence S. 00* 03' 36" E., 60 feet to the Point of Beginning; thence S. 00* 03' 36" E., 2,586.17 feet partially along the West line of "Greencastle" Subdivision (L. 67 P. 28 of Plats, Oakland County Records); thence along the East-West one-quarter line of said Section 13 and the South line of said "Greencastle" Subdivision, S. 89* 04' 01" E., 1,315.50 feet to the center of said Section 13; thence along the North-South one-quarter section of said Section 13, S. 01* 26' 23" W., 600.82 feet; thence along the North right-of-way line of Interstate Highway 696, N. 88* 51' 45" W., 54.04 feet and along a circular curve to the right an arc distance of 1,133.58 feet (said curve having a central angle of 24* 20' 45", a radius of 2,667.79 feet and a chord bearing N. 76* 41' 24" W., 1,125.07 feet) and N. 64* 31' 00" W., 1,517.90 feet; thence along the Easterly right-of-way line of Middlebelt (variable width) N. 00* 14' 42" E., 429.35 feet and N. 85* 45' 18" W., 40 feet and N. 00* 14' 42" E., 1,882.93 feet; thence along the South right-of-way line of Twelve Mile Road (South one-half being 60 feet wide) S. 89* 12' 00" E., 1,246.39 feet to the Point of Beginning.

AND 23-13-101-001

Also including a parcel of land in the City of Farmington Hills, Oakland County, Michigan, containing 3 acres, more or less, more particularly described as follows:

Part of the East 1/2 of the Northwest 1/4 of Section 13, Town 1 North, Range 9 East, more particularly described as commencing at the North 1/4 corner of Section 13, Town 1 North, Range 9 East, Thence South 89 Degrees 13 Minutes 20 Seconds West a distance of 1136.05 feet to the point of beginning of this description; thence South 1 Degree 31 Minutes 40 Seconds East a distance of 660 feet; thence South 89 Degrees 13 Minutes 20 Seconds West a distance of 198 feet; thence North 1 Degree 31 Minutes 40 Seconds West a distance of 660 feet; thence North 89 Degrees 13 Minutes 20 Seconds East a distance of 198 feet; to the point of beginning, excepting therefrom a strip of land on the North and used for highway purposes.

23-13-126-001

EXHIBIT A

* STANDS FOR THE DEGREE SYMBOL

TAX ITEM NO. 23-13-101-001 AND 23-13-126-001

Exhibit B

FIRST AMENDED PROPERTY LEGAL DESCRIPTION

LEGAL DESCRIPTION

LAND SITUATED IN THE CITY OF FARMINGTON HILLS, COUNTY OF OAKLAND, STATE OF MICHIGAN DESCRIBED AS FOLLOWS:

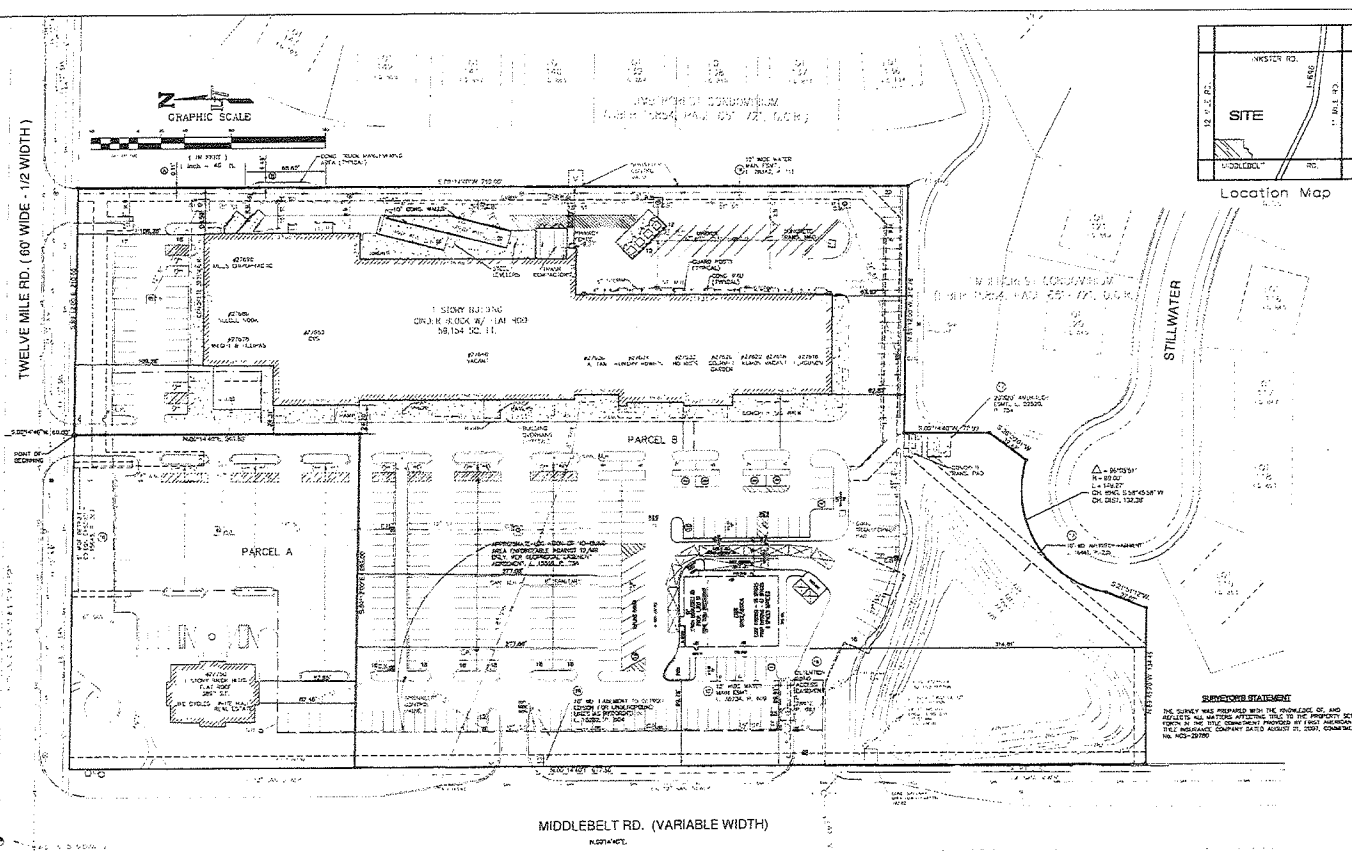
PART OF THE NORTHWEST 1/4 OF SECTION 13, TOWN 1 NORTH, RANGE 9 EAST, CITY OF FARMINGTON HILLS, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT, SAID POINT BEING DISTANT SOUTH 89 DEGREES 12 MINUTES 00 SECONDS EAST, 345.02 FEET ALONG THE NORTH LINE OF SAID SECTION 13 AND SOUTH 00 DEGREES 14 MINUTES 40 SECONDS WEST, 60.00 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 13; THENCE FROM SAID POINT OF BEGINNING, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 12 MILE ROAD (120 FEET WIDE); THENCE SOUTH 89 DEGREES 12 MINUTES 00 SECONDS EAST, 210.00 FEET; THENCE SOUTH 00 DEGREES 14 MINUTES 40 SECONDS WEST, 710.00 FEET; THENCE NORTH 89 DEGREES 12 MINUTES 00 SECONDS WEST, 210.76 FEET; THENCE SOUTH 00 DEGREES 14 MINUTES 40 SECONDS WEST, 72.99 FEET; THENCE SOUTH 36 DEGREES 20 MINUTES 01 SECOND WEST, 39.42 FEET; THENCE 149.27 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING RADIUS OF 89.00 FEET, A CENTRAL ANGLE OF 96 DEGREES 05 MINUTES 51 SECONDS AND A LONG CHORD LENGTH OF 132.38 FEET WHICH BEARS SOUTH 58 DEGREES 45 MINUTES 58 SECONDS WEST; THENCE SOUTH 21 DEGREES 51 MINUTES 12 SECONDS WEST, 37.07 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 20 SECONDS WEST, 134.46 FEET; THENCE NORTH 00 DEGREES 14 MINUTES 40 SECONDS EAST, 677.66 FEET; THENCE SOUTH 89 DEGREES 12 MINUTES 00 SECONDS EAST, 285.00 FEET; THENCE NORTH 00 DEGREES 14 MINUTES 40 SECONDS EAST, 243.53 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH NON-EXCLUSIVE EASEMENT RIGHTS SET FORTH IN THE RECIPROCAL EASEMENT AGREEMENT BETWEEN I2/MB LIMITED PARTNERSHIP, A MICHIGAN LIMITED PARTNERSHIP AND MERCHANTS MARKETPLACE, L.L.C., A MICHIGAN LIMITED LIABILITY COMPANY, DATED JULY 11, 1995, RECORDED JULY 14, 1995 IN LIBER 15518, PAGE 758, OAKLAND COUNTY RECORDS.

TAX PARCEL NO: 23-13-101-003
COMMONLY KNOWN AS: 27614 MIDDLEBELT

EXHIBIT C

CONCEPT PLAN
(Attached)



CONCEPT PLAN FOR 27604 MIDDLEBELT ROAD CITY OF FARMINGTON HILLS

**OVERALL EXISTING SITE
PARKING CALCULATION**

PARCEL NO. 25-13-191-003
 SITE AREA - 7.53+/- ACRES
 TOTAL BUILDING AREA - 64,089 SF
 PARKING REQUIRED:
 SHOPPING CENTERS - 1 SPACE/100 SF FOR GROSS LEASABLE
 AREAS UNDER 400,000 SF
 + GROSS LEASABLE AREA CALCULATED AT RATE OF GROSS BUILDING AREA
 PARKING REQUIRED - 64,089 SF (GROSS) 0.80 x 1/100 = (766.92) 267 SPACES
 PARKING PROVIDED - EXISTING SITE - 313 SPACES
 PARKING PROVIDED - PROPOSED SITE - 303 SPACES W/THE ADDITION OF THE DRIVE DRIVE

SURVEYOR'S STATEMENT
 THE SURVEY WAS PREPARED WITH THE KNOWLEDGE OF AND
 BELIEF TO THE BEST OF HIS ABILITY TO BE TRUE AND CORRECT
 AND TO CONFORM WITH ALL APPLICABLE LAWS AND ORDINANCES
 THE SURVEYOR'S CERTIFICATE NO. 2001, COMBINATION
 NO. 402-2070

MINUTES
CITY OF FARMINGTON HILLS
CITY COUNCIL MEETING
CITY HALL – COUNCIL CHAMBER
APRIL 24, 2023 – 7:30 PM

The regular session meeting of the Farmington Hills City Council was called to order by Mayor Barnett at 7:33pm.

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

Council Members Absent: Bridges

Others Present: City Manager Mekjian, City Clerk Smith, Assistant City Manager Valentine, Directors Kettler-Schmult, Mondora, Schnackel and Skrobola, Police Chief King, Fire Chief Unruh and City Attorney Joppich

PLEDGE OF ALLEGIANCE

Mayor Barnett led the pledge of allegiance.

- Yard waste pick-up
- Police Department Community Conversations at the HAWK

PUBLIC HEARING

PUBLIC HEARING AND CONSIDERATION OF AMENDMENT TO PLANNED UNIT DEVELOPMENT PLAN 6, 1993 LOCATED AT 27604 MIDDLEBELT ROAD.

Erik Perdonik, City Planner, explained that this is an amendment to a current Planned Unit Development (PUD) to allow for a drive-thru restaurant at the southerly outbuilding. He stated that the existing PUD agreement does not allow for drive-thru units.

Jill Bahm, Giffels Webster Planning Consultant, explained what a PUD is and the purpose. She stated that the Planning Commission approved this amendment to the PUD plan at their March meeting and site plan review will be required by the Planning Commission as part of the process. In exchange for the PUD amendment, the Planning Commission requested sidewalk and crosswalks and changes to parking and traffic circulation on site and also suggested pedestrian improvement on the site. Consultant Bahm noted that an updated PUD agreement will be required.

Masroor Ahmed, applicant, explained that he plans to open a coffee shop at this location and the majority of those types of businesses include a drive-thru. He stated that he had to close his coffee shop located at 9 Mile and Middlebelt as they had no drive-thru at that location and could not sustain the business. He added that this building was originally planned for a bank with drive-thru service so he is requesting to modify the plan for his own business. Mr. Ahmed stated that he will provide the crosswalk improvements as requested by the Planning Commission and the benefit to the community would be creating 30+ additional jobs. They are also a Michigan based company and this will be the first one in Farmington Hills.

Mayor Barnett opened the public hearing.

Pam Gerald, resident, stated that she heard during the presentation that youth and residents would be employed and questioned how the city can ensure that this happens. She also inquired the distance from the frontage on Middlebelt to the existing drive-thru traffic.

Steve Joppich, City Attorney, explained that a PUD agreement is required but typically includes conditions tied to the land use or zoning.

Mayor Barnett added that the request is a land use amendment and the city would not typically get into

managing a company's work force. She stated that the building in question is an existing building and they are not seeking any changes to setbacks.

Thomas Hull, Skye Drive, expressed concern with traffic in that area and questioned whether that was the best location for a drive-thru business.

Mayor Barnett acknowledged correspondence from the following who were opposed to the proposed PUD Plan amendment:

- Brenda Chen, Representing Farmington Hills Kumon Math and Reading Center, 27622 Middlebelt Rd
- Yizhou Cao, Timbercrest resident.

There being no further comments, Mayor Barnett closed the public hearing.

The following comments were expressed by City Council members:

- Concern with a drive-thru at this location due to traffic and safety of children visiting other businesses in that complex
- Allowing for a drive-thru for this type of business is important so that the business can thrive
- Suggestion to request an outdoor seating area and upgrading the drainage ditch
- Suggestion to restrict the business to a coffee shop in order to eliminate the potential of a fast-food restaurant going into that location at a later date

Staff indicated that the drainage and traffic circulation would be part of the site plan review and traffic review by the Engineering Division. Attorney Joppich suggested that any specific conditions are made part of the motion to be included as part of the PUD agreement that will come back to City Council for approval.

MOTION by Bruce, support by Knol, that the City Council of Farmington Hills hereby approves the Amendment to Planned Unit Development Plan 6, 1993, dated January 17, 2023, subject to the following conditions:

- 1) Any conditions and requirements set forth in the Planning Commission's March 16, 2023 motion recommending approval of the Amendment to the PUD Plan to City Council shall be complied with or addressed to the satisfaction of the Planning and Community Development Department;
- 2) Any conditions and requirements stated in Giffels Webster's review shall be complied with or addressed to the satisfaction of the Planning and Community Development Department;
- 3) Limiting the restaurant to a coffee shop with no fryers;

Considerable discussion was held on the traffic circulation on site and some members of Council were not comfortable not having that information and a traffic study up front before they made their decision on whether to allow the drive-thru. Staff reiterated that the traffic study and circulation on site would be part of the site plan approval process. Consultant Bahm stated that the only issue before Council this evening is with regard to land use and allowing for the drive-thru a there is no detailed site plan at this point.

Attorney Joppich pointed out that the motion did not include the suggested language authorizing the City Attorney to prepare the PUD amended agreement with stipulations and authorizing the deviations to the zoning ordinance.

Further discussion was held by City Council on the traffic circulation, including outdoor seating area for the complex and a suggestion was made to close the southern entrance on Middlebelt to no left turns.

MOTION by Bruce, support by Knol, to amend the motion to include the following language:

City of Farmington Hills-City Council Regular Session Meeting
April 24, 2023
Page 6 of 13

6
APPROVED 5/8/2023

IT IS FURTHER RESOLVED, that the City Council directs the City Attorney to prepare the

appropriate PUD agreement stipulating the final PUD approval conditions and authorizing the identified zoning deviations for City Council consideration and final approval.

MOTION by Massey, support by Boleware, to postpone consideration of PUD Plan 6, 1993 to the next meeting in May to allow for the submission of a basic site plan for the proponent to show how they would incorporate the suggested changes.

MOTION FAILED 3-3 (Barnett, Bruce and Knol opposed)

Mayor Barnett called for a vote on the previous amendment to the motion made by Mayor Pro-Tem Bruce and supported by Councilmember Knol to include language authorizing the City Attorney to prepare the PUD amended agreement with stipulations and authorizing the deviations to the zoning ordinance.

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

Further discussion was held on having a traffic study, circulation of traffic on site and parking and pedestrian traffic with other businesses on site.

The proponent indicated that the amendment is already subject to a traffic study, which he is already paying \$12,000 to have completed.

Mayor Pro-Tem Bruce withdrew his motion on the table as it was incomplete at this time since the amendment failed.

MOTION by Bruce, support by Knol, that the City Council of Farmington Hills hereby approves the Amendment to Planned Unit Development Plan 6, 1993, dated January 17, 2023, subject to the following conditions:

- 1) Any conditions and requirements set forth in the Planning Commission's March 16, 2023 motion recommending approval of the Amendment to the PUD Plan to City Council shall be complied with or addressed to the satisfaction of the Planning and Community Development Department;
- 2) Any conditions and requirements stated in Giffels Webster's review shall be complied with or addressed to the satisfaction of the Planning and Community Development Department;
- 3) Limiting the restaurant to a coffee shop with no fryers;

IT IS FURTHER RESOLVED, that the City Council directs the City Attorney to prepare the appropriate PUD agreement stipulating the final PUD approval conditions and authorizing the identified zoning deviations for City Council consideration and final approval.

MOTION by Bruce, support by Knol, to amend the motion to include the following condition:

- Encouraging the traffic engineers to develop a traffic circulation plan that minimizes the impact on existing neighboring businesses.

Mayor Barnett called for a vote on the amendment only.

MOTION to amend carried 6-0.

The full motion with amendment is as follows:

MOTION by Bruce, support by Knol, that the City Council of Farmington Hills hereby approves the Amendment to Planned Unit Development Plan 6, 1993, dated January 17, 2023, subject to the following conditions:

- 1) Any conditions and requirements set forth in the Planning Commission's March 16, 2023 motion recommending approval of the Amendment to the PUD Plan to City Council shall be complied with or addressed to the satisfaction of the Planning and Community Development Department;
- 2) Any conditions and requirements stated in Giffels Webster's review shall be complied with or addressed to the satisfaction of the Planning and Community Development Department;
- 3) Limiting the restaurant to a coffee shop with no fryers;
- 4) Encouraging the traffic engineers to develop a traffic circulation plan that minimizes the impact on existing neighboring businesses.

IT IS FURTHER RESOLVED, that the City Council directs the City Attorney to prepare the appropriate PUD agreement stipulating the final PUD approval conditions and authorizing the identified zoning deviations for City Council consideration and final approval.

MOTION CARRIED 5-1 (Boleware opposed).

ADJOURNMENT

MOTION by Newlin, support by Bruce, to adjourn the regular session City Council meeting at 11:03pm.

MOTION CARRIED 6-0.

Respectfully submitted,



Pamela B. Smith, City Clerk



INTEROFFICE CORRESPONDENCE

DATE: October 9, 2023
TO: City Council
FROM: Vicki Barnett, Mayor
SUBJECT: Recommendation for reappointment.

I would like to recommend the following appointment & reappointment at the October 9, 2023 City Council meeting.

Farmington Community Library Board

	Length of Term:	Term ending:
Sharon Snodgrass	4 years	February 1, 2027

Sharon will fill the vacancy left by Danette Duron-Willner who resigned in 2023. Attached, please find Sharon's resume.

Reappointment to Board & Commission.

Employee Retirement Board

	Length of Term:	Term ending:
Eric Gould	3 years	December 31, 2026

Eric's current term ends December 2023 he has been a member of the Retirement Board since 2011.

Mayor Vicki Barnett
City of Farmington Hills
31555 W. Eleven Mile Road
Farmington Hills, MI 4833

May 19, 2023

Re application for Farmington Community Library Board Trustee

Dear Mayor Barnett,

Please consider this letter as my application for a two year Farmington Community Library Board Trustee position. For me, the library is a key element to our community. More than books and videos it is a place of gathering for sharing knowledge and for sharing experiences. Every patron who enters the doors of the library has an experience. That experience should be positive and reflective of our diverse community.

I view trustees as the caretakers of two physical facilities. In addition to maintaining and improving two aging facilities, trustee responsibilities include the incorporation of current changes in new technology to meet the needs of contemporary patrons.

It is critical for long term management that the library manage its finances carefully. New trends in technology and safety cost money. Aging buildings require costly updating. Planning and making wise financial choices extends the reach of every dollar spent.

An important element to a strong library is the strength of the library staff. A cohesive staff that works well together can accomplish a great deal. Skilled staff can offer insights from a hands on perspective not readily noticed by trustees. Disruptions are expensive. The staff is critical for the library to be a positive gathering place. Trustees can provide an additional link to unity of library staff and patrons.

In the future I would like to see the Friends of the Library enhance their tools to generate more donor dollars. The Friends of the Library have had great success with program support and outreach. Still there is room for increased public awareness of the benefits provided by the Friends of the Library. This should result in an increase in donor participation.

My Background

Community service

Current chairman of Farmington Hills Children Youth and Family 2015-2023

Trustee Pewabic Pottery, served as treasurer and program chairman 1997-2010

President International Women's Club of Valencia, Venezuela 1992-1995

Chairman and member of Dearborn YMCA Board 1987-1992

Board member of Livonia YMCA 1981- 1987

Vice President Business Economic Development; Livonia Chamber of Commerce 1983- 1987

Speaker for various Community outreach programs

Education

Juris Doctor University of Detroit 1979
Master of Arts Eastern Michigan University 1975
Bachelor of Science Michigan State 1969 Michigan State University

Employment

Currently retired attorney Creighton, McLean & Shea P.C. 2011-present
Attorney – Brashear, Tangora, Creighton, Gallagher, Amann LLP 1997- 2011
Vice president and Trust officer Comerica bank 1987-1992
Attorney and Stockholder Krandle, Creighton, Snodgrass and Mier P.C. 1980-1987
Instructor various schools; Schoolcraft, Henry Ford Community, Oakland Community and Wayne State

Math Teacher Northville Public Schools 1971-1980
Math Teacher Livonia Public schools 1970-1971
Math Teacher Monongahela High School 1970
Math teacher Detroit Public Schools 1969-1970

Over the years I have worked with many organizations serving the community. I believe my skills and experiences would be a good fit to a successful board of trustees. My brief resume above can be more detailed at your request. I have been a resident of Farmington Hills since 1973 and would consider it an honor to serve my community as library trustee.

Sincerely,

Sharon L. Snodgrass



ERIC J. GOULD



September 15, 2023

Hon. Vicki Barnett, Mayor
City of Farmington Hills
Farmington Hills City Manager's Office
31555 W. Eleven Mile Road
Farmington Hills, MI 48336

RE: Request for Reappointment

Dear Mayor Barnett:

It is an honor and pleasure to serve as a city-appointed trustee to the Employee Retirement System. As my term ends, I request reappointment.

For several years, the trustees elected me chairperson and vice chairperson, evidencing their confidence in my knowledge and leadership skills. I was just re-elected to the Michigan Association of Public Employee Retirement Systems' board of directors.

I am happy to meet with you or any other Council members should questions arise.

Very truly yours,

A handwritten signature in blue ink that reads "Eric J. Gould".

cc: Thomas Skrobola

REPORT FROM THE CITY MANAGER TO CITY COUNCIL – October 9, 2023

SUBJECT: Consideration of authorization of a cost participation agreement between the Road Commission for Oakland County (RCOC) and the City of Farmington Hills for the pavement rehabilitation of the roundabout at the intersection of 14 Mile Road and Farmington Road.

Administrative Summary

- In February 2020, the City of Farmington Hills was awarded a Resurfacing, Restoration and Rehabilitation Grant (RRR) through the Oakland County Federal Aid Committee/Federal Highway Administration (FHWA) for the rehabilitation of 14 Mile Road between Drake Road and Farmington Road. This project was bid in early 2023 and construction on this project has recently been completed.
- The roundabout located at the intersection of Farmington Road and 14 Mile Road falls under the jurisdiction of the Road Commission for Oakland County. As such, RCOC requested that the roundabout pavement be rehabilitated during the City's 14 Mile Road pavement rehabilitation project.
- The Road Commission for Oakland County agrees to pay all preliminary engineering, construction engineering and contractor payments associated with this work located within the limits of the roundabout which falls under RCOC jurisdiction. This cost associated with this work is approximately \$92,550.
- It is recommended that the City of Farmington Hills enter into cost participation agreement with the Road Commission for Oakland County to include rehabilitation of the roundabout pavement. This collaboration provided a better overall finished product, reduced impact to our residents, and provided a timely cost-effective option for RCOC to have the roundabout pavement replaced.

RECOMMENDATION

IT IS RESOLVED, that the City of Farmington Hills authorize 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.

Support Documentation

The City of Farmington Hills was awarded a resurfacing, restoration and rehabilitation project through the Oakland County Federal Aid Committee/Federal Highway Administration for the rehabilitation of 14 Mile Road from Drake Road to Farmington Road.

The roundabout adjacent to this project at 14 Mile and Farmington Road falls under the jurisdiction of the Road Commission for Oakland County. As such, RCOC requested that the roundabout pavement be included during the rehabilitation of 14 Mile Road. Construction was recently completed and approval of this agreement with RCOC will secure payment for all costs associated with construction within the roundabout limits that fall under the jurisdiction of RCOC. These costs total approximately \$92,550 which can be broken down as \$6,150 in preliminary engineering, \$6,400 in construction engineering and \$80,000 in contractor payments.

Combining the roundabout paving with the City project provided a better overall project, reduced impact to our residents ,and provided a timely cost-effective option for RCOC to rehabilitate the roundabout pavement.

Prepared by Mark S. Saksewski, P.E., Senior Engineer

Approved by James Cubera, P.E., City Engineer

Departmental Authorization by Karen Mondora, P.E., Director of Public Services

Approval by Gary Mekjian, P.E., City Manager

COST PARTICIPATION AGREEMENT

CONSTRUCTION

14 Mile Road

At Farmington Road

City of Farmington Hills

Board Project No. 57271

This Agreement, made and entered into this _____ day of _____, 2023, by and between the Board of County Road Commissioners of the County of Oakland, Michigan, hereinafter referred to as the BOARD, and the City of Farmington Hills, hereinafter referred to as FARMINGTON HILLS, provides as follows:

WHEREAS, the BOARD and FARMINGTON HILLS have programmed the resurfacing of the roundabout on 14 Mile Road at Farmington Road, described in Exhibit "A", attached hereto and made a part hereof, which improvements involve roads under the jurisdiction of the BOARD and within FARMINGTON HILLS, which improvements are hereinafter referred to as the PROJECT; and

WHEREAS, the estimated total cost of the PROJECT is \$92,550; and

WHEREAS, the BOARD and FARMINGTON HILLS have reached a mutual understanding regarding the cost sharing of the PROJECT and wish to commit that understanding to writing in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and in conformity with applicable law, it is hereby agreed between FARMINGTON HILLS and the BOARD that:

1. FARMINGTON HILLS shall forthwith undertake and complete the PROJECT, as above described, under Road Commission for Oakland County permit; and shall perform or cause to be performed all CONSTRUCTION engineering services and administration in reference thereto.

2. The actual total cost of the PROJECT shall include preliminary engineering, construction engineering and payment to the contractor.
3. FARMINGTON HILLS shall comply with the provisions as set forth in Exhibit "B" attached hereto.
4. FARMINGTON HILLS shall comply with the liability and insurance requirements as set forth in Exhibit "C" attached hereto.
5. The BOARD shall contribute \$92,550 toward the PROJECT.
6. Any PROJECT costs above \$92,550 will be funded 100% by the BOARD.
7. Upon execution of this agreement, FARMINGTON HILLS shall submit an invoice to the BOARD in the amount of \$92,550 (being 100% of the BOARD'S contribution).
 - a. The invoice shall be sent to:

Engineering Aide
Road Commission for Oakland County
31001 Lahser Road
Beverly Hills, MI 48025
8. Within 90 days of completion of the PROJECT, FARMINGTON HILLS shall submit to the BOARD the following:
 - a. A cover letter originated by FARMINGTON HILLS certifying that the PROJECT is now complete.
 - b. A copy of the FINAL payment estimate paid to the contractor.
 - c. One copy of the complete set of the as-built construction plans containing the adjusted quantities of the PROJECT.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and date first written above.

BOARD OF ROAD COMMISSIONERS OF THE
COUNTY OF OAKLAND
A Public Body Corporate

By _____

Its _____

CITY OF FARMINGTON HILLS

By _____

Its _____

EXHIBIT A
TRI-PARTY PROGRAM
 14 Mile Road
 At Farmington Road
 City of Farmington Hills
 Board Project No. 57271

Resurfacing of the roundabout on 14 Mile Road at Farmington Road.

ESTIMATED PROJECT COST	
Preliminary Engineering	\$6,150
Construction Engineering	\$6,400
Contractor Payments	\$80,000
Total Estimated Project Cost	\$92,550

COST PARTICIPATION BREAKDOWN	
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	FARMINGTON HILLS	BOARD	TOTAL
Contribution	\$0	\$92,550	\$92,550
TOTAL	\$0	\$92,550	\$92,550

Exhibit B PROVISIONS

Bidding: FARMINGTON HILLS shall select the contractor for its share of the work, on a competitive basis by advertising for sealed bids in accordance with its established practices.

Bonds – Insurance: FARMINGTON HILLS shall require the contractor provide payment and performance bonds for the PROJECT; said bonds to be in compliance with the provisions of 1963 PA 213 as amended, compiled at MCL 129.201, et seq.

Further, FARMINGTON HILLS shall require the contractor to provide insurance naming the Road Commission for Oakland County as additional named insured's. Coverage's shall be substantial as set forth in Exhibit "C", attached hereto.

Records: The parties shall keep records of their expenses regarding the PROJECT in accordance with generally accepted accounting procedures, and shall make said records available to the other during business hours upon request giving reasonable notice. Such records shall be kept for three (3) years from final payment.

Final costs shall be allocated after audit of the records and adjustments in payments shall be invoiced and paid within thirty (30) days thereafter.

EEO: FARMINGTON HILLS shall require its contractor to specifically agree that it will comply with any and all applicable State, Federal, and Local statutes ordinances, and regulations, and with RCOC regulations during performance of the SERVICES and will require compliance of all subcontractors and subconsultants.

In accordance with Michigan 1976 PA 453, FARMINGTON HILLS hereto agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, because of race, color, religion, national origin, age, sex, height, weight or marital status. Further, in accordance with Michigan 1976 PA No. 220, as amended, the parties hereby agree not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment, because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position.

FARMINGTON HILLS further agrees that it will require all subconsultants and subcontractors for this PROJECT comply with this provision.

Governmental Function, Scope: It is declared that the work performed under this AGREEMENT is a governmental function. It is the intention of the parties hereto that this AGREEMENT shall not be construed to waive the defense of governmental immunity held by the RCOC, and FARMINGTON HILLS.

Third Parties: This AGREEMENT is not for the benefit of any third party.

EXHIBIT C
LIABILITY AND INSURANCE REQUIREMENTS

Hold Harmless Agreement: The Contractor shall hold harmless, represent, defend and indemnify the Board of County Road Commissioners of Oakland County, the Road Commission for Oakland County, its officers and employees; the County of Oakland; the Water Resources Drain Commissioner and relevant drainage district(s), if applicable; the Michigan State Transportation Commission; the Michigan Department of Transportation; and the local unit(s) of government, within which the Project is located against all claims for damages to public or private property, for injuries to persons, or for other claims arising out of the performance or non-performance of the contracted work, whether during the progress or after the completion thereof.

Insurance Coverage: The Contractor, prior to execution of the contract, shall file with the Road Commission for Oakland County, copies of complete certificates of insurance as evidence that he carries adequate insurance satisfactory to the Board. Insurance coverage shall be provided in accordance with the following:

- a. Workmen's Compensation Insurance: To provide protection for the Contractor's employees, to the statutory limits of the State of Michigan and \$500,000 employer's liability. The indemnification obligation under this section shall not be limited in any ways by any limitation on the amount or type of damages, compensation or benefits payable by or for the Contractor under worker's disability compensation coverage established by law.
- b. Bodily Injury and Property Damage Other than Automobile: To afford protection against all claims for damages to public or private property, and injuries to persons arising out of and during the progress and to the completion of the work, and with respect to product and completed operations for one year after completion of the work.

1.	Bodily Injury Liability	or:	Single Limit: Bodily Injury and Property Damage
	Each Person: \$1,000,000		Each Occurrence: \$1,000,000
	Each Occurrence \$1,000,000		Aggregate: \$2,000,000
	Aggregate \$2,000,000		

Property Damage Liability:
Each Occurrence: \$250,000
Aggregate: \$250,000

Such insurance shall include: 1) explosion, collapse, and underground damage hazards (x,c,u), which shall include, but not be limited to coverage for (a) underground damage to facilities due to drilling and excavating with mechanical equipment; and (b) collapse or structural injury to structures due to blasting or explosion, excavation, tunneling, pile driving, cofferdam work, or building moving or demolition; (2) products and completed operations; (3) contractual liability; and (4) independent contractors coverage.

2. Bodily Injury Liability and Property Damage Liability - Automobiles (Comprehensive Auto Liability). The minimum limits of bodily injury liability and property damage liability shall be:

Bodily Injury Liability	or	Single Limit: Bodily Injury and Property Damage Liability
Each Person	\$500,000	Each Occurrence: \$2,000,000
Each Occurrence	\$1,000,000	

Property Damage Liability:
Each Occurrence: \$1,000,000

Such insurance shall include coverage for all owned, hired, and non-owned vehicles.

- c. Excess and Umbrellas Insurance – The Contractor may substitute corresponding excess and/or umbrella liability insurance for a portion of the above listed requirements in order to meet the specified minimum limits of liability.
- d. The Contractor shall provide for and on behalf of the Road Commission for Oakland County and all agencies specified by the Road Commission, as their interest may appear, Owner’s Protective Public Liability Insurance. Such insurance shall provide coverage and limits the same as the Contractor’s Public Liability Insurance.
- e. Notice – The Contractor shall not cancel, renew, or non-renew the coverage of any insurance required by this Section without providing 30 day prior written notice to the Road Commission for Oakland County. All such insurance shall include an endorsement whereby the insurer shall agree to notify the Road Commission for Oakland County immediately of any reduction by the Contractor. The Contractor shall cease operations on the occurrence of any such cancellation or reduction, and shall not resume operations until new insurance is in force. If the Contractor cannot secure the required insurance within 30 days, the Board reserves the right to terminate the Contract.
- f. Reports – The Contractor or his insurance carrier shall immediately report all claims received which relate to the Contract, and shall also report claims investigations made, and disposition of claims to the County Highway Engineer.

REPORT FROM THE CITY MANAGER TO CITY COUNCIL - October 9, 2023

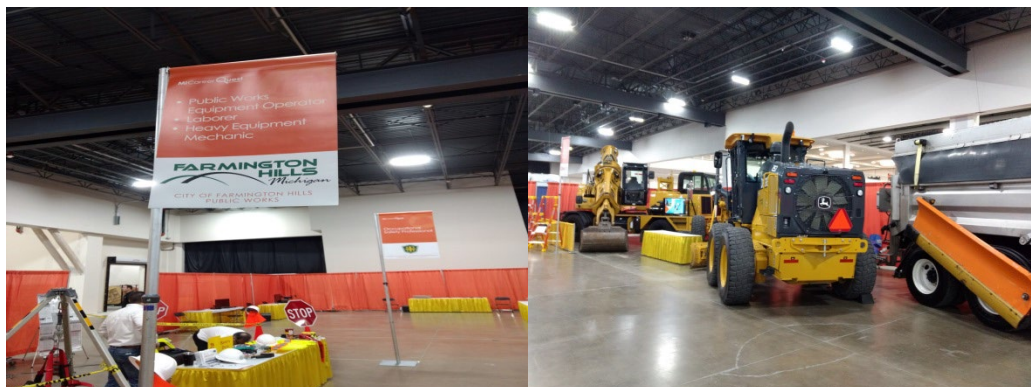
SUBJECT: Authorization of Event Participation Agreement between the County of Oakland and the City of Farmington Hills for the November 14, 2023, MiCareerQuestSE

ADMINISTRATIVE SUMMARY:

- MiCareerQuestSE is an event held in Novi that provides high school students (over 11,000 students from over 160 schools), counselors and teachers a better understanding of in-demand career options available in our region.
- The goal is to provide a talent pipeline for area employers with in-demand skilled trade type jobs. The occupations showcased at the event focus on four career quadrants, each with 20-25 exhibitors, including Advanced Manufacturing, Construction, Health Sciences and Technology.
- The City's DPW participated in CareerQuest (Construction) in 2018 and 2019. Following cancellations starting in 2020 due to COVID, the event is making a comeback in 2023.
- Thousands of students from Oakland, Macomb, Monroe, Wayne, Washtenaw, and Livingston Counties will be meeting with working professionals at interactive displays.
- The agreement allows the City to participate in this community event with its equipment and staff.
- The agreement has been reviewed by the City Attorney as to form and content.

RECOMMENDATION:

In view of the above, it is recommended that the City Council of Farmington Hills authorizes the City Manager to sign the Event Participant Agreement for the 2023 MiCareerQuestSE to be held on November 14, 2023.



Prepared by: Derrick Schueller, DPW Superintendent

Departmental Authorization: Karen Mondora, P.E., Director, Department of Public Services
Lori Brown, Director, Department of Human Resources

Approved by: Gary Mekjian, P.E., City Manager

REPORT FROM THE CITY MANAGER TO CITY COUNCIL – October 9, 2023**SUBJECT:** Award of Bid—Pick-Up Truck Upfitting and Snowplows**ADMINISTRATIVE SUMMARY:**

- A request for proposals (RFP) was issued through the Michigan Intergovernmental Trade Network (MITN) e-procurement system by the City of Rochester Hills, RFP-RH-20-023 and opened on March 18, 2020. The initial term was for three (3) years and has been extended through 2025.
- The RFP was a seven-community cooperative effort, with the City of Rochester Hills acting as lead agency and included the cities of Farmington Hills, Rochester Hills, Auburn Hills, Madison Heights, Livonia, Huntington Woods, and Bloomfield Township. The proposal was developed with the intent to create a multi-year, comprehensive, cooperative contract for any MITN agency to procure single and tandem-axle dump trucks and related equipment for snow and ice control. Participating in a cooperative purchase provides cost savings for the City of Farmington Hills due to the buying power of the cooperative.
- The proposed purchase provides five (5) front mounted snowplows that will be installed on the recently ordered 2024 DPS and Special Services pick-up trucks (CMR 8-23-96).
- Based on past experience, purchasing the plows separately has resulted in greater cost savings to the City, rather than as a dealership option on the original truck purchase. Note, vehicle upfitting also includes a cab guard.
- The recommended award complies with the City’s specifications and is within budget. Funding for this purchase is provided in the Capital Improvement Budget for FY 23/24.
- The recommended vendor is Truck & Trailer Specialties of Dutton, Michigan. Truck & Trailer has provided and installed plows as well as other winter maintenance equipment for the City in the past with high quality and solid workmanship.

RECOMMENDATION:

IT IS RESOLVED that the City Council of Farmington Hills authorize 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.

Prepared by: Derrick Schueller, DPW Superintendent

Reviewed by: Nikki Lumpkin, Senior Buyer

Departmental Authorization: Karen Mondora, P.E., Director, Department of Public Services
Ellen Schnackel, Director, Department of Special Services
Michelle Aranowski, Director, Department of Central Services

Approved by: Gary Mekjian, P.E., City Manager

REPORT FROM THE CITY MANAGER TO CITY COUNCIL – October 9, 2023

SUBJECT: Award of Bid—Medical Use Oxygen

ADMINISTRATIVE SUMMARY:

- Invitations to bid were advertised, available on the Michigan Inter-Governmental Trade Network (MITN) e-procurement site, publicly opened and read aloud on Wednesday, October 4, 2023, for Medical Use Oxygen for use of the Fire Department. Notification was sent to twelve (12) vendors, (including one (1) vendor that hold the classification of minority owned, woman owned, veteran owned, disabled, disadvantaged or service disabled) with two (2) responding.
- Medical Oxygen is an essential medicine used to care for many of our patients who call for emergency medical care. Oxygen is available and stock is maintained in each of our nine transporting Squads with additional supplies at each of our five stations.
- Staff reviewed all the bids and has determined that Blue Water Industrial Products is the lowest most qualified bidder. Blue Water Industrial Products has been in business for over 30 years and their references are excellent. They have provided this service for several other municipalities in the past with positive results.
- Funding for this equipment purchase is provided in the Operating Budget – Medical Supply account.

BID TABULATION -ATTACHED

RECOMMENDATION:

IT IS RESOLVED, that the City Council of Farmington Hills authorize 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.

Prepared by: Jason Olszewski, Deputy Fire Chief

Approved by: Michelle Aranowski, Director of Central Services

Approved by: Jon Unruh, Fire Chief

Approved by: Gary Mekjian, City Manager

City of Farmington Hills
 Bid tabulation
 Bid #itb-fl-23-24-2420
 Medical Use Oxygen
 Opened 10/04/2023

ITEM	FILL UP/YEAR	Matheson Tri-Gas Inc. Wixom, MI		Blue Water Industrial Products New Baltimore, MI	
		Unit Price	Extended	Unit Price	Extended
FILL UP CYLINDER 125CF	30	\$29.40	\$882.00	\$16.00	\$480.00
FILL UP CYLINDER 300CF	30	\$44.10	\$1,323.00	\$18.00	\$540.00
DELIVERY PER SITE			\$50.00		\$15.00
FUEL SURCHARGE (IF APPLICABLE)			\$19.45		\$5.00
HAZARDOUS MATERIAL CHARGE			\$9.45		\$7.50
DAILY RENTAL CHARGE, IF APPLICABLE			\$0.45		\$0.18
LIST ADDITIONAL CHARGES NOT INCLUDED ABOVE		NONE		NONE	
TOTAL:			\$2,284.35		\$1,047.68
Percent increase at the beginning of the second year after award.			NO BID		0%

Bid notification was sent to over 12 vendors. We received zero "No Bids."

MINUTES
CITY OF FARMINGTON HILLS
CITY COUNCIL MEETING
CITY HALL – COUNCIL CHAMBER
SEPTEMBER 11, 2023 – 7:30 PM

The regular session meeting of the Farmington Hills City Council was called to order by Mayor Barnett at 7:31pm.

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

Council Members Absent: Bruce

Others Present: City Manager Mekjian, City Clerk Smith, Directors Aranowski, Mondora and Schnackel, Police Chief King and City Attorney Young

PLEDGE OF ALLEGIANCE

Police Chief King led the pledge of allegiance.

APPROVAL OF REGULAR SESSION MEETING AGENDA

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

MOTION CARRIED 6-0.

CORRESPONDENCE

The following correspondence was acknowledged:

- Letters regarding concerns with the deer population

City Manager Mekjian stated that residents with concerns regarding deer should contact the City Manager's Office.

CONSENT AGENDA

MOTION by Bridges, support by Newlin, to approve the consent agenda as read.

Roll Call Vote:

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

Nays: NONE

Absent: BRUCE

Abstentions: NONE

MOTION CARRIED 6-0.

PUBLIC QUESTIONS AND COMMENTS

Kristin Dunker, Biddestone Lane, complimented the Department of Public Works and their efforts in clearing some trees in her neighborhood following the storms. She also mentioned that residents had submitted petitions to pave their gravel road and that they are very much looking forward to and awaiting the project to being.

Pam Gerald, resident, mentioned the Suicide Prevention Community Forum being held in Southfield with Police Chief King and other surrounding Police Chiefs with moderator Charlie Langton from Fox 2 News.

COUNCIL MEMBERS COMMENTS AND ANNOUNCEMENTS

The following Councilmember commented on the following:

- The opening of a new event space “The Maze”
- Farmington Groves Walker Post 346 event in recognition of 9-11 and announcement of the Police and Firefighter of the Year and Public Safety Officers of the Year at the event

CITY MANAGER UPDATE

City Manager Mekjian provided an update on the following:

- Noted the September 25th City Council meeting date was moved to September 18th
- New trash cart distribution starts on September 18th and more information is available on the city website; a sample cart will be on display in the city hall lobby

NEW BUSINESS

CONSIDERATION OF APPROVAL OF TRANSFER OF OWNERSHIP OF A 2022 CLASS C LIQUOR LICENSE WITH VARIOUS PERMITS LOCATED AT 24365 HALSTED ROAD.

Gus Abro, Attorney representing the applicants, explained that his clients are seeking approval of the transfer of a Class C license in the city to be utilized at 24365 Halsted Road. The applicants have received approval through the MLCC and have received a conditional license and the city applications have been submitted with approval by all city departments. He noted that a long-term lease has been secured and both applicants are local businessman from Farmington Hills currently. TIPS training will be utilized as required for educating the employees.

Joe Peddiboyina, applicant, mentioned that he has been a resident of Farmington Hills for a 20 years and would appreciate the opportunity to expand their business in the city.

Councilmember Massey commented on past issues with the previous restaurant between customers and staff.

Attorney Abro stated that the previous managers are no longer involved in the business and they are aware of those past issues.

MOTION by Bridges, support by Massey, that the City Council of Farmington Hills hereby adopts the resolution for APPROVAL to the Michigan Liquor Control Commission for the request Famous Enterprise LLC for the transfer of ownership of a 2022 Class C Liquor License with Sunday Sales (AM & PM), Dance-Entertainment, Outdoor Service (1 area) and Specific Purpose Permit (Food) Permits located at 24365 Halsted Road.

Roll Call Vote:

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

MOTION CARRIED 6-0.

**CONSIDERATION OF APPROVAL OF APPOINTMENT TO THE WATER SYSTEM
ADVISORY COUNCIL.**

MOTION by Massey, support by Boleware, that the City Council of Farmington Hills hereby confirms the Mayor's recommendation to appoint Kathryn Dicea to the Water Systems Advisory Council with the term ending February 1, 2024.

MOTION CARRIED 6-0.

**CONSIDERATION OF ADOPTION OF A RESOLUTION SUPPORTING THE APPLICATION
TO THE U.S. DEPARTMENT OF TRANSPORTATION RECONNECTING COMMUNITIES
AND NEIGHBORHOODS GRANT PROGRAM. CMR 9-23-104**

Karen Mondora, Director of Public Services, explained that representatives from several city departments have been meeting along with city management and consultants to explore the opportunity to leverage federal infrastructure funds to study the M-5 corridor. The Michigan Department of Transportation (MDOT) has a program called Reconnecting Communities and Neighborhoods that supports improving access to daily needs such as jobs, education, healthcare, food and recreation to community facilities that create barriers to community connectivity. This M-5 corridor has created a barrier to the community and the City would like to explore solutions to improve connectivity, safety and mobility that can foster economic development, accessibility and improve quality of life for residents and visitors. He further explained that this funding request will allow for a completion of a Planning and Environmental Linkage (PEL) study along the M-5 corridor and will evaluate exiting accessibility, traffic operations, resident needs and future improvements the city would like to incorporate along the corridor. There will be plenty of opportunity for public engagement and outreach and the PEL study will provide support for future funding for potential improvements along the corridor. Both MDOT and City of Farmington support the application for funding to complete the study and the grant does not obligate the city to complete any construction; however, that would be required if the city opts to pursue federal funding for next steps. Director Mondora stated that a resolution of support is required to apply for the PEL study.

RESOLUTION R-191-23

**TO AUTHORIZE GRANT APPLICATION FOR A PLANNING AND ENVIRONMENTAL
LINKAGE STUDY ALONG M-5 IN THE CITY OF FARMINGTON HILLS THROUGH THE
OFFICE OF THE SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF
TRANSPORTATION (DOT) RECONNECTING COMMUNITIES AND NEIGHBORHOODS
GRANT PROGRAM**

At a regular meeting of the City Council of the City of Farmington Hills, County of Oakland, State of Michigan, held on the 11th day of September, 2023, at 7:30p.m., with those present and absent being,

PRESENT: BARNETT, BOLEWARE, BRIDGES, KNOL, MASSEY AND NEWLIN
ABSENT: BRUCE

The following preamble and resolution were offered by Councilperson Knol and supported by Councilperson Boleware:

WHEREAS, the City of Farmington Hills desires to study connectivity concerns along the M5 corridor throughout the city, focusing on major intersections and cross freeway connections, and

WHEREAS, The Office of the Secretary of Transportation, U.S. Department of Transportation (DOT) has issued a notice of funding opportunity through the Reconnecting Communities and Neighborhoods Program established by the Implementation of the Infrastructure Investment and Jobs Act, and

WHEREAS, the RCN program aims to fund projects that benefit disadvantaged communities, by improving access to daily needs such as jobs, education, health care, food, nature and recreation; fostering equitable development and restoration; and reconnecting communities by removing, retrofitting, or mitigating highways or other transportation facilities that create barriers to community connectivity, including to mobility, access, or economic development, and

WHEREAS, and the M5 corridor has created a barrier to community connectivity and The City is looking to study potential solutions to connectivity, safety and mobility in order to support economic development, create accessibility and improve quality of life for residents and visitors, and

WHEREAS, M5 is under the jurisdiction of the Michigan Department of Transportation (MDOT) and MDOT is in full support of the application to conduct a Planning and Environmental Linkage study, and

WHEREAS, the City of Farmington Hills will coordinate all planning activities with each road owner and stakeholders, and

WHEREAS, the City of Farmington Hills desires to apply and request grant funds in the amount of One Million Six Hundred Thousand Dollars (\$1,600,000) through the Reconnecting Communities and Neighborhoods Program for a planning study, and

WHEREAS, the Four Hundred Thousand Dollars (\$400,000) commitment from the City of Farmington Hills General Fund covers the match requirement, and

WHEREAS, local funds and any other funds to be invested in the project have not been obligated/incurred and will not be obligated/incurred prior to a formal grant award, and formal written authorization.

NOW, THEREFORE IT BE RESOLVED, that the City of Farmington Hills hereby authorizes submission of a Reconnecting Communities and Neighborhoods Program Grant Application for \$1,600,000, and further resolves to make available its financial obligation amount of \$400,000 (20%) of a total project cost of \$2,000,000, during the 2024-2026 fiscal years.

AYES: BARNETT, BOLEWARE, BRIDGES, KNOL, MASSEY AND NEWLIN
NAYS: NONE
ABSENT: BRUCE

RESOLUTION DECLARED ADOPTED

CONSIDERATION OF ADOPTION OF RESOLUTION ESTABLISHING A MORATORIUM ON THE ISSUANCE OF ON-PREMISES LIQUOR LICENSES.

City Clerk Smith explained that the City Council adopted a resolution on September 12, 2022, establishing a moratorium on the five (5) on-premise licenses for a period of 90 days and then on December 12, 2022, City Council adopted an amendment to the previous resolution establishing a moratorium on three (3) of the five (5) on-premises liquor licenses available for an additional period of 270 days. She further explained that the moratorium will expire as of September 12, 2023 unless City Council chooses to extend the moratorium for all or a few of the 3 remaining on-premises liquor licenses.

City Clerk Smith noted that a resolution has been provided for Council's consideration should they determine to extend the moratorium and any motion would need to include the number of days for which it would like to extend the moratorium and whether or not the moratorium will apply to all three (3) remaining on-premises liquor licenses. Should City Council determine that they do not wish to extend the moratorium, no action is needed and the moratorium will automatically expire; and the two pending applications will be brought before City Council at a future meeting for consideration if the applicants still wish to move forward.

City Council consensus was that they would prefer to extend the moratorium for a period of ninety

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF FARMINGTON HILLS

RESOLUTION NO. R-192-23

SECOND AMENDMENT TO RESOLUTION R-152-22 ESTABLISHING A MORATORIUM ON THE
ISSUANCE OF ON-PREMISES LIQUOR LICENSES

At a regular meeting of the City Council of the City of Farmington Hills, County of Oakland, State of Michigan, held on September 11, 2023, at 7:30 o'clock p.m., Eastern Daylight Savings Time, with those present and absent being,

PRESENT: BARNETT, BOLEWARE, BRIDGES, KNOL, MASSEY AND NEWLIN
ABSENT: BRUCE

WHEREAS, on September 12, 2022, this City Council adopted Resolution No. R-152-22, which, for the reasons stated in said Resolution, imposed a temporary moratorium barring, for a period of ninety (90) days, the acceptance of applications for any of the five (5) new, on-premises liquor licenses that were available to the City at that time, subject to certain terms and conditions; and

WHEREAS, on December 12, 2022, based on the status and progress of work on the City's Master Plan and discussions regarding the Master Plan in conjunction with the extent and manner in which the City's liquor licensing may play into and could help facilitate those concurrent master planning efforts and future development objectives, City Council adopted Resolution R-206-22 extending the moratorium for an additional two hundred and seventy (270) days and determined that only three (3) of the available licenses needed to remain subject to the moratorium for such purposes; and

WHEREAS, based on the current status and continuing progress of work on the City's Master Plan and discussions regarding the extent and manner in which the City's liquor licensing may play into and could help facilitate those efforts, City Council has on this date determined it necessary and appropriate to extend the moratorium for an additional Ninety (90) days and determined that the three (3) licenses need to remain subject to the moratorium for such purposes

WHEREAS, City Council finds that all other recitations and portions of Resolutions R-152-22 and R-206-22 remain applicable and are not in need of modification.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Farmington Hills that Resolution R-152-22, as amended by Resolution R-206-22, is hereby further amended to: (a) extend

the temporary moratorium established thereunder for an additional Ninety (90) days; and (b) any references to a ninety (90) day moratorium shall include the extended time periods added by Resolution R-206-22 and this Resolution.

IT IS FURTHER RESOLVED that Resolutions R-152-22 and R-202-22 shall remain in full force and effect as amended hereby.

IT IS FURTHER RESOLVED that notice of Resolutions R-152-22, R-206-22, and this Resolution shall be posted at the City Hall throughout the period of the moratorium established thereby, including any further extensions thereof.

AYES: BARNETT, BOLEWARE, BRIDGES, MASSEY AND NEWLIN

NAYES: KNOL

ABSENT: BRUCE

ABSTENTIONS: NONE

RESOLUTION DECLARED ADOPTED.

CONSENT AGENDA

RECOMMENDED ADOPTION OF A RESOLUTION ESTABLISHING THE THIRTEEN MILE ROAD WATER MAIN PAYBACK DISTRICT (VALLEY ROAD TO WELLINGTON DRIVE) AND FINAL PAYBACK COSTS. CMR 9-23-105

**CITY OF FARMINGTON HILLS
OAKLAND COUNTY, MICHIGAN**

RESOLUTION R-193-23

**AMENDED AND RESTATED RESOLUTION
FOR THE 13 MILE ROAD WATER MAIN PAYBACK DISTRICT**

At a regular meeting of the City Council of the City of Farmington Hills, County of Oakland, State of Michigan, held in the City Council Chambers on September 11, 2023 at 7:30 p.m., with those present and absent being:

PRESENT: BARNETT, BOLEWARE, BRIDGES, KNOL, MASSEY AND NEWLIN

ABSENT: BRUCE

The following preamble and resolution were offered by Councilperson Bridges and supported by Councilperson Newlin:

WHEREAS, Article VII of Chapter 33 of the City Code (referred to in this Resolution as the "Payback Ordinances") authorizes the City to construct and establish charges for benefitted properties to contribute to the cost of water main construction; and

WHEREAS, the City of Farmington Hills has completed the extension of a water main that provides public water services to and for the benefit of the properties listed in this resolution below (such extension being referred to in this resolution as the “Water Main Extension”), and Council has been advised of the costs incurred for said Water Main Extension; and

WHEREAS, pursuant to the Payback Ordinances, City Council desires to approve the costs of construction, identify the benefited properties as being within a payback district, specify the proportionate share of the cost of construction attributable to each of the benefited properties in the payback district, declare that such benefited properties shall pay such proportionate share, address the timing for such payment, and establish a limited installment payment option for the benefitted property owners within the payback district; and

NOW, THEREFORE, BE IT RESOLVED that the costs for the Water Main Extension are approved and it is determined that the following properties benefit from the completed Water Main Extension, which properties are referred to in this resolution as the “Benefitted Properties” and are within what shall be known as the “13 Mile Road Payback District”:

22-23-12-226-002	28111 THIRTEEN MILE ROAD	1 Unit/\$42,857.29
T1N, R9E, SEC 12 SUPERVISOR’S PLAT OF WOOD CREEK FARMS LOT 6		
22-23-12-226-003	28001 THIRTEEN MILE ROAD	1 Unit/\$42,857.29
T1N, R9E, SEC 12 SUPERVISOR’S PLAT OF WOOD CREEK FARMS LOT 5		
22-23-12-226-004	27865 THIRTEEN MILE ROAD	1 Unit/\$42,857.29
T1N, R9E, SEC 12 SUPERVISOR’S PLAT OF WOOD CREEK FARMS LOT 4		
22-23-12-226-005	27835 THIRTEEN MILE ROAD	1 Unit/\$42,857.29
T1N, R9E, SEC 12 SUPERVISOR’S PLAT OF WOOD CREEK FARMS LOT 3		
22-23-12-226-016	VACANT PARCEL	1 Unit/\$42,857.29
T1N, R9E, SEC 12 SUPERVISOR’S PLAT OF WOOD CREEK FARMS LOT 2 EXC E 30 FT OF S 125 FT 4-16-92 FR 006		
22-23-12-226-017	27634 WELLINGTON STREET	1 Unit/\$42,857.29
T1N, R9E, SEC 12 SUPERVISOR’S PLAT OF WOOD CREEK FARMS LOT 1, ALSO E 30 FT OF S 125 FT OF LOT 2 4-16-92 FR 006 & 007		
22-23-12-228-008	30809 FRANKLIN HILLS COURT	1 Unit/\$42,857.29
T1N, R9E, SEC 12 OAKLAND COUNTY CONDOMINIUM PLAN NO 2375 HILLS OF FRANKLIN UNIT 8 L 57852 P 325 7-13-22 FR 227-028 & 029		

22-23-12-228-007	30803 FRANKLIN HILLS COURT T1N, R9E, SEC 12 OAKLAND COUNTY CONDOMINIUM PLAN NO 2375 HILLS OF FRANKLIN UNIT 7 L 57852 P 325 7-13-22 FR 227-029	1 Unit/\$42,857.29
22-23-12-228-006	30797 FRANKLIN HILLS COURT T1N, R9E, SEC 12 OAKLAND COUNTY CONDOMINIUM PLAN NO 2375 HILLS OF FRANKLIN UNIT 6 L 57852 P 325 7-13-22 FR 227-030	1 Unit/\$42,857.29
22-23-12-228-005	30791 FRANKLIN HILLS COURT T1N, R9E, SEC 12 OAKLAND COUNTY CONDOMINIUM PLAN NO 2375 HILLS OF FRANKLIN UNIT 5 L 57852 P 325 7-13-22 FR 227-030 & 031	1 Unit/\$42,857.29
22-23-12-228-004	30702 FRANKLIN HILLS COURT T1N, R9E, SEC 12 OAKLAND COUNTY CONDOMINIUM PLAN NO 2375 HILLS OF FRANKLIN UNIT 4 L 57852 P 325 7-13-22 FR 227-030 & 031	1 Unit/\$42,857.29
22-23-12-228-003	30708 FRANKLIN HILLS COURT T1N, R9E, SEC 12 OAKLAND COUNTY CONDOMINIUM PLAN NO 2375 HILLS OF FRANKLIN UNIT 3 L 57852 P 325 7-13-22 FR 227-029 & 030	1 Unit/\$42,857.29
22-23-12-228-002	30714 FRANKLIN HILLS COURT T1N, R9E, SEC 12 OAKLAND COUNTY CONDOMINIUM PLAN NO 2375 HILLS OF FRANKLIN UNIT 2 L 57852 P 325 7-13-22 FR 227-029	1 Unit/\$42,857.29
22-23-12-228-001	30720 FRANKLIN HILLS COURT T1N, R9E, SEC 12 OAKLAND COUNTY CONDOMINIUM PLAN NO 2375 HILLS OF FRANKLIN UNIT 1 L 57852 P 325 7-13-22 FR 227-028 & 029	1 Unit/\$42,857.29

BE IT FURTHER RESOLVED that, pursuant to the Payback Ordinances, the amount listed next to each of the above-described Benefitted Properties (referred to in this resolution as the “Payback Amount”) is hereby determined to be the proportionate share of the costs for the Water Main Extension attributable to each of the Benefitted Properties and such Benefitted Properties shall pay the Payback Amount to the City pursuant to Section 33-201 of the City Code, as presently written or as said Code Section may be amended from time to time in the future or as such Code Section may be rewritten in another section of the Code in the future.

BE IT FURTHER RESOLVED that, pursuant to the Payback Ordinances, each of the above-described Benefitted Properties are not entitled and shall not be permitted to connect to the City’s public water main until such time as the Payback Amount established for such property has been paid to the City or as directed by the City.

BE IT FURTHER RESOLVED, that any of the Benefitted Properties that are subdivided or split into more units than identified above, then the Payback Amount listed above for such property shall be paid in accordance with the requirements of City Code Section 33-

201(b), as presently written or as said Code Section may be amended from time to time in the future or as such Code Section may be rewritten in another section of the Code in the future; and

BE IT FURTHER RESOLVED, except as to Parcels 22-23-12-228-001 through 22-23-12-228-008, which must pay the Payback Amount in full at the time of connection or within two-years of completion of the Water Main Extension, whatever is first, if a benefitted property connects to the Water Main Extension within five (5) years of the date of adoption of this resolution and that property is not being subdivided or split, then such property shall have the option to pay its Payback Amount in installments that coincide with the quarterly water service billings (or other water service billing interval that may be established by the City) over a period of up to ten (10) years after the date of such connection with per annum interest to be charged at the rate of 10-year Treasury Bonds plus one (1%) percent, but such installment payment option is subject to and contingent on the benefitted property owner executing an installment pay back agreement prepared by the City Attorney and recording of such agreement with the Oakland County Register of Deeds against the benefitted property.

BE IT FURTHER RESOLVED, that if a property does not connect to the Water Main Extension within five (5) calendar years of the adoption of this resolution, that property must pay its Payback Amount in one lump sum at the time of connection thereafter.

Roll Call Vote:

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

MOTION CARRIED 6-0.

RECOMMENDED APPROVAL OF AWARD OF CONTRACT FOR THE KIMBERLEY SUBDIVISION WATER MAIN REPLACEMENT PROJECT TO BIDIGARE CONTRACTOR INC. IN THE AMOUNT OF \$5,395,162. CMR 9-23-106

MOTION by Bridges, support by Newlin, that the City Council of Farmington Hills hereby approves the award of Kimberley Subdivision Water Main Replacement Project to the lowest competent bidder, Bidigare Contractors Inc. of Plymouth Township, Michigan in the amount of \$5,395,162.00, and

IT IS FURTHER RESOLVED, that the City Council authorizes the City Manager and City Clerk to execute the contract on behalf of the City.

Roll Call Vote:

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

MOTION CARRIED 6-0.

RECOMMENDED APPROVAL OF PURCHASE ORDER FOR UNMANNED AERIAL VEHICLES (UAVS) TO UVT IN THE AMOUNT OF \$40,786.35. CMR 9-23-107

MOTION by Bridges, support by Newlin, that the City Council of Farmington Hills hereby authorizes the City Manager issue a purchase order for unmanned aerial vehicles (UAVs) for the Farmington Hills Police Department to UVT in the amount of \$40,786.35.

Roll Call Vote:

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

MOTION CARRIED 6-0.

RECOMMENDED APPROVAL OF PURCHASE OF JOHN DEERE TRACTOR AND CAGE FOR FARMINGTON HILLS GOLF CLUB DRIVING RANGE OPERATION WITH REVELS TURF & TRACTOR IN THE TOTAL AMOUNT OF \$37,404.40. CMR 9-23-108

MOTION by Bridges, support by Newlin, that the City Council of Farmington Hills hereby authorizes the City Manager to approve a purchase order in the amount of \$37,404.40, including one (1) John Deere 2038R tractor for \$31,004.40 and one (1) John Deere Ball Cage for 2038R Cab for \$6,400.00, to John Deere and to take delivery of the equipment via Revels Turf & Tractor as an authorized dealer.

Roll Call Vote:

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

MOTION CARRIED 6-0.

RECOMMENDED APPROVAL OF PURCHASE OF CAR PRINTERS FOR POLICE DEPARTMENT TO CDW IN THE AMOUNT OF APPROXIMATELY \$14,914.50. CMR 9-23-109

MOTION by Bridges, support by Newlin, that the City Council of Farmington Hills hereby authorizes the City Manager to issue a purchase order to CDW in the amount of approximately \$14,914.50 for the purchase of car printers for the Police Department.

Roll Call Vote:

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

MOTION CARRIED 6-0.

RECOMMENDED APPROVAL OF REQUEST FOR EMPLOYMENT UNDER SECTION 10.01A OF THE CITY CHARTER FOR A CONCESSIONS ATTENDANT.

MOTION by Bridges, support by Newlin, that the City Council of Farmington Hills hereby approves the request for employment under Section 10.01A of the City Charter for Qiyaamah

Jihad as a Concessions Attendant in the Special Services Department. Qiyaamah is the sister of Asiyah Jihad, who is employed in the Special Services Department.

Roll Call Vote:

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

MOTION CARRIED 6-0.

RECOMMENDED APPROVAL OF CITY COUNCIL STUDY SESSION MEETING MINUTES OF AUGUST 28, 2023.

MOTION by Bridges, support by Newlin, that the City Council of Farmington Hills hereby approves the study session meeting minutes of August 28, 2023.

Roll Call Vote:

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

MOTION CARRIED 6-0.

RECOMMENDED APPROVAL OF CITY COUNCIL REGULAR SESSION MEETING MINUTES OF AUGUST 28, 2023.

MOTION by Bridges, support by Newlin, that the City Council of Farmington Hills hereby approves the regular session meeting minutes of August 28, 2023.

Roll Call Vote:

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

MOTION CARRIED 6-0.

ADDITIONS TO AGENDA

There were no additions to the agenda.

ATTORNEY REPORT

Attorney report was received.

CLOSED SESSION

CONSIDERATION OF APPROVAL TO ENTER INTO A CLOSED SESSION TO DISCUSS AN EMPLOYEE REQUESTED REVIEW FOR THE CITY MANAGER (NOTE: COUNCIL WILL

RETURN TO OPEN SESSION IMMEDIATELY FOLLOWING THE CLOSED SESSION TO TAKE ACTION IF NEEDED AND TO CLOSE THE MEETING).

Mayor Barnett announced that City Council will return to open session immediately following the closed session to take action if needed, and to close the regular meeting.

MOTION by Bridges, support by Massey, that the City Council of Farmington Hills hereby approves entering into a closed session to discuss an employee requested review for the City Manager.

Roll Call Vote:

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

Nays: NONE

Absent: BRUCE

Abstentions: NONE

MOTION CARRIED 6-0.

Council entered back into regular session immediately following the closed session at 9:22pm.

ADJOURNMENT

MOTION by Massey, support by Knol, to adjourn the regular session City Council meeting at 9:22pm.

MOTION CARRIED 6-0.

Respectfully submitted,



Pamela B. Smith, City Clerk

MINUTES
CITY OF FARMINGTON HILLS
FARMINGTON HILLS CITY COUNCIL
CITY HALL - COMMUNITY ROOM
SEPTEMBER 18, 2023 – 6:00PM

The study session meeting of the Farmington Hills City Council was called to order by Mayor Barnett at 5:40pm

Council Members Present: Barnett, Boleware, Bridges (arrived at 6:00pm), Knol, Massey and Newlin

Council Members Absent: Bruce

Others Present: City Manager Mekjian, City Clerk Smith, , Directors Brockway, Schnackel and Skrobola and City Attorney Joppich

GRAND RIVER CORRIDOR UPDATE

Cristia Brockway, Director of Economic Development, stated that this evening’s study session is to provide City Council with an update on the Grand River Corridor Authority, the projects they are working on, concerns she has with board member and meeting status, business visits, site improvement grant policy, Grand River/M-5/Freedom Rd interchange, corridor subject areas and business attraction.

She explained that the Grand River Corridor Improvement Authority (CIA) is setup to have a maximum seven-member board with the majority of the members, by state statute, be persons having an ownership interest in property or located within the development area and one member may be a resident of the development area or live within a half mile of it. She stated that they have had difficulty in meeting quorum status due to several members retiring.

Director Brockway noted that the Farmington Hills CIA meets state statute on membership from the development area, so she has been looking at solutions with the City Attorney’s office to fill the other vacancies and has considered inviting City Staff to apply as a temporary fix to improve meeting status and advance community projects. She mentioned the following projects awaiting board discussion and approval: the Grand River site improvement grant policy and grant agreement, Grand River/M-5/Freedom Rd interchange, investing TIF dollars and site readiness evaluations.

Mayor Barnett questioned if this was a joint corridor with Farmington. Director Brockway stated that it was a joint corridor but with independent meetings held once every other month, as Farmington cannot approve Farmington Hills items.

Steve Joppich, City Attorney, explained that the statue allows each community to setup a CIA that adjoins and have an intergovernmental agreement to work together and the City has that.

Discission was held on the following items:

- Corridor boundaries
- Possibility of extending the corridor and/or overlay district
- Businesses included in the corridor
- Criteria for the three board vacancies
- Possible board members – Corewell Health, Cares, Habitat for Humanity store, Comerica
- Benefits of being on the board

Director Brockway discussed her attempts to inform businesses of the CIA membership benefits and how to apply by going door to door. She is also providing information on existing redevelopment and new market possibilities; the diverse business uses permitted within the B-3 district and informing businesses of the opportunities that might take place after the master plan update.

The following items are awaiting CIA board discussion and approval:

- Grand River Corridor Site Improvement Grant - for property owners within the district looking for exterior site improvements. Currently does not have a policy. New policy will cap the amount of dollars awarded by the board per fiscal year and describe the intent, eligibility, rules, and basic standards for interested applicants.
- Grand River/M-5/Freedom Road – The city is pursuing a Reconnecting Communities Grant to improve the neighborhood, street, sidewalk, and economic connectivity within this area by proposing an intersection alternative to the current interchange in front of Target

Director Brockway explained that during the June 2023 CIA meeting she shared her Grand River Corridor subject areas based off of the Economic Development Strategy for the master plan update which included seven business areas with a high level of impact along the corridor:

- Grand River/M-5/Freedom Road interchange
- Former Sport-N-Fun
- West River Shopping Center
- Former McDonalds on Grand River and Middlebelt Road
- Vacant land east of Cuddy Brothers
- Botsford Inn
- Dunkin' Donuts

She mentioned that they had discussions on promoting organic development off Grand River from surrounding new investment areas and where public improvement dollars could be implemented.

Director Brockway discussed her business attraction efforts in which she has included representatives from the Economic Development Corporation (EDC) and has shared with them a standard message to deliver to business and property owners in the corridor about business opportunities and to reach out to her for further information. She noted that she hosted a bus tour with potential investors throughout the City and Grand River Corridor to display investment areas, market gaps, and share information on the assets that exist within the area and has held on-site appointments for developers and property investors looking for opportunities along the corridor.

Discussion was held on the following:

- Redevelopment of the former Sport-N-Fun property into a large recreational site
- Concerns with not using the available CIA grants
- The grant application process for business owners

Director Brockway mentioned that there are public improvements they can use TIF dollars for such as banners, hanging baskets, sidewalks and parks and as the Master Plan update moves forward, they are looking to be a redevelopment ready community which will open up site improvement grants through the Michigan Strategic Fund.

Council suggestions and comments included:

- Install banners so the corridor can be identified
- Publicize the available CIA grants more

- Provide corridor property and business owners packets of material showing before and after photos to promote the site improvement grant
- Councilmember Newlin volunteered as a resident member of the CIA

The consensus of City Council was for Director Brockway to exhaust all options for board members and if unsuccessful, come back to a future study session to discuss the idea of implementing city staff as board members.

ADJOURNMENT

The study session meeting adjourned at 7:19pm.

Respectfully submitted,



Pamela B. Smith, City Clerk

MINUTES
CITY OF FARMINGTON HILLS
CITY COUNCIL MEETING
CITY HALL – COUNCIL CHAMBER
SEPTEMBER 18, 2023 – 7:30 PM

The regular session meeting of the Farmington Hills City Council was called to order by Mayor Barnett at 7:31pm.

Council Members Present: Barnett, Boleware, Bruce, Knol, and Newlin

Council Members Absent: Bridges and Massey

Others Present: City Manager Mekjian, Deputy City Clerk Lindahl, Directors Aranowski, Kettler-Schmult and Schnackel, Fire Chief Unruh and City Attorney Joppich

PLEDGE OF ALLEGIANCE

Fire Chief Unruh led the pledge of allegiance.

APPROVAL OF REGULAR SESSION MEETING AGENDA

MOTION by Knol, support by Bruce, to approve the agenda as published.

MOTION CARRIED 5-0.

PRESENTATION OF BREAST CANCER AWARENESS SHIRTS TO CITY COUNCIL BY THE FIRE DEPARTMENT

Fire Chief Unruh announced that once again the Fire Department has designed t-shirts to support breast cancer awareness and introduced Senior Fire Fighter and Vice President of the union, Kevin Steen, to speak on this year's design and the proceeds of the sales.

Kevin Steen explained that the shirts are designed in house and worn by all on-duty firefighters and paramedics for the month of October with 100% of the revenue from the sale of the shirts to go directly to the Corewell Health Foundation. Funds will be specifically earmarked for Farmington Hills residents. Over the past 10 years the shirts have raised over \$30,000 for breast cancer patients and survivors.

CORRESPONDENCE

The following correspondence was acknowledged:

- Emails received regarding new 96-gallon trash bins

CONSENT AGENDA

MOTION by Boleware, support by Newlin, to approve the consent agenda as read.

Roll Call Vote:

Yeas: BARNETT, BOLEWARE, BRUCE, KNOL AND NEWLIN

Nays: NONE

Absent: BRIDGES AND MASSEY

Abstentions: NONE

MOTION CARRIED 5-0.

PUBLIC QUESTIONS AND COMMENTS

Pam Gerald thanked those that came out to support the Suicide Prevention Community Forum on September 14th from 5:30pm to 8:30pm at The Hawk.

Tim Siegrist read the following Emergency Preparedness Tip of The Month:

**CITY OF FARMINGTON and FARMINGTON HILLS
EMERGENCY PREPAREDNESS COMMISSION
Tip of the Month
September 2023**

Goal for September: Be Informed

During a disaster getting correct information during an emergency is the key to taking safe action. Not everyone will know what to do with emergency information as they receive it. Now is the time as the weather begins to change to start thinking of reviewing what to do for different emergency alerts, signals, sirens, and messaging.

Things to think about

- Emergency weather and broadcast alerts may not be in closed caption
- Information may only be printed on the screen and not spoken, this information may also move at a very fast speed
- Automated voices and messaging over speakers or phones may be hard to understand
- Information may be given quickly and the stress of the event may make it hard to understand or remember instructions
- The alert screen may be difficult for some to read if they are color blind
- English may not be a primary language

How to Be Informed

Sign up for these local emergency notification systems...

- FH ALERT, <https://fhgov.com> select "Stay Connected," then "FH ALERT," then "Sign Up"
- Oakland Counties alert system OakAlert, <https://www.oakgov.com/community/emergency-management/need-to-know/alerts/oakalert>

Familiarize yourself with other alert systems such as outdoor warning sirens.

Elect to purchase a NOAA Weather Radio for your family and know how to use it.

Review local weather before planning or attending an event. Prepare accordingly.

Kevin Steen thanked Council for approval of the charitable gaming license and stated that the Farmington Hills Firefighters Local Charity Fund was formed in January 2023 with the sole purpose of serving the residents of Farmington Hills. He noted that some of their current programs include Feeding Seniors, Winter Weather Warmup, After The Fire and Beyond the Call.

COUNCIL MEMBERS COMMENTS AND ANNOUNCEMENTS

The following Councilmember comments or announcements were made:

- The success of the following events:
 - Police and Fire Benevolent Golf Outing
 - Harvest Moon Festival in downtown Farmington
- Congratulations to those promoted at last week's Police and Fire promotional ceremonies

CITY MANAGER UPDATE

City Manager Mekjian provided an update on the following:

- Heritage Festival will be held on September 22nd
- City Wide Open House to be held on October 8th Noon – 3pm
- Hawk Hustle walk/run will take place October 8th at 9am

PUBLIC HEARING

PUBLIC HEARING AND CONSIDERATION OF THE INTRODUCTION OF AN ORDINANCE AMENDING THE FARMINGTON HILLS CODE OF ORDINANCES, CHAPTER 34, "ZONING," ARTICLE 2, "DEFINITIONS," IN ORDER TO ADD A DEFINITION OF "SHIPPING CONTAINER" AND AMEND THE DEFINITION OF "BUILDING," AND TO AMEND ARTICLE 5, "SITE STANDARDS," SECTION 34-5.1, "ACCESSORY BUILDINGS AND STRUCTURES," TO INCLUDE A NEW SUBSECTION 34-5.1.1.H 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 (ZONING TEXT AMENDMENT 2, 2023).

Mayor Barnett explained that this item was postponed from the September 11, 2023 meeting as there was a minor publishing error in the public hearing notice.

Charmaine Kettler-Schmult, Director of Planning and Community Development, explained that the proposed text amendment is intended to clarify the City's zoning regulations regarding the use of shipping containers and similar off-site-built enclosures as accessory buildings within commercial, industrial, and residential zoning districts. The amendment is in response to concerns raised by City Council, inquiries received by the Planning Office regarding placement of shipping containers in a variety of areas, and observations by City staff.

The amendment would prohibit the use of shipping containers and similar off-site-built enclosures as accessory structures or uses, with exceptions:

- Use of one (1) such enclosure on a permanent basis within the LI-1, Light Industrial zoning district with the approval of a site plan;
- Enclosures permitted on a temporary basis by the Zoning Board of Appeals;
- Enclosures placed on residential lots for a period of time not to exceed thirty (30) days, with an additional thirty (30) days available where good cause is shown; and
- Enclosures placed within any zoning district in connection with an ongoing construction project during the duration of such project.

The Planning Commission has unanimously recommended approval following their public hearing meeting.

Mayor Barnett opened the public hearing.

Pam Gerald, resident, asked for more clarification regarding city rules verses homeowners association rules and which rules would apply

Attorney Joppich stated that if the city zoning ordinance prohibits something that the homeowner rules does not prohibit, the city rules will apply.

Eva Diachanko, small business employee, stated that she does not support the amendment as she feels it will deter small businesses coming into the city and would like to know what will be done for existing businesses that are currently using shipping containers.

Attorney Joppich explained that there is a non-conforming use allowance under the zoning ordinance.

Director Kettler-Schmult added that the draft amendment outlines one permanent shipping container for light-industrial locations and the option for site plan approval for additional containers.

Mayor Barnett noted that this amendment targets the growth of permanent shipping containers in residential areas but does allow shipping containers for light-industrial properties.

Allan Whittmore, President of Country Estates Homeowners Association, stated that his neighbor approached the association requesting to put a shipping container on his property after the city told him a permit was not needed. Mr. Whittmore expressed concerns that the container was not conducive to the neighborhood, and he is in support of the ordinance amendment to assist with future requests.

There being no further comments, Mayor Barnett closed the public hearing.

Council noted that this amendment only applies to shipping containers being used permanently in residential areas, it does not change the city's ordinance regarding sheds and asked how this amendment would apply to business districts other than light-industrial that may have equipment delivered in a shipping container to their property.

Erik Perdonik, City Planner, confirmed that the ordinance amendment is intended to target permanent fixtures not containers that are coming and going on business properties.

Attorney Joppich added that the ordinance language covers this situation as it calls out enclosures being used as an accessory building on a permanent basis.

Councilmember Newlin stated she would not be in support of this amendment as she is in favor of using shipping containers as homes and she is concerned with the ordinance mixing business and residential areas.

MOTION by Bruce, support by Boleware, that the City Council of Farmington Hills hereby approves the INTRODUCTION of an ordinance 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. Zoning Text Amendment 2, 2023 (postponed from August 28, 2023).

Roll Call Vote:

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

MOTION CARRIED 4-1-2-0.

PUBLIC HEARING AND CONSIDERATION OF THE INTRODUCTION OF AN ORDINANCE AMENDING THE FARMINGTON HILLS CODE OF ORDINANCES, CHAPTER 34, "ZONING," ARTICLE 2.0, SECTION 2.2, "DEFINITIONS," TO AMEND THE DEFINITION OF "MOTEL" (ZONING TEXT AMENDMENT 3, 2023).

Mayor Barnett explained that this item was postponed from the September 11, 2023 meeting as there was a minor publishing error in the public hearing notice.

Charmaine Kettler-Schmult, Director of Planning and Community Development, explained that the proposed text amendment is intended to strengthen the City's zoning regulations regarding the use of residential homes as short-term rentals, which is not a permitted use within residential districts of the City. The proposed amendment revises the existing definition of "motel" to include short-term rentals and this approach more clearly is based on Michigan case law which focused on the definition of "motel" and the limitation of motels to non-residential zoning districts. This proposed amendment puts the city on firmer ground to classify a short-term rental of a home as a commercial use as motels are restricted to the B-3, General Business, and ES, Expressway Service zoning districts. The Planning Commission recommended approval to City Council following their public hearing meeting.

Mayor Barnett opened the public hearing.

Pam Gerald questioned whether this amendment would affect motels being used as temporary housing or residents renting their homes on a seasonal basis.

Mayor Barnett stated that the amendment prevents residential property being used as a short-term rental inside a neighborhood, motels will not be affected and can have guests for as long as the guests want to stay.

City Attorney Joppich clarified that this does not prevent motels to continue to be motels as long as they are in the proper zoning district and the ordinance is not based on how long guests stay but how the motel is compensated. He added that as far as rental homes, if it is being rented on a monthly basis, then this ordinance would not apply.

Mayor Barnett explained that there have been issues with homes in the city being rented by the day or hours causing disruption in neighborhoods.

There being no further comments, Mayor Barnett closed the public hearing.

MOTION by Bruce, support by Boleware, that the City Council of Farmington Hills hereby approves the INTRODUCTION of an ordinance amending the Farmington Hills Code of Ordinances, Chapter 34, "Zoning," to amend the definition of "Motel". Zoning Text Amendment 3, 2023, (postponed from August 28, 2023).

Roll Call Vote:

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

MOTION CARRIED 4-1-2-0.

Councilmember Newlin stated she is not in support of this amendment as she believes travel patterns have changed and families are more likely to stay together in larger rental homes rather than hotels and some residents need to rent out their homes for financial purposes.

NEW BUSINESS

CONSIDERATION OF APPROVAL OF AGREEMENT WITH OAKLAND COUNTY FOR ELECTION SERVICES RELATED TO EARLY VOTING.

Deputy City Clerk Lindahl stated that with the passing of Proposal 2 last November, early voting was now required for all state and federal elections, and as discussed at the City Council study session meeting of June 12, 2022, the City of Farmington Hills along with the City of Farmington are partnering with Oakland County to offer early voting in every election and the agreement is before Council tonight for consideration.

MOTION by Bruce, support by Boleware, that the City Council of Farmington Hills hereby authorizes the City Clerk to enter into an agreement for election services with Oakland County for the purposes of operating an early voting site in Farmington Hills beginning with the November 7, 2023 Election, subject to final review by the City Attorney's Office.

MOTION CARRIED 5-0.

CONSENT AGENDA

RECOMMENDED APPROVAL OF A RESOLUTION RECOGNIZING FARMINGTON HILLS FIREFIGHTERS LOCAL CHARITY FUND AS A NON-PROFIT ORGANIZATION OPERATING IN THE COMMUNITY FOR THE PURPOSE OF OBTAINING A CHARITABLE GAMING LICENSE.



LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES
(Required by MCL.432.103(K)(ii))

At a Regular meeting of the Farmington Hills City Council
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCILBOARD

called to order by Mayor Barnett on September 18, 2023
DATE

at 7:30p.m. a.m./p.m. the following resolution was offered:
TIME

Moved by Councilmember Boleware and supported by Councilmember Newlin

that the request from Farmington Hills Firefighters Local Charity Fund of Farmington Hills
NAME OF ORGANIZATION CITY

county of Oakland, asking that they be recognized as a
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for APPROVAL
APPROVAL/DISAPPROVAL

APPROVAL	DISAPPROVAL
Yeas: <u>5</u>	Yeas: <u> </u>
Nays: <u>0</u>	Nays: <u> </u>
Absent: <u>2</u>	Absent: <u> </u>

I hereby certify that the foregoing is a true and complete copy of a resolution offered and
adopted by the Farmington Hills City Council at a Regular
TOWNSHIP, CITY, OR VILLAGE COUNCILBOARD REGULAR OR SPECIAL

meeting held on September 18, 2023
DATE

SIGNED: 
TOWNSHIP, CITY, OR VILLAGE CLERK

Pamela B. Smith, City Clerk

PRINTED NAME AND TITLE

31555 W. 11 Mile Road, Farmington Hills, MI 48336

ADDRESS

COMPLETION: Required.
PENALTY: Possible denial of application.
BSL-CG-1153(R6/09)

RECOMMENDED APPROVAL OF PURCHASE OF A JOHN DEERE PRO GATOR FOR FARMINGTON HILLS GOLF CLUB MAINTENANCE WITH REVELS TURF & TRACTOR IN THE AMOUNT OF \$24,637.86. CMR 9-23-110

MOTION by Boleware, support by Newlin, that the City Council of Farmington Hills hereby authorizes the City Manager to approve a purchase order in the amount of \$24,637.86 for one (1) John Deere Pro Gator 2020A, to John Deere and to take delivery of the equipment via Revels Turf & Tractor as an authorized dealer.

Roll Call Vote:

Yeas: BARNETT, BOLEWARE, BRUCE, KNOL AND NEWLIN

Nays: NONE

Absent: BRIDGES AND MASSEY

Abstentions: NONE

MOTION CARRIED 5-0.

RECOMMENDED APPROVAL OF PURCHASE OF KITCHEN EQUIPMENT FOR THE SENIOR DIVISION AT THE COSTICK CENTER WITH SAM TELL AND SON, INC. IN THE AMOUNT OF \$31,148.44. CMR 9-23-111

MOTION by Boleware, support by Newlin, that the City Council of Farmington Hills hereby authorizes the City Manager to approve a purchase order for one (1) ChillTemp Refrigerated Cabinet and one (1) Vulcan Floor Steamer to Sam Tell and Son, Inc. in the amount of \$31,148.44.

Roll Call Vote:

Yeas: BARNETT, BOLEWARE, BRUCE, KNOL AND NEWLIN

Nays: NONE

Absent: BRIDGES AND MASSEY

Abstentions: NONE

MOTION CARRIED 5-0.

RECOMMENDED APPROVAL OF REQUEST FOR EMPLOYMENT UNDER SECTION 10.01A OF THE CITY CHARTER FOR A HAWK'S NEST AIDE.

MOTION by Boleware, support by Newlin, that the City Council of Farmington Hills hereby approves the request for employment under Section 10.01A of the City Charter for Christine Afolabi as a Hawk's Nest Aide in the Special Services Department. Christine is the sister of Angel Afolabi, who is employed in the Recreation Division of the Special Services Department.

Roll Call Vote:

Yeas: BARNETT, BOLEWARE, BRUCE, KNOL AND NEWLIN

Nays: NONE

Absent: BRIDGES AND MASSEY

Abstentions: NONE

MOTION CARRIED 5-0.

RECOMMENDED APPROVAL OF REQUEST FOR EMPLOYMENT UNDER SECTION 10.01A OF THE CITY CHARTER FOR A LIFEGUARD.

MOTION by Boleware, support by Newlin, that the City Council of Farmington Hills hereby approves the request for employment under Section 10.01A of the City Charter for Luke Morden as a Lifeguard in the Special Services Department. Luke is the brother of Lorn Mordon, who is a Facility Coordinator in the Special Services Department.

Roll Call Vote:

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

MOTION CARRIED 5-0.

ADDITIONS TO AGENDA

There were no additions to the agenda.

ADJOURNMENT

MOTION by Newlin, support by Boleware, to adjourn the regular session City Council meeting at 8:54pm.

MOTION CARRIED 6-0.

Respectfully submitted,



Pamela B. Smith, City Clerk