

AGENDA
CITY COUNCIL STUDY SESSION
OCTOBER 28, 2024 – 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. Discussion on [Zoning Text Amendments](#)
4. Discussion on [Public Art Funding](#)
5. Adjourn Study Session

Respectfully submitted,

Carly Lindahl, 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.



**CITY MANAGER'S REPORT TO
MAYOR AND COUNCIL**

DATE: 10/28/2024

DEPT: CMO

RE: Zoning Text Amendments

The referenced text amendments were briefly discussed at the September 16, 2024 joint meeting with the Planning Commission. I have asked Planning and Community Development Director, Charmaine Kettler-Schmult to provide the attached memo and information for City Council to facilitate our discussion this evening, as these text amendments will be coming to City Council soon for consideration.

Prepared by: Gary Mekjian, City Manager



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Prepared by: Gary Mekjian, City Manager



CITY MANAGER'S REPORT TO MAYOR AND COUNCIL

DATE: October 28, 2024
DEPT: Planning and Community Development
RE: Draft Zoning Text Amendment ("ZTA") 2, 2024

ADMINISTRATIVE SUMMARY

The following is a brief procedural history of draft ZTA 2, 2024:

July 25, 2024 -	First Planning Commission Study Session
August 15, 2024 -	Second Planning Commission Study Session
September 16, 2024 -	City Council-Planning Commission Joint Study Session
September 19, 2024 -	Planning Commission Set for Public Hearing (9-0)
October 17, 2024 -	Planning Commission Public Hearing/Recommendation to Council (6-2)

The following is a brief overview of draft ZTA 2, 2024:

First, draft ZTA 2, 2024 would revise Sections 34-3.1.25.B - Principal Permitted Uses and 34-3.1.25.C - Special Approval Uses to make automobile repair, drive-in restaurants, gasoline service stations, vehicle wash, and veterinary hospitals or commercial kennels, which are presently *principal permitted uses*, *special approval uses* within the B-3 District. Gasoline service stations and vehicle wash would be limited to the redevelopment of existing sites.

Second, draft ZTA 2, 2024 would revise the abovementioned Sections to include cigar bars or lounges as a principal permitted use for the first time, and to make coin-operated amusement device arcades, billiard parlors or other similar indoor recreation uses and establishments with coin-operated amusement devices, which are presently *special approval uses*, *principal permitted uses*.

Third, draft ZTA 2, 2024 would revise Sections 34-3.1.29.B - Principal Permitted Uses and 34-3.1.29.C - Special Approval Uses to make vehicle wash and indoor recreation facilities over 5,000 square feet in gross leasable area, which are presently *special approval uses*, *principal permitted uses* within the LI-1 District.

Lastly, draft ZTA 2, 2024 would revise *use standards* associated with automobile repair (Section 34-4.31), drive-in restaurants (34-4.35); gasoline service stations (34-4.28); outdoor space for sale or rental of new or used motor vehicles, trailers, mobile homes, boats, recreational vehicles and other similar products (34-4.36); and vehicle wash (34-4.40) to add several new *use standards* and remove several existing ones.

ATTACHMENTS

- July 25, 2024, Planning Commission Study Session Approved Meeting Minutes
- August 15, 2024, Planning Commission Study Session Approved Meeting Minutes
- September 16, 2024, City Council-Planning Commission Joint Study Session Approved Meeting Minutes
- September 19, 2024, Planning Commission Approved Regular Meeting Minutes
- Draft Sec. 34-3.1.25 -B-3 General Business District
- Draft Sec. 34-3.1.29—LI-1 Light Industrial District
- Draft Sec. 34-4.31 - Automobile Repair
- Draft Sec. 34-4.35 - Drive-In Restaurants
- Draft Sec. 34-4.28 - Gasoline Service Stations
- Draft Sec. 34-4.36 - Outdoor Space for Sale or Rental of New or Used Motor Vehicles, Trailers, Mobile Homes, Boats, Recreational Vehicles and Other Similar Products
- Draft Sec. 34-4.40 - Vehicle Wash

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Prepared by: Erik Perdonik, AICP, City Planner

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

Approved by: Gary Mekjian, City Manager

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION SPECIAL MEETING
MASTER PLAN STUDY
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
JULY 25, 2024, 6:00 P.M.**

CALL MEETING TO ORDER

The Planning Commission Special Meeting was called to order by Chair Trafelet at 6:00pm.

ROLL CALL

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

Commissioners Absent: Aspinall

Others Present: Director of Planning and Community Development Kettler-Schmult, City Planner Perdonik, Staff Planner Canty, City Attorney Schultz, Planning Consultant Tangari

APPROVAL OF THE AGENDA

MOTION by Ware, support by Stimson, to approve the agenda as published.

Motion passed unanimously by voice vote.

MASTER PLAN STUDY IMPLEMENTATION STUDY SESSION

A. Discuss Draft Zoning Text Amendment 2, 2024, to Revise Various Provisions of Sections 34-3.1.25, 34-4.28, 34-4.31, 34-4.35, 34-4.36, and 34-4.40

Referencing his July 18, 2024 memorandum *Draft Zoning Text Amendment (“ZTA”) 2, 2024*, City Planner Perdonik explained that tonight’s discussion would focus on the B-3 District, specifically changes to reclassify several uses within the District. Uses that were formerly principal permitted uses, such as drive-in/drive-through restaurants and gasoline service stations, would require special approval. Conversely, uses that were previously special uses, like coin-operated amusements, billiard halls, and indoor recreational activities, will become principal permitted uses. City Council has shown interest in creating new categories for uses like cigar bars and lounges.

Rationale for reclassifying certain uses

The rationale for reclassifying certain uses, such as automobile repair, vehicle washes, drive-throughs, and gas stations, into the special approval use category is to grant the Planning Commission more discretion, allowing the Commission to impose conditions that ensure compatibility with surrounding properties. Other nearby communities follow the same practice, where similar uses are treated as special uses due to their potential negative impact on neighboring properties. This approach is widely accepted and helps manage externalities that could lower the marketability of neighboring properties.

Encouraging the highest and best commercial uses/Limiting certain new developments (gas stations, car washes) to existing sites

The City wants to encourage the best commercial uses and create a strong distinction between what a commercial and a light industrial use is.

There is significant market pressure for new car washes and gas stations, yet the City has more than 20 existing gas stations and several car washes already. Does the City play the long game and wait for higher and better uses?

A philosophical question: How best to balance current market demands with long-term community planning goals?

Discussion underscored the importance of evaluating whether these types of businesses align with the community's vision, particularly regarding their placement and impact.

- By limiting new development/redevelopment regarding gas stations and car washes to sites that already have that use, the proposed draft includes the possibility of not allowing any new gas stations or car washes in the B-3 district, except as part of a PUD. The consideration under a PUD involves evaluating the use under different standards than permitted or special uses.
- At present, no applications for gas stations are being processed under permitted or special use, but there is one PUD application being reviewed.
- Car washes would be a permitted use in the ES district and the LI-1 district. The goal is to place noisy and potentially disruptive businesses in appropriate locations in order to maintain the community's character and marketability.
- The Commission addressed the importance of aligning zoning regulations with the community's master plan and long-term vision. This involves making strategic decisions now to ensure future development aligns with the desired character of the City. Master plan discussions have consistently focused on the type of community Farmington Hills aspires to be, and current zoning doesn't always reflect this vision.
- Alternatively, Commissioners cautioned that only a small portion of the City is subject to these changes, given that 65% is residential and a significant part of the remaining 35% is dedicated to office use. It was suggested that market demand should drive decisions and attractive, well-designed gas stations could add to the tax base.
- It was important to look at the big picture when making zoning changes. On the other hand, staff felt it was critical to “stop the bleeding,” in that the developable areas left in the city were being sought by less than highest, best uses.
- Discussion touched briefly on the need to provide Electric Vehicle charging stations throughout the City.

Architectural and Landscape Standards

City Planner Perdonik described a recent redevelopment of a gas station. Currently there were no standards for construction or facades in the zoning ordinance. The draft ordinance establishes architectural standards for gas stations.

Commission discussion included:

- General support for architectural and landscape standards.
- The Commission discussed whether providing more flexibility of use while putting some standards in place would resolve the issue of proliferation of gas stations and car washes. To some Commissioners, this made sense, and it also made sense to keep thinking about the redevelopment of the City in a larger sense.

- It came out in conversation that other communities have worked to limit these types of uses through their special use ordinances, and through zoning ordinance standards.

After considerable debate, the Commission directed staff to provide a map highlighting the B-3 zones. This will help contextualize the discussions and will help in understanding where different uses are permitted and the rationale behind these decisions, particularly concerning the placement of car washes and gas stations.

It appeared there was consensus to have some architectural standards on gas stations. There was less consensus with respect to trying to limit the number of gas stations in the City.

Drive-throughs and lot adjacency requirements

Conflicting ordinance goals and community needs

The draft zoning text amendment would amend the regulations associated with drive-through/drive-in restaurants, specifically regarding the requirement that a drive-through restaurant cannot be located on a zoning lot that is adjacent to an RA district. Sometimes strict adherence to this zoning requirement can lead to impractical results. Recently the Starbucks drive-through – prohibited by ordinance – at the West River Shopping Center was approved through a consent judgment.

Another ordinance mandates a 60' building setback from the road right-of-way, while also requiring vehicle stacking to be in the rear yard. These goals conflict.

Changing certain by-right uses to special approval uses allows the Commission to look at these issues on a case-by-case basis and has the advantage that the process calls for a noticed public hearing.

Next steps

The Commission discussed the future schedule for looking at zoning ordinance amendments. Tonight's discussion underscored the complexity of land use planning, balancing environmental concerns, market demands, and the community's long-term vision. Discussion also emphasized making careful, incremental changes to achieve the community's goals without drastically altering its character. Each decision comes with opportunity costs, and the Commission must weigh the benefits of any new development against potential alternatives. The Commission will continue to work through these issues during this implementation phase of the Master Plan.

MOTION by Stimson, support by Varga, to adjourn.

Motion carried unanimously by voice vote.

The meeting adjourned at 7:20pm.

Respectfully Submitted,
Kristen Aspinall
Planning Commission Secretary

/cem

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION SPECIAL MEETING
MASTER PLAN STUDY
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
AUGUST 15, 2024, 5:30 P.M.**

CALL MEETING TO ORDER

The Planning Commission Special Meeting was called to order by Chair Trafelet at 5:40pm.

ROLL CALL

Commissioners present: Aspinall, Brickner, Grant, Mantey, Trafelet, Varga, Ware (arrived 6:22pm)

Commissioners Absent: Countegan, Stimson

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

APPROVAL OF THE AGENDA

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

Motion passed unanimously by voice vote.

MASTER PLAN STUDY IMPLEMENTATION STUDY SESSION

A. Discuss Draft Zoning Text Amendment 2, 2024, to Revise Various Provisions of Sections 34-3.1.25, 34-3.1.29, 34-4.28, 34-4.31, 34-4.35, 34-4.36, and 34-4.40

Referencing his August 9, 2024 memorandum *Draft Zoning Text Amendment (“ZTA”) 2, 2024*, City Planner Perdonik led a discussion that focused on the changes that would comprehensively amend the use standards associated with drive-through or drive-in restaurants (Section 34-4.35); gasoline service stations (34-4.28); automobile repair (34-4.31); vehicle wash (34-4.40); and outdoor space for sale or rental of new or used motor vehicles, trailers, mobile homes, boats, recreational vehicles and other similar products (34-4.36) to add several new use standards and remove several existing ones.

The text amendment would also amend Sections 34-3.1.29.B and 34-3.1.29.C, to make vehicle washes a principal permitted use in the LI-1 Light Industrial district, instead of a special approval use.

B-3 District

The B-3 District, although covering only 2.30% of the city’s land, plays a significant role in commercial activities, allowing for various uses like car washes, gas stations, and car dealerships. B-3 is the most permissive commercial district and the City receives more requests to rezone to B-3 than other commercial zoning districts.

Gas stations and car washes

- The Planning Commission had requested more context for the number and distribution of gas stations and car washes within the City, specifically focusing on the B-3 Zoning District, to

determine how much of the City would be affected by the proposed amendment. Several maps were provided, including a map showing the location of gas stations in Farmington Hills and also the City of Farmington.

- The proposed amendment would continue to allow gas stations and car washes by right in LI-1 Light Industrial districts, which include traditional office and industrial parks, and frontage along Eight Mile and Grand River.
- The amendment would also continue to permit gas stations and car washes in ES-Expressway Service districts. About 0.16% of the City is zoned ES, concentrated mainly around the freeway interchange districts.
- There are approximately 41 gas stations in Farmington and Farmington Hills, with approximately 30 in Farmington Hills. Eleven (27%) of the gas stations in Farmington and Farmington Hills are open 24 hours. Approximately four additional gas stations are currently being considered in Farmington Hills, including Sheetz which is coming in as a PUD.
- Gas stations that meet all criteria and that are not a part of a PUD project are not a discretionary decision in B-3.
- The City has a higher number of gas stations and car washes in comparison to other communities.
- The amendment would define gas stations and car washes as special use within the B-3 District and limit them to redevelopment of existing sites, giving the City more control.

The consensus of the Planning Commission was to move forward with implementing special land use regulations as described regarding gas stations and car washes in the B-3 District, with a focus on setting design standards that are not overly restrictive but ensure a baseline quality.

Car dealerships

- Current car dealership rules are very permissive and there has been a proliferation of used car dealerships in the City.
- Most used car dealerships are along Grand River. Car dealerships could be slowed from proliferating outside of the Grand River area by requiring 200 feet of frontage on a state highway.
- Car dealerships should be excluded from Northwestern Highway because the City was focusing on establishing a walkable mixed-use district there.
- Requiring 200 feet of frontage would not preclude a larger car dealership. Indoor showrooms were permitted by right in the B-3 district, which included higher-end car dealerships.
- There are socioeconomic disparities in the Grand River area, and the City has a long-standing goal of revitalizing the corridor.

Drive-through restaurant front yard setbacks

Revisiting discussion from a prior meeting, the Commission discussed the current requirement for a 60-foot front yard setback for drive-through restaurants. This requirement creates tension with the goal of encouraging rear-yard stacking for drive-through lanes. By reducing the front yard setback to align with standard B-3 requirements, developers would find it easier to place buildings closer to the road and utilize the rear for stacking. However, care should be taken regarding placing drive-through restaurants near residential areas, and the special use designation would allow the City and the developer to negotiate appropriate protections for residential neighborhoods on a case-by-case basis without prohibiting the use altogether in these locations.

- There was consensus that making drive-through restaurants a special use would make it easier to attract desirable businesses, while still providing City control of the standards through the special use process. The Commission appeared to support reducing front yard setbacks for drive-thru restaurants to encourage rear yard stacking, when appropriate, through the special use approval process.

Automobile repair facilities

- The draft amendment would add standards to the ordinance pertaining to automobile repair facilities, especially impacting the B-3 district.
- An auto repair business would not be allowed to sell cars. The goal is to prevent the visual blight associated with repair shops that also sell used cars, which can lead to cluttered and unattractive sites and – when there are several such businesses in an area – cluttered and unattractive corridors.
- The B-2 district did not allow stand-alone auto repair business; the business had to be integral to a planned shopping center. This language was suggested for the B-3 district also. Stand-alone auto repair businesses would continue to be allowed in the LI-1 district. Light Industrial zoning was currently being used for auto repair businesses on frontages of Eight Mile and Grand River.
- Discussion ensued regarding the need to support small business owners who own stand-alone car repair businesses. Could enforced design and blight standards be an alternative to restricting the location of stand-alone auto-repair shops?
- It was noted that the amended language would apply to new businesses. Most of the existing auto repair businesses in the B-3 district would not be able to accommodate requiring all cars to be in the rear yard or screened because the lots are so small. Existing businesses would also be grandfathered.
- A “planned shopping center” was not currently defined.

Need for mixed-use zoning ordinance

There was agreement among Commissioners on the necessity of crafting a mixed-use zoning ordinance, especially since the Master Plan already anticipates mixed-use developments.

Conclusion

There is a sense of urgency to advance the zoning changes discussed tonight as well as looking at a mixed-use ordinance. Both are necessary for Farmington Hills to remain competitive. There was consensus to place Draft Zoning Text Amendment 2, 2024 on next month’s agenda, to set the Amendment for public hearing.

PUBLIC COMMENT

None.

COMMISSIONER COMMENTS

None.

ADJOURNMENT

**MOTION by Brickner, support by Grant, to adjourn.
Motion carried unanimously by voice vote.**

The meeting adjourned at 7:22pm.

Respectfully Submitted,
Kristen Aspinall
Planning Commission Secretary

/cem

**MINUTES
SPECIAL JOINT STUDY SESSION MEETING
FARMINGTON HILLS CITY COUNCIL
FARMINGTON HILLS PLANNING COMMISSION
SEPTEMBER 16, 2024 – 6:00 P.M.
FARMINGTON HILLS CITY HALL – COUNCIL CHAMBER**

CALL MEETING TO ORDER

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

ROLL CALL/INTRODUCTIONS

Council Members Present: Aldred, Boleware, Bridges, Bruce, Dwyer, Knol, and Rich
Council Members Absent: None

Planning Commissioners Present: Aspinall, Brickner, Countegan, Mantey, Stimson, Varga, Ware, and Trafelet

Planning Commissioners Absent: Grant

Others Present: City Manager Mekjian, City Clerk Lindahl, City Planner Perdonik, Planning Consultant Bahm (Giffels Webster), City Attorney Joppich

MASTER PLAN IMPLEMENTATION

- a. **Background**
- b. **Priorities/Goals**
- c. **Next Steps**

Background/Introduction

City Manager Mekjian explained that the objective of this meeting was to have a shared discussion with City Council and Planning Commission regarding implementation of the newly adopted Master Plan, including prioritizing zoning text amendments that will be necessary to implement the plan.

City Planner Perdonik led an opening discussion of the relationship between the Master Plan and the Zoning Ordinance.

- Without corresponding zoning regulations, the Master Plan remains largely unactionable.
- The current Zoning Ordinance is outdated and does not reflect the modern vision established in the Master Plan. Updating the zoning ordinance will bring the Master Plan to life.
- Tonight everyone will be asked to help define the highest priorities in terms of moving the Master Plan’s vision forward, and to envision the regulatory framework that will accomplish this.

Draft amendments regarding five land uses

As a starting point, draft amendments have been provided regarding five specific land uses in the B-3 District, the City’s prime commercial district. These uses impact the overall character of the City. They include:

1. Automobile repair
2. Drive-thru restaurants

3. Gasoline service stations
4. New and used vehicle sales
5. Vehicle washes

The draft amendments move these uses into the special land use category, allowing the City to have more control over dimensional and architectural standards, locations, and impact mitigation. All projects – including these uses, need to be quality projects.

Discussion: Flexibility vs. Restriction

While there appeared to be general agreement that the City was experiencing over-saturation of these automobile-based uses, concerns were raised about changing the ordinance to be too restrictive relative to market-driven business uses. Perhaps the focus should be on creating opportunities rather than limiting specific businesses.

It came out in discussion that major retailer Shell had announced it was closing 1,000 gas stations, shifting its focus and resources to expand services for EVs.

It was pointed out that gas stations were not actually mentioned in the Master Plan. Planning Consultant Bahm explained that addressing auto-related uses is consistent with the goals of the Master Plan, which emphasizes walkability as a key priority. By reviewing and adjusting the regulations around these uses, the City can ensure that the growth of such businesses does not conflict with the long-term vision for a walkable, pedestrian-friendly environment.

Consensus

After discussion, Mayor Rich summarized that there appeared to be majority – though not unanimous – support that the City did have enough of these uses, and in the case of gas stations, unless property already had a gas station on it at some point, the City should consider an ordinance that limited new authorizations. City Attorney Joppich pointed out that a developer could always request a PUD. The draft amendments were not creating a prohibition or a moratorium, but a different classification.

Focus on what the community desires

A common complaint among residents is the lack of full-service restaurants and gathering spaces in the City. Suggestions included:

- Grand River Corridor: Incorporate murals and public art to make the area more vibrant and walkable.
- Orchard Lake and 14 Mile Area: Pursue the creation of a social district. Provide walkable areas, especially as upscale apartments are being developed in the area.
- 12 Mile Corridor: Focus on reducing the amount of unused parking lots and consider mixed-use development. Potentially reduce the parking requirement for office use.
- The Zoning Ordinance can help drive market demand by creating an attractive environment for businesses, rather than simply reacting to market trends.
- Take advantage of place-making opportunities in conjunction with the County-sponsored Nine Mile Road walkability project.
- Create special business districts at intersections, focusing on landscaping and quality architectural design and materials.

Mixed-use zoning

Mixed-use zoning promotes the ideas just discussed, especially including walkability and placemaking. The Master Plan recommends mixed-use zoning in several locations, but the City does not have a mixed-use ordinance. Such an ordinance needs to be constructed in order to implement the vision of the Master Plan, especially along the 12-Mile Road corridor, where there is an opportunity to convert existing office space into residential units or mixed-use developments.

City Planner Perdonik agreed that the 12 Mile Corridor is well-positioned for mixed-use development, including multifamily developments along with the flexibility to permit restaurants and other uses to increase diversity in land use. Noting that there is a broader corridor study in process, an incremental step of allowing more uses in the OS-4 district via a text amendment, such as permitting higher density residential uses, would allow multifamily housing conversions from office spaces as “by right” without needing an immediate zoning change. Developers may also want to add more density to sites by building additional structures in addition to converting existing ones.

Architectural standards

It was important to maintain high-quality architectural standards for any new developments or conversions. Conversions from office to residential must look intentional and not appear like a cheaply done project.

Affordable and workforce housing

The need for affordable and workforce housing was acknowledged, with a need to encourage middle-housing types (duplex/triplex/quadplex/cottage courts) as part of mixed-use development.

Year Round Walkability

Year-round walkability requires that snow be cleared in the winter, and sidewalks be cleared of overgrowth during the rest of the year. City Attorney Joppich will provide information as to City liability and the best way to achieve clear sidewalks year-round.

Summary of consensus items:

- There was broad consensus that mixed-use zoning is a top priority, and Council directed the Planning Commission to work with the City Attorney to begin to draft a mixed-use ordinance, with special attention paid to its applicability on the 12 Mile Corridor and within the Orchard Lake/14 Mile area.
- There also appeared to be support for an ordinance amendment to permit uses by right in the OS-4 District such as multifamily, higher density development.
- While there was not complete unanimity, with Planning Commissioners Brickner and Countegan cautioning against adopting too restrictive ordinances, most participants appeared to agree that the City has reached saturation with gas stations and car washes, and certain other uses, and continued work on draft amendments to address this issue was supported.
- There was general agreement on the importance of requiring high-quality architectural standards for new developments and redevelopments, especially when converting office spaces to residential.

Prioritization Exercise:

Planning Consultant Bahm led participants in an interactive exercise where participants prioritized the areas within the 9 building blocks called out in the Master Plan that they believed were most important. These priorities will help guide future efforts and strategies for the City's development.

The suggestion was made to annually review progress, similar to the Council's goal-setting meetings. This would help ensure alignment between the Planning Commission and the City Council and allow them to assess whether resources and attention were being effectively allocated.

PUBLIC COMMENT

Pamela Gerard made comments regarding the importance of the Master Plan.

ADJOURNMENT

The study session meeting adjourned at 7:23pm.

Respectfully submitted,

Carly Lindahl, City Clerk

**CITY OF FARMINGTON HILLS
PLANNING COMMISSION MEETING
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
SEPTEMBER 19, 2024, 7:30 P.M.**

CALL MEETING TO ORDER

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

ROLL CALL

Commissioners present: Aspinall, Brickner, Grant, Mantey (arr. 7:32pm), Trafelet, Varga, Ware, Countegan, Stimson

Commissioners Absent: None

Others Present: Staff Planner Canty, Planning Consultant Tangari (Giffels Webster), Staff Engineer Alexander, City Attorney Saarela

APPROVAL OF THE AGENDA

MOTION by Aspinall, support by Countegan, to approve the agenda as published.

Motion passed unanimously by voice vote.

PUBLIC HEARING

A. ZONING TEXT AMENDMENT 2, 2024

CHAPTER OF CODE:	34, Zoning Ordinance
	PROPOSED AMENDMENT: Amend Zoning Ordinance to reclassify various principal permitted and special approval uses within the B-3, General Business District, and LI-1, Light Industrial District, and to add and remove various use standards
ACTION REQUESTED:	Set for public hearing
SECTIONS:	34-3.1.25, 34-3.1.29, 34-4.28, 34-4.31, 34-4.35, 34-4.36, and 34-4.40

Staff Planner Canty and Planning Consultant Tangari provided introductory comments:

Purpose of the Amendment:

The amendment seeks to reclassify certain uses, moving them from allowed as a right to requiring special use approval, which requires a public hearing, input from the community, and a formal review and approval process by the Planning Commission. Affected uses include gas stations, drive-throughs, auto sales and car dealerships, and vehicle wash facilities.

The intent of the amendment is to give the Planning Commission and the public a greater role in shaping the development of these uses within the B-3 and LI-1 Districts. By requiring special approval, the amendment provides the opportunity to:

- Set parameters for how these businesses operate and fit into the community

- Ensure compatibility with surrounding uses
- Address concerns before final approval is granted
- Introduce additional regulatory oversight and shifts the districts in which some of these uses are allowed.

Staff Planner Canty summarized that the Amendment will allow both the Planning Commission and the public to have a say in how these developments proceed, enabling more control and flexibility as the Commission is able to shape the developments in ways that benefit the community.

Commission discussion

Commissioner Brickner pointed out instances where he felt the draft ordinance was contradictory, in that there were certain requirements for compliance, but meeting those requirements was extremely difficult. For instance:

- **Mandatory outdoor seating at drive-through restaurants**

The requirement for outdoor seating at drive-through restaurants (Section 34-4.35) might limit the development of small drive-through establishments. There is a need for flexibility to accommodate modern uses such as drive-throughs rather than imposing unnecessary restrictions. This regulation could restrict smaller establishments.

In response, other Commissioners pointed out that the requirement for outdoor seating would accommodate non-motorists by providing a place to sit. The Master Plan emphasized the importance of walkability, and providing outdoor seating at drive-throughs could support this vision.

- **Automobile service centers and automobile repair**

Regarding the orientation of service bay doors (Section 34-4.31), the draft language prohibits doors from facing residential areas or public roads, which could make it impossible to build service centers in many parts of the City. While the restrictions make sense in theory, they may be too stringent in practice, effectively limiting the ability to develop new automobile service facilities. Is this the intent?

- **Vehicle washes**

The ordinance restricts vacuum and drying areas to the rear yard (Section 34-4.40) and requires a setback of 100 feet from residential districts, unless there is a separation by a major or secondary thoroughfare. Should ordinances be written that require a specific layout while also imposing restrictions that prevent compliance with that layout?

- **Gasoline service stations**

The new requirement is to have only one driveway per street frontage (Section 34-4.28). Many gas stations operate with separate entrances and exits, and this restriction could pose challenges.

Commissioner Brickner said that while there were good ideas in the draft ordinance, he remained concerned that the new ordinances were too restrictive.

Commissioner Countegan agreed that portions of the draft ordinance might be too restrictive. However, the purpose of tonight's meeting was to set a public hearing, and he was ready to do that.

MOTION by Countegan, support by Stimson, that Zoning Text Amendment 2, 2024, which proposed to amend the Farmington Hills Code of Ordinances, Chapter 34, "Zoning," Article 3.0, "Zoning Districts," and Article 4.0, "Use Standards," Sections 34-3.1.25, 34-3.1.29, 34-4.28, 34-4.31, 34-4.35, 34.4.36, and 34-4.40, to reclassify various principal permitted and special approval uses, and to add and remove various use standards, be set for public hearing for the Planning Commission's next available regular meeting agenda.

Motion passed unanimously by voice vote.

B. PLANNED UNIT DEVELOPMENT 1, 2024, INCLUDING SITE PLAN 54-7-2024

LOCATION: 27815 and 28025 Middlebelt Road
PARCEL I.D.: 22-23-11-477-013, -014, and -109
PROPOSAL: Construction of gasoline service station with drive-through restaurant within RC-2, Multiple-Family Residential District
ACTION REQUESTED: Set for public hearing
APPLICANT: SkilkenGold Real Estate Development
OWNER: HRA Farmington Hills, LLC

Applicant presentation

Members of the development team present this evening included:

- Aman Walia, Alex Siwicki, and Kareem Amr from Sheetz
- Patrick Lennon, Honigman Law Firm

Aman Walia gave some background relative to Sheetz, including:

- Sheetz was founded in 1952 in Altoona PA, and has grown to 750 stores across 7 states, and remains family-owned and operated. Sheetz stores are open 24/7 year-round, offer a full kitchen with customizable food options, coffee bar, and convenience grocery store and snack items. Dining options include 30 indoor seats with free Wi-Fi. Drive-through technology eliminates the traditional squawk box by offering touch screen and online ordering.
- The building design uses high-quality materials, including four-sided brick exteriors and outdoor dining options.
- This site will receive an \$8.5M investment, much of which will benefit local contractors and workers.
- Sheetz will create 30-35 full-time jobs at this store, participate in charitable programs including food donation programs, and support Special Olympics and local schools. Employees receive a full line of benefits. Sheetz has been named one of the Top 100 Companies to Work For by Fortune Magazine, and Newsweek recognized Sheetz as the second-best retailer to work for in the US.

Alex Siwicki provided an overview of the proposed project, which included:

- A 6,139sf restaurant, convenience store, and fueling station, sitting on 3.8 acres at the northwest corner of Middlebelt and 12 Mile Roads.
- The site will have six fuel pumps for 12 fueling positions and a convenience drive-through. The fueling stations will provide a greater variety of fuel types than usually offered at fuel service centers.
- Building and site features will include:
 - High-quality building materials, including premium brick and enhanced perimeter landscaping.
 - Multiple pedestrian access points and bike racks.
 - In response to concerns from neighbors, the developers are adding a vinyl fence along the northern and western property lines and adjusting the landscaping to provide additional buffering.
 - A three-foot knee wall will be installed along the eastern and southern property lines.
 - Renderings showed the “top-notch” landscaping on the site.
- Other neighbor concerns:
 - One concern raised by the neighbors was the abundance of fuel and food options already available in Farmington Hills. Sheetz conducts extensive analytical research when selecting sites. The data indicates that the demand for fuel at this location is 88% higher and for food is 92% higher than the average across their 750+ locations in seven states, confirming the site’s viability.
 - Regarding traffic impact, Sheetz is a traffic capture business, meaning most customers (75%) are already passing by, reducing the generation of new traffic.
 - Traffic studies are conducted to ensure the development will not cause significant traffic issues.
 - Regarding environmental safeguards,
 - Sheetz uses a robust fueling system with multiple redundancies to prevent leaks. All tanks have double walls and are monitored with electronic and mechanical sensors.
 - Sheetz performs four times the number of inspections required by the EPA.
 - EV charging stations are also being considered for the site, with infrastructure in place to accommodate future installations.
 - Regarding property value impact, Sheetz facilities are well-maintained, and their presence can help increase property values in the surrounding area due to the care taken in property upkeep.
 - Regarding noise, light, and air pollution:
 - Fencing and additional trees will buffer the noise for nearby residents
 - Lighting is designed to comply with city ordinances, ensuring no spillover beyond property lines.
 - The fueling system is designed to trap vapors, minimizing air pollution.
 - Regarding safety measures, Sheetz has a state-of-the-art security operations center, which monitors each site with over 60 high-definition cameras. Sheetz works closely with local police to ensure a strong presence and deter crime.
 - Regarding concerns that this facility will be a truck stop: The proposed site is not a truck stop. It will offer automobile diesel, but the flow rate and site layout make it unsuitable for semi-trucks.

- Mr. Siwicki emphasized their ongoing communication with neighbors and how the site plan has been modified in response to neighbor concerns. The team remains committed to further adjustments as necessary to address any additional issues raised by the community.

Mr. Siwicki asked that the Planning Commission set their PUD request and site plan for public hearing.

Commission discussion

Commissioner Mantey asked for clarification on the claim that there is an 88% higher demand for gasoline in this area. Recent studies had shown Farmington Hills already has many gas stations compared to other communities in Metro Detroit, and he asked for more details on how the 88% figure was calculated.

Mr. Siwicki explained that the 88% figure comes from Sheetz's business intelligence team using proprietary algorithms, which he couldn't fully disclose. He emphasized that there is high demand in the area, and Sheetz will help address the supply side of that equation. He noted that according to their data, the immediate trade area has fewer fuel competitors than expected for the level of demand. When asked how many competitors they would expect, Mr. Siwicki offered to provide that information later.

Commissioner Mantey also questioned how Sheetz would manage different types of fuel with only a limited number of underground storage tanks (USTs). Mr. Siwicki clarified that the site would have six USTs—four 12,000-gallon tanks and two 15,000-gallon tanks—sufficient to meet the demand for different fuel types.

Consultant comments

Referencing his August 7, 2024 memorandum, Planning Consultant Tangari gave the background and review for this request to set this PUD and Site Plan for public hearing, focusing primarily on the Planning Commission's task to review certain elements of the plan and to consider areas where relief from the ordinance is being requested.

Planning Consultant Tangari noted the Commission that on June 20, 2024 the Commission had qualified the project for a PUD, with the condition that a traffic study be submitted with the site plan. The traffic study had not yet been received.

Planning Consultant Tangari reviewed outstanding issues, which included:

- Pedestrian access from parking areas to building entrances around the perimeter of the building are largely obstructed by the outdoor dining and planter areas. In addition, pedestrian striping should be added between gas pumps and the building entrance to enhance safety for those walking between the gas pumps and their vehicles.
- A truck template needs to be provided.
- It was not clear whether there is sufficient space for garbage vehicles to access the dumpster.
- The applicant should clarify the intent of the drum storage and proper handling of any hazardous substances on site.
- The prohibition against vehicle storage should be called out.

- 622 square feet of loading space was not identified on the plans.
- A zoning lot occupied by a drive-through use may not abut an RA district unless the district is separated from the lot by a major or secondary thoroughfare. The proposed development does not meet this standard. The Planning Commission shall consider proximity to adjacent residential in its review of the proposed development and drive-through use.
- Although the zoning ordinance does not limit excess parking, the Planning Commission may wish to discuss the proposed number of parking spaces. The *Next 50 Master Plan* highlights excessive parking and opportunities to reduce parking in the discussion of future land uses. Parking maximums are recognized as a goal to implement. This same discussion could be extended to the very wide maneuvering areas throughout the site.
- The site plan does not fully comply with the drive-through design standards. Half of the drive-through has a bypass lane, but the U-shaped section to the north lacks one, which could create circulation issues.
- The pickup space is located south of the drive-through window, and how this works logistically without a bypass lane was unclear. In the absence of a bypass lane, this space obstructs the flow of traffic and creates the potential for conflicts with oncoming traffic. The waiting space shall be relocated or removed. The stacking lane also crosses a maneuvering lane; clear signage must be provided indicating that the maneuvering lane may not be blocked by waiting vehicles.
- The stacking arrangement is not indicated on the plans.
- The wall mounted signs include two 16.52sf Sheetz logo signs and one 21.47sf "Made to Order" sign. The ordinance limits total wall sign area to 25sf in an RC district. In addition, in accordance with 34-5.5.3.B.ii.b, non-residential uses may only be permitted one wall sign when located in an RC district. Relief is needed to comply with the standards for wall signs.
- The applicant proposed three 13sf canopy signs (1' 7 5/8" x 8'). Canopy-mounted signs, referred to in the ordinance as flat awning signs, are not permitted in the RC Districts. Canopy sign letters shall be less than 8" and 80% of the total awning width; although the proposed Sheetz logo is less than 80% of the canopy width, the logo is taller than 8". Finally, canopy signs may not exceed the total wall sign allowance. Since the wall signs already exceed this allowance, the proposed canopy signs do not meet this standard. Relief is needed to allow the proposed canopy signs.
- The applicant proposes a freestanding monument sign with electronic price display and a Sheetz logo sign. The monument sign exceeds the height allowance and total freestanding sign area space. Sign illumination (in footcandles) shall be provided. The Planning Commission may grant relief to allow this sign, or the sign shall be prohibited.
- Landscaping comments are called out on pages 11-12 of the review letter.
- Additional screening of the UST vent stack along 12 Mile Road may be required by the Planning Commission. This is currently proposed to be screened by the 3' knee wall and a deciduous tree.
- Regarding walls and berms (34-5.15): When adjacent residential, a 6' wall is required for drive-in/fast food restaurant uses. No wall was provided along residential boundaries (north and west). The Planning Commission may grant a waiver from the wall requirement in accordance with 34-5.15.3.
- Exterior lighting standards as described on pages 13-14 of the review letter do not appear to be met.

- Regarding tree removal, specific trees proposed for removal are not identified in the tree inventory or on the plans. The six 3" caliper landmark tree replacements labeled in the tree chart are not shown in the plans. In addition, the tree inventory is not accompanied by the seal of a licensed landscape architect.

In summary, relief sought from ordinance standards includes:

- a. Permit gasoline station, convenience retail, and drive-through restaurant with outdoor dining in the RC-2 Zoning District
- b. Relief from the required drive-through bypass in the customer stacking/ordering area.
- c. Relief from the lighting requirements, including maximum height for an RC-2 District and lighting mounted on top or side of a canopy
- d. Relief from the sign requirements for wall signs, canopy signs, and freestanding signs. This includes:
 - i. Wall signs – relief from total number of wall signs permitted, total sign area
 - ii. Canopy signs – exception to allow a canopy sign in the RC district where such sign is not typically permitted, relief from the maximum letter height, relief from the total sign area
 - iii. Freestanding signs – relief from the height for freestanding signs, relief from the total sign area

Additional Planning Commission considerations should include:

- a. Whether excess parking/pavement meets master plan goals
- b. Whether to prohibit the parking of motor vehicles or storage of trailers, as prohibited in the B1, B-3, or E-S Districts for Gasoline Stations.
- c. Whether additional clarification on the site illumination is needed to proceed due to likely need for relief.
- d. If the location adjacent to RA is acceptable, as such would not be permitted in a B-3 District under the drive-in standards which state, "The zoning lot occupied by such use may not abut an RA district unless the district is separated from the lot by a major or secondary thoroughfare"
- e. Whether the proposed 24-hour operations are compatible with surrounding residential uses/districts.
- f. Waiver for 6' wall adjacent to residential districts. While substantial landscaping is proposed/existing, no wall is included in the plans.
- g. Consider reducing the proposed color temperature of lighting fixtures.
- h. Waiver to allow excess lighting at the property line near drives to meet public safety goals.

Chair Trafelet indicated he was ready to entertain a motion.

MOTION by Ware, support by Grant, that PUD 1, 2024, including Site Plan 54-7-2024, submitted by SkilkenGold Real Estate Development, dated July 17, 2024, be set for public hearing at the November 21, 2024 Planning Commission meeting.

Motion passed unanimously by voice vote.

MOTION by Grant, support by Aspinall, to approve the meeting minutes of the August 15, 2024 Special Meeting and the August 15, 2024 Regular Meeting as submitted.

Motion passed unanimously by voice vote.

PUBLIC COMMENT

Public comment focused on the proposed Sheetz PUD and site plan.

Dion Degennaro, 28379 New Castle, raised concerns about the need for another gas station, noting there are already 9 gas stations within a square mile of this site offering similar services. He also expressed environmental concerns, specifically the effectiveness of the natural buffer and lack of clarity about its planning. He highlighted the potential negative impact of the detention pond on nearby homes, citing EPA studies that show the pond – containing runoff from gas station uses – could reduce property values by 3-10%.

Nassir Siddiqui, 29411 Middlebelt Road, questioned the reasoning behind the PUD classification, suggesting it is being used to avoid standard zoning requirements. He raised concerns about safety, mentioning a recent shooting at a Sheetz location in North Carolina and the potential for increased crime due to the store's 24/7 operations and as noted in recent testimony by Sheetz Vice President Gary Zimmerman. He noted that the US Equal Opportunity Commission is currently suing Sheetz for racially discriminating against blacks and other minorities.

Kathy Sterbling, Board member, Holly Hills HOA, voiced opposition to the PUD, citing concerns about pedestrian safety in an already busy area, and mentioned 24/7 light and noise pollution, and the existence of numerous gas stations and convenience stores nearby. She discussed the vulnerability of the water table, referencing a past issue with contamination in the area.

PG (Pamela Gerard) criticized Sheetz for an EEOC (Equal Employment Opportunity Commission) lawsuit related to racial discrimination, questioning how the company could promote inclusion while facing such accusations. She suggested that Sheetz should open a restaurant rather than another gas station and expressed concerns about oversaturation of gas stations in the area.

Ron Rayford, 29232 Wellington, stated that there is no shortage of gas stations in Farmington Hills and expressed doubts about the company's data showing high local demand. He highlighted concerns about increased traffic in an already congested area, especially during rush hours.

George Senawi, 29410 Orion Court, said that this gas station will be in his front yard, resulting in a loss of privacy. He was concerned about a loss in property value. He had collected 21 signatures from neighbors opposing this development.

PG, speaking again, reiterated opposition to the development, saying it is not a good fit for the area.

Tom Hagi, Chaldean Community Foundation, opposed the project, citing concerns about traffic and the potential for Sheetz to hurt local gas stations, many of which were owned by Chaldeans. He stated that

Sheetz's initial predatory pricing of less than market value will likely lead to the closure of nearby fuel stations, leaving abandoned gas stations in the area.

Mr. Yandora, resident, expressed support for Sheetz, having had positive experiences at their locations in other states. He described Sheetz as more than just a gas station, praising their overall business model and suggesting that concerns about the development are overblown.

TR Carr, resident, encouraged the Commission to consider the long-term impact of the development on the quality of life in the community. He suggested there may be better locations for Sheetz in Farmington Hills that would fit more appropriately with the city's economic development plans.

COMMISSIONER/STAFF COMMENTS

Commissioner Mantey raised a point of clarification regarding lighting standards, noting potential confusion about which ordinances the Planning Commission can grant leniency for. He recalled that the illumination at the property line falls under the nuisance ordinance, rather than a zoning ordinance, which limits the ability to grant relief.

ADJOURNMENT

MOTION by Aspinall, support by Ware, to adjourn the meeting.

Motion carried unanimously by voice vote.

The meeting was adjourned at 8:50pm.

Respectfully submitted,
Kristen Aspinall
Planning Commission Secretary

/cem

34-3.1.25 B-3 GENERAL BUSINESS DISTRICT

A. INTENT

The B-3 General Business District is designed to provide sites for diversified business types that might be incompatible with the pedestrian movement within the B-1 Local Business District or B-2 Community Business District.

B. PRINCIPAL PERMITTED USES

The following uses are permitted subject to Section 34-3.11:

~~Automobile repair § 34-4.31~~

- i. Banks, credit unions, savings and loan associations and similar uses with drive-in facilities as an accessory use only
- ii. Businesses in the character of a drive-in or open front store § 34-4.37
- iii. Business schools and colleges or private schools operated for profit
- iv. Bus passenger stations § 34-4.38
- v. Cellular towers and cellular antennae § 34-4.24
- vi. Churches
- vii. Cigar bars or lounges
- viii. Coin-operated amusement device arcades, billiard parlors or other similar indoor recreation uses § 34-4.19.4
- ix. Commercial outdoor recreational space § 34-4.39
- x. Dance halls or catering halls when conducted within a completely enclosed building
- xi. Data processing or computer centers

~~Drive-in restaurants § 34-4.35~~

- xiii. Establishments with coin-operated amusement devices § 34-4.33
- Gasoline service stations § 34-4.28**
- xiv. Indoor health and fitness and instructional dance studios § 34-4.58.1
- xv. Indoor recreation facilities § 34-4.19
- xvi. Laundry, drycleaning establishments, or pickup-stations, dealing directly with the consumer § 34-4.25
- xvii. Lawnmower sales or service
- xviii. Medical offices or clinics
- xix. Mortuary establishments
- xx. Motel § 34-4.34
- xxi. New or used motor vehicle salesroom, showroom or office when the use is carried on within a building and open-air display of vehicles is accessory
- xxii. Nursery schools, day nurseries, and daycare centers
- xxiii. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting or sales
- xxiv. Other commercial uses of a similar and no more objectionable character
- xxv. Outdoor space for sale or rental of new or used motor vehicles, trailers, mobile homes, boats, recreational vehicles and other similar products § 34-4.36
- xxvi. Personal service establishments that perform services on the premises
- xxvii. Private clubs or lodge halls
- xxviii. Post offices and similar governmental office buildings, serving persons living in the adjacent residential area

- xxix. Public buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations without storage yards; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations
- xxx. Restaurants, including fast food or carryout restaurants
- xxxi. Retail businesses § 34-4.29
- xxxii. Retail sales of plant materials, lawn furniture, playground equipment and other house or garden supplies
- xxxiii. Theaters, assembly halls, concert halls or similar places of assembly § 34-4.44
- xxxiv. Tire, battery and accessory sales
- ~~Vehicle wash § 34-4.40~~
- ~~Veterinary hospitals or commercial kennels § 34-4.26~~
- xxxv. Accessory buildings and uses customarily incidental to any of the above uses

C. SPECIAL APPROVAL USES

The following uses are permitted subject to Section 34-3.11:

- i. Automobile repair § 34-4.31
- ~~Coin-operated amusement device arcades, billiard parlors or other similar indoor recreation uses § 34-4.19.4~~
- ~~Establishments with coin-operated amusement devices § 34-4.33~~
- ii. Drive-in restaurants § 34-4.35
- iii. Gasoline service stations § 34-4.28
- iv. Vehicle wash § 34-4.40
- v. Veterinary hospitals or commercial kennels § 34-4.26

D. ACCESSORY USES

- i. Electric vehicle infrastructure § 34-4.55
- ii. Fabrication, repair, and processing of goods § 34-4.29
- iii. Outdoor space for seating areas accessory to a restaurant § 34-4.32

34-3.1.29 LI-1 LIGHT INDUSTRIAL

A. INTENT

The LI-1 Light Industrial District is intended to accommodate wholesale activities, warehouses and industrial operations whose external physical effects, in the form of nuisance factors, are restricted to the area of the District and in no manner affect in a detrimental way any of the surrounding districts. The LI-1 District is structured to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly or treatment of finished or semifinished products from previously prepared material. It is further intended that the processing or raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted.

B. PRINCIPAL PERMITTED USES

The following uses are permitted subject to Section 34-3.14:

- i. The following uses are permitted subject to Section 34-4.46.1:
 - a. Automobile repair § 34-4.31
 - b. Laboratories-experimental, film or testing, ~~except biological laboratories~~
~~engaging in genetic research~~
 - c. Manufacturing
 - d. Warehouses, storage and transfer and electric and gas service buildings and yards, excluding gas treatment and gas pumping stations and water supply and sewage disposal plants and water and gas tanks and holders
- ii. Cellular towers and cellular antennae § 34-4.24
- iii. Commercial kennels

- iv. Farms
- v. Freestanding signs located within a freeway sign zone for purposes of Section 34-5.5.3.A.ix
- vi. Primary caregivers § 34-4.57
- vii. Storage facilities for building materials, sand, gravel, stone, lumber, open storage for construction contractor's equipment, and supplies § 34-4.47
- viii. Trade or industrial schools
- ix. Vehicle Wash § 34-4.40
- x. Reserved
- xi. The following uses are permitted subject to Sections 34-4.46.2 and 34-4.46.3:
 - a. Any service establishment or an office, showroom or workshop of an electrician, decorator, dressmaker, tailor, baker, printer or upholsterer; or an establishment doing radio or home appliance repair, photographic reproduction and similar service establishments that may include retail adjunct
 - b. Banks or credit unions, savings and loan associations
 - c. Bowling alleys
 - d. Commercial outdoor recreational space
 - e. Data processing or computer centers
 - f. Drive-in restaurants § 34-4.35
 - g. Gasoline service stations § 34-4.28

- h. Indoor recreation facilities ~~not exceeding 5,000 square feet in gross leasable area~~ § 34-4.19
- i. Laundry, drycleaning establishments or pickup-stations
- j. Lawnmower sales or service
- k. Medical offices or clinics
- l. New or used motor vehicle salesroom, showroom or office when the use is carried on within a building and open-air display of vehicles is accessory
- m. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting or sales
- n. Other industrial uses of a similar and no more objectionable character
- o. Outdoor space for sale or rental of new or used motor vehicles, trailers, mobile homes, boats, recreational vehicles and other similar products § 34-4.36
- p. Personal service establishments that perform services on the premises
- q. Restaurants, including fast food or carryout restaurants
- r. Retail sales of plant materials not grown onsite and sales of lawn furniture, playground equipment and other home garden supplies
- xii. Accessory buildings and uses customarily incidental to any of the above uses

C. SPECIAL APPROVAL USES

The following uses are permitted subject to Section 34-3.14:

- i. Automobile or other machinery assembly plants § 34-4.48

~~Indoor Recreation Facilities over 5,000 square feet in gross leasable area § 34-4.19~~

- ii. Junkyards
- iii. Lumber and planing mills and lumber cutting and other finishing processes § 34-4.53
- iv. Metal plating, buffing, polishing, and the manufacturing, compounding, processing, packaging or treatment of solvents, surface coatings, degreasing/metal cleaning materials, pesticides (including storage), pharmaceuticals or chemicals § 34-4.50
- v. Other industrial uses of a similar and no more objectionable character § 34-4.51
- vi. Painting, varnishing and undercoating shops § 34-4.49

~~Vehicle Wash § 34-4.40~~

D. ACCESSORY USES

- i. Electric vehicle infrastructure § 34-4.55
- ii. Outdoor space for seating areas accessory to a restaurant § 34-4.32

34-4.31 AUTOMOBILE REPAIR

1. Within all zoning districts within which the use is permitted:
 - A. Principal buildings shall be located no closer than one-hundred (100) feet from any residentially-zoned and/or -used property unless such property is separated from the automobile repair use by a major or secondary thoroughfare;
 - B. All buildings shall be oriented such that bay doors and/or open bays face away from any public roads and/or residentially-zoned and/or -used property unless screened from such roads and/or property by a building;
 - C. The storage, sale or rental of new or used cars, trucks, trailers and/or any other vehicles on the zoning lot is prohibited;
 - D. Damaged vehicles or those awaiting repair may be stored outside of a building provided that the storage area is enclosed within a wall that complies with Section 34-5.15;
 - E. Outdoor storage of scrap, junk or dismantled cars or spare parts on the zoning lot is prohibited;
 - F. All lubrication equipment, automobile wash equipment, hoists and/or pits shall be enclosed entirely within a building; and
 - G. All repair work shall be carried out within an enclosed building.

2. Within the B-2 and B-3 districts, automobile repair shall be permitted only when developed as part of a larger planned shopping center designed to integrate the automobile repair within the site plan and architecture of the overall shopping center. A building permit shall not be issued separately for the construction of any automobile repair within the B-2 and B-3 districts.

34-4.35 DRIVE-IN RESTAURANTS (INCLUDING DRIVE-THROUGH WINDOWS)

1. Within the B-3 District:
 - A. Any space for the stacking of vehicles shall be located no closer than thirty-five (35) feet from any residentially-zoned and/or -used property;
 - B. A minimum 1,100-square-foot area with indoor seating for at least twenty (20) people shall be provided; and
 - C. An outdoor space for seating accessory to the drive-in restaurant comprised of at least eight (8) seats shall be provided but Section 34-4.32 shall not apply to such space.

~~Drive-in restaurants shall provide a building setback of at least sixty (60) feet from any street right-of-way.~~

~~The zoning lot occupied by such use shall not abut an RA district unless the district is separated from the lot by a major or secondary thoroughfare.~~

2. Within the B-3 and LI-1 districts, vehicular access drives shall be located no closer than sixty (60) feet from the right-of-way of any intersecting street.
3. Drive-in restaurants shall comply with Section 34-5.2.12.

~~In the LI-1 district, a sixty (60) feet building setback shall be provided from any street from which vehicular access to the site is provided.~~

34-4.28 GASOLINE SERVICE STATIONS

1. Within all zoning districts within which the use is permitted:
 - A. The minimum lot area for gasoline service stations shall be fifteen-thousand (15,000) square feet;
 - B. Pump canopies shall be no closer than one-hundred (100) feet from any residentially-zoned and/or -used property unless such property is separated from the gasoline service station use by a major or secondary thoroughfare;
 - C. No more than one (1) driveway access shall be permitted per street frontage;
 - D. Vehicular access drives shall be located no closer than twenty-five (25) feet from the right-of-way of any intersecting street;
 - E. Parking areas and areas for vehicular circulation shall be located not less than ten (10) feet from any lot line;
 - F. All sides of the building shall incorporate a consistent architectural style, including horizontal or vertical design elements that have sufficient relief to create shadow lines, and the type of element (i.e. horizontal or vertical) shall be determined by the intended design aesthetic of the building;
 - G. The building shall have a minimum transparency of sixty (60) percent on any façade facing a pump island or the front lot line. Such transparency shall be measured based on the total wall area of the façade. False windows, spandrel glass or similar façade or architectural features shall not be counted towards the transparency requirement;

- H. Any canopy structure shall be designed and constructed in a manner that is architecturally consistent with the principal building;
 - I. The parcel or zoning lot shall be separated from any public thoroughfare by a masonry wall a minimum of two (2) feet in height notwithstanding Section 34-5.14.5. Such wall shall be architecturally consistent with the principal building;
 - J. Gas stations may be developed according to the following design standards that allow for the principal building to be closer to the street with the pump islands and canopy located behind the building. The standards of this Subsection J shall take precedence over any conflicting design or dimensional requirement contained elsewhere in this Ordinance:
 - i. The principal building shall be located not less than five (5) feet from the front lot line; and
 - ii. Any pump canopy shall be located to the rear of the principal building;
 - K. The storage, sale, or rental of new or used cars, trucks, trailers and/or any other vehicles on the zoning lot is prohibited; and
 - L. Up to fifty (50) percent of fueling positions may be considered toward fulfilling the parking requirement for the gasoline service station for purposes of 34-5.2.
2. Within the B-3 District, gasoline service stations shall be permitted only on a zoning lot that is being actively used and occupied as a lawfully-conforming gasoline service station on the effective date of the ordinance adding this Subsection 34-4.28.2.

3. Within the B-1 District, principal buildings shall have a minimum setback of one-hundred (100) feet from any residentially-zoned and/or -used property unless such property is separated from the gasoline service station use by a major or secondary thoroughfare.
4. Within the LI-1 District, off-street loading and unloading space with a dimension of at least ten (10) feet by fifty (50) feet shall be provided but may be located within any required yard notwithstanding Section 34-5.4.
5. Within the LI-1 and ES districts, vehicle washes and automobile repair may be permitted as an accessory use.
6. Within the B-1, B-3, and ES districts, off-street loading and unloading space shall be provided in the ratio of at least ten (10) square feet per front foot of building but may be located within any required yard notwithstanding Section 34-5.4.

34-4.36 OUTDOOR SPACE FOR SALE OR RENTAL OF NEW OR USED MOTOR VEHICLES, TRAILERS, MOBILE HOMES, BOATS, RECREATIONAL VEHICLES AND OTHER SIMILAR PRODUCTS

1. Within the B-3 and LI-1 districts:
 - A. Areas for display of vehicles shall meet the setback requirements applicable to principal buildings within the zoning district within which the use is located; and
 - B. Vehicular access drives to the outdoor sales area shall be located not less than sixty (60) feet from the intersection of any two (2) streets.

2. Within the B-3 District, and except as to zoning lots that are being actively used and occupied as a lawfully-conforming outdoor space for sale or rental of new or used motor vehicles, trailers, mobile homes, boats, recreational vehicles and other similar products on the effective date of the ordinance adding this Subsection 34-4.36.2:
 - A. The use shall be located on a lot that has all of its public street frontage for purposes of Section 34-5.11 on Grand River Avenue; and
 - B. The lot shall have a minimum frontage of two-hundred (200) feet on Grand River Avenue.

~~No major repair or refinishing shall be done on the lot.~~

34-4.40 VEHICLE WASH

1. Within all zoning districts within which the use is permitted:
 - A. The minimum lot area for vehicle washes shall be fifteen-thousand (15,000) square feet;
 - B. All buildings, vehicular stacking space, vacuuming or other outside use area, except employee parking, shall be located no closer than one-hundred (100) feet from a residentially-zoned and/or -used property unless such property is separated from the vehicle wash use by a major or secondary thoroughfare;
 - C. Vehicular access drives shall be located no closer than two-hundred (200) feet from the intersection of any two (2) streets;
 - D. One traffic lane shall be provided as means of exiting the vehicle wash queue without having to enter the vehicle wash building;
 - F. All buildings shall be oriented such that bay doors and/or open bays face away from any public roads and/or residentially-zoned and/or -used property unless screened from such roads and/or property by a building;
 - G. Vacuuming and/or drying areas may be located outside the building but only within a rear yard;
 - H. All vehicles required to wait for access to the vehicle wash shall be provided space outside of any public right-of-way; and
 - I. All washing facilities shall be within a completely enclosed building.

2. Within the B-3 district, vehicle washes shall be permitted only on a zoning lot that is being actively used and occupied as a lawfully-conforming vehicle wash on the effective date of the ordinance adding this Subsection 34-4.40.2.

**CITY OF FARMINGTON HILLS
PLANNING COMMISSION MEETING
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
OCTOBER 17, 2024, 7:30 P.M.**

CALL MEETING TO ORDER

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

ROLL CALL

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

Commissioners Absent: Grant

Others Present: Planning and Community Development Director Kettler-Schmult, Staff Planner Canty, Planning Consultants Tangari and Upfal (Giffels Webster), Staff Engineer Alexander, City Attorney Schultz

APPROVAL OF THE AGENDA

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

Motion passed unanimously by voice vote.

PUBLIC HEARING

A. ZONING TEXT AMENDMENT 2, 2024

CHAPTER OF CODE: 34, Zoning Ordinance

PROPOSED AMENDMENT: Amend Zoning Ordinance to reclassify various principal permitted and special approval uses within the B-3, General Business District, and LI-1, Light Industrial District, and to add and remove various use standards

ACTION REQUESTED: Recommendation to City Council

SECTIONS: 34-3.1.25, 34-3.1.29, 34-4.28, 34-4.31, 34-4.35, 34-4.36, and 34-4.40

Purpose of the Amendment

Referencing City Planner Perdonik's October 11, 2024 memorandum, Planning Consultant Tangari introduced Zoning Text Amendment 2, 2024, which proposes changes to the B-3 General Business District and LI-1 Light Industrial District. The amendment reclassifies various uses, shifting some uses from principal permitted uses to special approval uses to better align with the city's development goals. Notable changes include:

- Drive-in restaurants, gasoline service stations, automobile repair facilities, veterinary hospitals, commercial kennels, and vehicle washes are all currently principal permitted uses in the B-3 District. This amendment changes these uses to special approval uses.
- In the B-3 District, gasoline service stations and vehicle washes will be limited to ongoing use and redevelopment of existing sites.
- B-3 and LI-1 Districts are amended to include cigar bars and lounges as a principal permitted use, as well as coin operated amusement devices, arcades, billiard parlors, and other similar indoor recreation uses. Currently these uses are special approval uses.

- Vehicle wash and indoor recreation facilities over 5,000 sf are currently special approval uses in the LI-1 District. These will become principal permitted uses.
- The text amendment will also amend certain standards associated with gasoline service stations in Section 428, automobile repair in Section 431, drive-in restaurants in Section 435, outdoor space for sale or rental of new or used motor vehicles, trailers, mobile homes, boats, recreation vehicles, and other similar uses in Section 436, and vehicle washes in Section 440.
- Regarding Section 436, it has been longstanding policy of the City to require that the display area of vehicle sale uses meet the front setback of the building; this is now explicitly stated.

Clarification on Non-Conforming Uses

Director of Planning and Community Development Kettler-Schmult explained that the ordinance includes new language, developed with the assistance of the City Attorney, to address the issue of non-conforming properties. The new language ensures that existing businesses, like gas stations and vehicle washes, will remain **legally conforming** despite the zoning text changes.

Public Hearing

Chair Trafelet opened the public hearing.

Sam Jaafer, Re/Max Leading Edge, spoke on behalf of local business owner Rawad Haddad, who has been working with the City to obtain approval for a used car dealership at 28975 Grand River. Mr. Haddad has spent over \$20,000 to comply with City requirements. He requested that the city consider the efforts his client has made to meet expectations, as the approval process has been adjourned twice.

As no other public indicated they wished to speak, Chair Trafelet closed the public hearing and brought the matter back to the Commission.

Commission Discussion

- **Seating Requirements for Drive-Throughs**
Commissioner Brickner asked why the Ordinance was requiring 8 seats or any seats at drive-through restaurants. Outdoor seating is only useful for a few months each year. Making outdoor seating mandatory could discourage businesses from developing drive-throughs. While he supports allowing outdoor seating, requiring it is too restrictive.

Director Kettler-Schmult explained that the seating requirement aligns with the city's Master Plan goals, which emphasize walkability and creating spaces where people can linger and enjoy the area. Additionally, several drive-through restaurants have provided outdoor seating of their own volition, without seeking city approval because the current standards for outdoor seating would be difficult to meet.

Planning Consultant Tangari added that without outdoor seating, a drive-through is purely car-focused, which conflicts with the City's vision. The purpose of the requirement is to promote a balance between car use and pedestrian-friendly spaces.

- **Clarification on Relaxed Outdoor Space Standards**
Commissioner Mantey asked for clarification regarding the reference to Section 34-4.32, which sets standards for outdoor seating. Planning Consultant Tangari explained that the proposed text amendment exempts drive-through seating areas from the requirements in this section, allowing businesses to use simpler setups, such as picnic tables. Commissioner Mantey noted that this requirement is not an undue burden and pointed out that existing businesses, like the A&W Restaurant on Grand River, successfully use picnic tables to provide outdoor seating. However, a single picnic table can usually sit 6 people comfortably; perhaps the requirement should be reduced to 6 outdoor seats.
- **Concerns About Flexibility and Providing a Waiver Option**
Commissioner Stimson suggested including waiver language in the amendment to give the Planning Commission the flexibility to waive the seating requirement in certain circumstances. He noted that some site layouts might not allow for outdoor seating without compromising safety or access. Director Kettler-Schmult confirmed that the Board of Appeals would need to handle requests for relief from this requirement unless waiver language is explicitly included in the ordinance.

Commissioner Countegan agreed with Commissioner Brickner that the language was too restrictive.

- **Non-Conforming Uses and Gasoline Stations**
In response to a question from Commissioner Ware, City Attorney Schultz provided further clarification on how existing uses would be classified under this text amendment. The amendment ensures that existing gas stations and vehicle washes in the B-3 District can continue operating as lawfully conforming uses as long as they exist at the time of ordinance adoption – that is, they would not become non-conforming. The proposed language allows these businesses to lawfully redevelop existing sites but prevents the establishment of new gas stations or vehicle washes in the District. This ensures that existing businesses can operate smoothly and retain access to commercial financing while the City modifies the ordinance to meet goals for future development.

MOTION by Stimson, support by Mantey, to recommend to the City Council that Zoning Text Amendment 2-2024, which proposes to amend the Farmington Hills Code of Ordinances, Chapter 34 Zoning, Article 3.0 Zoning Districts and Article 4.0 Use Standards, Sections 34-3.1.25, 34-3.1.29, 34-4.28, 34-4.31, 34-4.35, 34-4.36, and 34-4.40 to reclassify various principal permitted and special approval uses and to add and remove various use standards, be approved with the following changes:

- **Section 34-4.35, Item 1(c), shall reduce the required seating from eight seats to six**
- **Provide language to allow the Planning Commission the ability to waive this requirement.**

Motion discussion:

Commissioner Ware was concerned that adding a waiver option could encourage deviation from the ordinance, and conflict with the Master Plan goals. Commissioner Stimson explained that including the possibility of a waiver provided the Commission flexibility where unusual site constraints exist.

City Attorney Schultz added that before this amendment goes to City Council, the language regarding a waiver option will say that the Planning Commission can waive the requirement if certain conditions exist, and there will be limitations written in the language that make the waiver option not applicable if there is plenty of room for the seating.

Commissioner Countegan thought this text amendment represented an attempt to micromanage sites and peculiar situations that might be encountered. He felt the amendment was somewhat anti-Master Plan relative to the Plan's larger vision of providing flexibility and being open to different opportunities and proposals.

Roll Call Vote

Ayes – Stimson, Ware, Aspinall, Varga, Mantey, Trafelet

Nays – Brickner, Countegan

Motion passed 6-2.



OFFICE OF CITY MANAGER

TO: Mayor and City Council
FROM: Gary Mekjian, City Manager
DATE: October 28, 2024
RE: Options for Public Art Funding

A handwritten signature in blue ink, appearing to read "Gary Mekjian", is written over the "FROM:" line.

City Council identified public art funding at its January 2024 goal session and last discussed this item at its July 8, 2024, study session (city managers memo and minutes attached). The discussion tonight is intended to further discuss this topic by sharing additional information staff has gathered on this topic that includes feedback from local developers, leaders from other nearby local municipalities and our consultants on this topic.

Some key City Council comments from the July 8, 2024, meeting regarding funding include:

- Consensus on integrating public art as part of PUD agreements
- A concern that requiring developers to include public art as part of their development/redevelopment projects (outside of a PUD) would make Farmington Hills a less desirable place to do business.

Staff along with our planning consultants will be on hand to provide additional information. In addition, we have invited several real estate developers to participate in our discussion.



OFFICE OF CITY MANAGER

TO: Mayor and City Council
FROM: Gary Mekjian, City Manager
DATE: July 8, 2024
RE: Options for Public Art Funding

A handwritten signature in blue ink, appearing to read "Gary Mekjian", is written over the printed name in the "FROM:" field.

City Council identified the referenced during its January 2024 goal session. This memo is an effort to provide City Council with some background on how other communities fund, define, select, place, and decommission public art.

I am attaching information from the Cities of Southfield, Marquette, and East Lansing. I've also communicated with the City of Sterling Heights on its program as well. Below is a quick summary of my findings:

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

While this may not be an exhaustive list of funding options for public art, this memo represents an effort to provide some initial background materials to City Council on this topic.

Based on this information, I am respectfully requesting input and guidance from City Council on the approach it would like to pursue from a funding perspective. Once direction is provided, staff along with the City Attorney can continue their ongoing efforts to research and provide further detailed information to be provided at a future study session.

footcandle along property lines. Light intensity shall not exceed a maximum of 10 footcandles in any given area.

- (d) City Council, at its sole discretion, may allow for an increased level of lighting above maximum permissible levels when it can be demonstrated that such lighting is necessary for safety and security purposes.
 - (e) All lighting potentially visible from an adjacent street, except pedestrian-oriented bollard lighting less than 42 inches, shall be indirect or shall incorporate a full cut-off shield-type fixture. No light slipover shall occur outside of the property boundaries.
 - (f) Lighting fixtures shall not exceed a height of 20 feet. In portions of a site adjacent to residential areas, lighting fixtures shall not exceed a height of 15 feet.
- (2) Light and glare from indirect sources are subject to the following:
- (a) Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner so as not to be seen from any point beyond the property line, and so as not to create a public nuisance or hazard along lot lines.
 - (b) The design and/or screening of the development shall insure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, particularly residential property.
 - (c) Exterior doors shall be located, operated, and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians, and adjacent properties.

5.22-5 Public Art Requirement (Amended – Ordinance 1657 – 4/3/16)

Unless the project is exempt from this requirement pursuant to Sec. 5.22-5 (4) of this section, the site shall be designed and developed to contain public art as defined by Sec 1.180(a) of Chapter 4, Article VI, Title I of the City Code and in accordance with the following:

- (1) A budget for the public art required by this section shall be established based on the allocation of 0.5% of the total project cost up to \$12,500 for projects between \$1.0 million and \$2.5 million dollars, and 1% of the total project cost up to \$25,000 for projects in excess of \$2.5 million dollars, to be committed to the procurement and display of public art on the site.
- (2) The public art shall be a work of art as defined by Sec 1.180 of Chapter 4, Article VI, Title I of the City Code and shall be approved by the City's Public Art Commission in accordance with the definition of public art and the standards set forth in Sec 1.180(a) of Chapter 4, Article VI, Title I of the City Code and the City Council prior to site plan approval. The approval by the Public Art Commission and City Council shall not be unreasonably withheld.
- (3) The total allocation as established pursuant to Sec. 5.22-5 (1) shall be held in the name of the City to be held in the Public Art Fund trust account pursuant to Sec 1.180(b)(7) of Chapter 4, Article VI, Title I. Maintenance shall be the responsibility of the owner of the property in addition to the allocation established by Sec. 5.22-5 (1). Failure to install the public art as required by this subparagraph and in accordance with the approved site plan shall result

in denial of a certificate of occupancy. In instances where, due to circumstances beyond the reasonable control of the property owner which impedes timely installment of the work of art, such as weather, delay in fabrication or delivery of the work of art, etc., a cash bond in an amount equal to the public art allocation requirement as set forth in Subsection (1) hereof (the “Public Art Bond”) may be deposited with the City Clerk to insure compliance with this section. In the event the work of art is not fully installed within the period of time as established by the City Planner, the Public Art Bond shall be forfeited to the City and the proceeds thereof shall be deposited in the Public Art Fund established pursuant to Subsection 1.180(b)(7) of Chapter 4, Article VI of Title 1 of the City Code. Failure to properly maintain the public art in accordance with the approved site plan is a violation of the zoning code and subject to enforcement pursuant to the provisions of Sec. 5.206 of this Chapter. Prior to any enforcement action a violation notice shall be sent to the responsible party. A failure to cure the violation within 30 days shall constitute a violation and each day thereafter that the violation remains uncured shall constitute a separate offense. (Amended – Ordinance 1693 – 6/14/18)

- (4) The following projects are exempt from the public art requirements of this section:
- (a) Projects where the application of this requirement would constitute a governmental taking or otherwise be contrary to law, as determined by the Director of Planning, under the particular facts and circumstances of that case as explained in detail by the applicant. The Director of Planning may request additional information from the applicant if insufficient information is provided with the site plan to make a determination. The applicant has all appeal rights as would otherwise be applicable to any determination by the Director of Planning.
 - (b) Projects where the total project cost is less than \$1 million dollars.
 - (c) Residential projects containing fewer than 4 residential units.
 - (d) Projects where, upon issuance of the building permit, the applicant donates an amount equivalent to the amount required in Sec. 5.22-5 (1) of this paragraph to the public art fund as established pursuant to Sec 1.180(b)(7) of Chapter 4, Article VI, Title I of the City Code or donates a “work of art” to the fund that is approved by the Public Art Commission and is of equal value to the requirements established in Sec. 5.22-5 (1) of this Section.
 - (e) Projects that are renovations of existing buildings where the total project cost is less than \$1.0 million.
- (5) A developer may choose to partially exempt a project from the public art requirement of this section to the extent the developer chooses to donate funds or works of art less than the amount established pursuant to Sec. 5.22-

5(1) of this Section in which case the budget required for public art shall be reduced by a corresponding amount.

- (6) Public art approved per the requirements and procedures of this section, and per site plan review by the person, commission, or council having jurisdiction, shall be permitted in required front setbacks. The final location, installation, footings, etc. are subject to review and approval by the City Planner and Building Official. (Amended – Ordinance 1776 – 10/26/23)

5.22-6 STORMWATER MANAGEMENT AND WATER QUALITY (RESERVED) (Amended – Ordinance 1678 – 7/6/17)

5.22-7 Medical Marihuana Facilities (Amended – Ordinance 1709 – 10/3/19)

The purpose of this Section is to exercise the police, regulatory, and land use powers of the City of Southfield by licensing and regulating medical marihuana provisioning centers, medical marihuana grow facilities, medical marihuana safety compliance facilities, medical marihuana secure transporters, and medical marihuana processing facilities to the extent permissible under State and Federal laws and regulations and to protect the public health, safety, and welfare of the residents of Southfield; and as such this section constitutes a public purpose.

The City of Southfield finds that the activities described in this section are significantly connected to the public health, safety, and welfare of its citizens and it is therefore necessary to regulate and enforce safety, security, fire, police, health and sanitation practices related to such activities and also to provide a method to defray administrative costs incurred by such regulation and enforcement.

The City of Southfield further finds and declares that economic development, including job creation and training, and the protection of the health, safety, and welfare of Southfield Neighborhoods and residents are public purposes.

Except as may be required or permitted by law or regulation, it is not the intent of this Section to diminish, abrogate, or restrict the protections for medical use of marihuana found in the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, or Article 19 Section 5.179 of the Zoning Ordinance.

The following uses may be Permitted by Right or Permitted Subject to Special Use Approval upon the review and approval of the City Council after a recommendation from the Planning Commission. The use or uses shall only be approved when the following conditions have been satisfied and all licensing provisions in Chapter 70 have been met. This section promotes and protects the public health, safety and welfare and mitigates potential deleterious impacts to surrounding properties and persons and conforms with the policies and requirements of the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law 1 (MMMA), MCL 333.26421, et seq. (hereinafter “MMMA”), as amended, the Medical Marihuana Facilities Licensing Act (MMFLA), MCL 333.2701 (hereinafter MMFLA) and the Marihuana Tracking Act (MTA), MCL 333.27901 (hereinafter MTA). A use which purports to have engaged in the medical use of marihuana either prior to enactment of said Acts, or after enactment of said Acts but without being legally registered by the Department, shall be deemed to not be a legally established use, and therefore not entitled to legal

CITY OF MARQUETTE, MICHIGAN

CITY COMMISSION POLICY

Policy Number: 2017-01	Revision Date:
Date Adopted: September 25, 2017	Effective Date: Fiscal Year 2018 (10/1/2017)
Department: City of Marquette Arts & Culture	

SUBJECT: MARQUETTE PUBLIC ART POLICY

AUTHORITY: City of Marquette Arts and Culture Master Plan, adopted July 2014 by the Marquette City Commission

PURPOSE: The City recognizes that the inclusion of art in appropriate capital improvement projects in the City will promote its cultural heritage and artistic development, enhance the City’s character and identity, contribute to economic development and tourism, add warmth, dignity, beauty and accessibility to spaces accessible to the public, and expand the experience and participation of citizens with the arts. A policy is therefore established to create a Public Art Commission and make funding available to support the inclusion of works of art in public spaces in the City.

POLICY:

I. Definitions

- A. “Public art” means both temporary and permanent works of art created, purchased, produced or otherwise acquired for display on or in public spaces or facilities. Public art means the product of a skilled artist (or group of artists) and includes, but is not limited to, material aesthetic enhancement of a building or landscape, paintings, sculpture, engravings, murals, mobiles, photographs, drawings, performance art, works in video and sound, and works in fiber.
- B. “Material aesthetic enhancement” means the skilled application of artistic elements to the publicly visible features of a public project or a capital improvement project, which may include the placement of works of art or design elements, or specially designed plazas, atriums, or other spaces open to the public.
- C. “Enhanced project” means a capital improvement project that includes public art.
- D. “Capital improvement project” (CIP) means any capital project paid for wholly or in part by the City or the City Downtown Development Authority (DDA) for the construction or substantial renovation of any building, facility or open space (such as a boulevard or streetscaping project) to which the public is generally invited.
 - 1. For purposes of this definition, a “substantial renovation project” is one that has been included in the City’s capital improvement program. A renovation project is “substantial” if it affects twenty-five percent (25%) or more of the square footage of the building, facility, or open space under renovation.

2. The following capital improvement projects are “exempt” from being an Enhanced Project under this Policy:
 - i. Water, stormwater or wastewater facilities, except for office buildings.
 - ii. Maintenance projects.
3. The exemptions set forth in this subsection do not preclude funding for public art from being included in an exempt CIP. City departments are encouraged, but not required, to include public art in exempt CIPs.

II. Marquette Public Art Commission

- A. The oversight body empowered to carry out this policy will be the Marquette Public Art Commission, hereinafter known as “MPAC”.
- B. Membership, Appointment, and Terms.
 1. MPAC will be made up of seven (7) regular members and one (1) ex officio member chosen from City staff. Regular members will be appointed by the City Commission and will include at least four (4) members who are art professionals (artist, performing artist, architect, landscape architect, curator, arts writer, arts educator, arts administrator or individual with a college level degree in an art field). All members will meet the residency requirements set forth in the City Charter.
 2. MPAC members will serve three (3) year terms and the membership terms will be staggered. To achieve staggered appointments, the initial appointments to MPAC will have two (2) members appointed to one (1) year terms, three (3) members appointed to two (2) year terms and two (2) members appointed to three (3) year terms.
 3. Members of MPAC will be subject to the same term limits and ethical requirements as other boards in the City.
 4. Members of MPAC are volunteers and will serve without compensation or reimbursement for personal expenses, unless specifically approved by the City Commission.
- C. Officers. There will be a Chair and Vice-Chair of the Commission. MPAC will elect all officers from its membership for a term of one (1) year and will determine responsibilities of the officers.
- D. Meetings. MPAC will hold regularly scheduled meetings, and will determine the frequency, time and location of meetings. All meetings will be conducted in accordance with the Michigan Open Meetings Act.
- E. Duties. MPAC will:
 1. Make recommendations regarding disbursement of public art funds to acquire, produce, install, maintain, alter, relocate or remove public art;
 2. Develop guidelines, with input from the public, to implement the provisions of this policy, including procedures for soliciting and selecting public art and for determining suitable locations for public art;
 3. Work with City staff to conduct an initial and ongoing inventory, map and document existing public art and public art under construction in the City, and make the information publically available;
 4. Work with City staff to identify upcoming City capital improvement projects and the type and amount of public art that may be appropriate for such projects;
 5. Consult with donors of art works to the City on behalf of the City;
 6. Promote inclusion of art by private developers in spaces open to or visible to the public on private property in the City;

7. Foster public/private partnerships to support public art;
8. Promote awareness and understanding of public art;
9. Provide advice to and assist potential donors of art and private developers regarding possible public locations for placement of art when such art cannot be placed on City property or incorporated into a capital project of the City; and
10. Perform any related duty delegated by City Commission.

III. Funding

A. Public Art Fund.

1. A Public Art Fund (“PAF”) is established by the City as a separate, special revenue fund into which public art funding is deposited, transferred and used for the acquisition, commissioning, performance, exhibition and cleaning, repair, and restoration of public art as recommended by MPAC and approved by the City Commission.
2. PAF funds may be used for the following purposes:
 - i. Artist fees and artist travel related to the training, education and performance of art open to the general public.
 - ii. Artist fees and artist travel and expenses that are related to the City’s commission or purchase of public art.
 - iii. Purchase of equipment to be used in performing art.
 - iv. Leasing of equipment and space for education, practice and performance.
 - v. Fabrication, storage, and installation of a commissioned work of public art.
 - vi. Acquisition of existing works of public art.
 - vii. Decorative, ornamental or functional elements that are designed by an artist selected specifically for the project and through the processes established by MPAC.
 - viii. Fees associated with the lease of works of public art for temporary display.
 - ix. Required permits and insurance during the fabrication and installation of the public art per contract.
 - x. Project consultants and contracted services.
 - xi. Curatorial services.
 - xii. Public art planning services.
 - xiii. Documentation and interpretive plaques.
 - xiv. Publicity for public art projects.
 - xv. Education and outreach regarding public art.
 - xvi. Conservation and maintenance of works in the City of Marquette public art collection.
 - xvii. Such other and further expenditures deemed appropriate by MPAC.
3. PAF funds may not be used for:
 - i. Mass produced work, with the exception of limited editions controlled by the artist.
 - ii. Professional graphics, unless designed or executed by an artist or used in the development of collateral material for education or publicity for public art.
4. Authorization of PAF Expenditures. The Chair of the MPAC or designee and the City Manager or designee will be jointly required to authorize expenditures of PAF funds pursuant to decisions of the MPAC and in accordance with the City’s ordinances and purchasing policies.

5. PAF Annual Report. Each year MPAC, with the assistance of City staff, will prepare an annual report to be presented to the City Commission which provides for a detailed accounting of all PAF monies spent and/or earmarked for public art expenditures.
- B. City Funding Commitment.
1. Capital improvement projects (“CIP”s) initiated after the effective date of this Policy, unless designated “exempt” under this Policy, are eligible for designation as an Enhanced Project.
 2. Each fiscal year the City Commission will appropriate from the City’s General Fund to the Public Art Fund (PAF) the amount of \$30,000.00, which will be adjusted each year by the State property tax inflation rate multiplier then in effect, or 5%, whichever is less. The funds will be appropriated beginning with fiscal year 2018. The appropriated funds will be designated by the MPAC as follows:
 - i. To a proposed CIP for purposes of making it an Enhanced Project; or
 - ii. To the PAF to be accumulated and expended for public art at a site other than a CIP, as determined by the MPAC; or
 - iii. To install public art or make a material aesthetic enhancement to any City site.
 3. At least annually and in advance of the City budgeting process, City staff will provide MPAC a written report of short-term and long-term CIPs undertaken by the City. MPAC and City staff will work together to identify each CIP that the MPAC will designate as an Enhanced Project.
 4. MPAC will provide input to the public art component of a CIP that is designated an Enhanced Project early in the planning of the project. Such input will include:
 - i. Selection of the artist before or during the architectural design phase for the purpose of integrating the public art component into the total design of the CIP.
 - ii. Inclusion of the public art component of the CIP in any relevant RFQs, RFPs, or contracts for design of the Enhanced Project.
 5. MPAC and City staff will make reasonable efforts to plan MPAC’s input to the Enhanced Project in a manner that enables the completed design of the public art elements to be presented to the City Commission prior to the Commission’s consideration of any contract to construct or produce the Enhanced Project or public art elements.
 6. No public art from public funding may be placed on private property.
- C. Private Funding for Public Art. MPAC may form a nonprofit corporation for the purpose of accepting monetary gifts, grants, donations, or awards for public art and may work with nonprofit or other organizations to raise funds for public art. These funds will have the same purposes and uses as PAF funds, as described in this Policy.

IV. Private Developer-Initiated Art on Private Property Open to the Public

- A. The City departments will amend land use applications to identify a point of contact for the MPAC who will discuss incorporating art into the spaces of the private development that are open to the public. Applicants will be encouraged, but not required, to devote one percent (1%) of the cost of new non-City-initiated construction or redevelopment projects to the placement of art in the privately developed space.
- B. The City may develop other incentives to encourage private developers to include public art in their projects to further the intent of this Policy.

V. Ownership and Maintenance of Public Art

- A. No work of art will be considered for construction or acquisition under this chapter without an estimate of, and plan to pay for, future maintenance costs.
- B. Routine maintenance of public art will be provided by the City service area responsible for maintenance of the facility or space where the art is located. "Routine maintenance" means periodic cleaning, regular mechanical maintenance, operational costs, and other necessary upkeep resulting from normal use. Funds for extraordinary maintenance or refurbishment, including structural reconstruction, will be drawn from the PAF or such other funds as the City Commission may appropriate. No extraordinary maintenance, repair, relocation or alteration of public art will be undertaken without prior recommendation by or consultation with MPAC.
- C. All permanent art acquired pursuant to this policy will be the sole property of the City unless an alternative arrangement is recommended by MPAC and approved by the City Commission.
- D. All temporary art will remain the property of that person or those persons who have created the art or offered it for display.

VI. Deaccessioning of Public Art

Deaccessioning of public art will be considered only after a careful and impartial evaluation of the artwork within the context of the collection as a whole. At the beginning of the process, MPAC will make a reasonable effort to notify any living artist whose work is being considered for deaccessioning. MPAC may consider the deaccession of artwork for one or more of the following reasons in the event that it cannot be re-sited:

- A. The artwork has been damaged or has deteriorated and repair is impractical or unfeasible.
- B. The artwork endangers public safety.
- C. In the case of site-specific artwork, the artwork is destroyed by severely altering its relationship to the site.
- D. The artwork requires excessive maintenance or has faults of design or workmanship.

Introduced: 08/06/14
Public Hearing: 10/07/14
Adopted: 10/07/14
Effective: 10/15/14

CITY OF EAST LANSING

ORDINANCE NO. 1339

AN ORDINANCE TO AMEND SECTIONS 2-311, 2-312 AND 2-313 OF ARTICLE V AND TO ADD SECTION 2-313a TO ARTICLE V - BOARDS AND COMMISSIONS - OF CHAPTER 2 - ADMINISTRATION AND SECTIONS 50-37 AND 50-38 OF ARTICLE II - ADMINISTRATION AND ENFORCEMENT - OF CHAPTER 50 - ZONING - OF THE CODE OF THE CITY OF EAST LANSING TO ESTABLISH A PUBLIC ART REQUIREMENT FOR FUTURE DEVELOPMENTS AND PROVIDE EXCEPTIONS THERETO.

WHEREAS, the City of East Lansing is committed to providing and promoting public art for the general health and welfare of its citizens and the community in general; and

WHEREAS, the State of Michigan has recognized, through the enactment of The Faxon-McNamee Art in Public Places Act (MCL 18.71 et seq.), the importance of promoting art in government spaces and facilities; and

WHEREAS, the City Council has determined that promoting art in private developments, especially those in which government incentives are used to assist the development, is equally important to the general health and welfare of its citizens; and

WHEREAS, the City Council has determined that the creation of additional public art will improve the aesthetic quality of public spaces and structures, provide cultural and recreational opportunities, contribute to the local heritage, stimulate economic activity and promote the general welfare of the community.

THE CITY OF EAST LANSING ORDAINS:

Sections 2-311, 2-312 and 2-313 of Article V - Boards And Commissions - of Chapter 2 - Administration and Sections 50-37 and 50-38 of Article II - Administration and Enforcement - of Chapter 50 - Zoning - of the Code of the City of East Lansing are hereby amended, and Section 2-313a is hereby added to Article V of Chapter 2, to read as follows:

Sec. 2-311. Duties.

(a) It shall be the duty of the arts commission to advise the city council on matters pertaining to arts programs within the city. These duties shall also include the review of requests for support, monetary or otherwise, submitted to the city; advise on the priority of such requests; develop and/or sponsor activities in performing arts and crafts, and visual arts.

(b) The arts commission shall also be responsible for promoting arts in the community, to include, but not be limited to, dissemination of knowledge with regard to the arts, recognizing local artists and their work when appropriate, and cooperation with metropolitan agencies also dealing in the arts.

(c) The commission shall be responsible for implementing a public art program so as to provide for the acquisition, placement, and display of works of art within the city. The public art program shall be administered subject to the approval of the city council.

(d) The commission shall be responsible for reviewing the proposed public art accompanying a developer's site plan application for compliance with the requirements and review standards of Sec. 50-38(6) of the City Code and making a recommendation to the City Council as to whether or not the proposed public art is in compliance. If the Commission determines the proposed public art is not in compliance, it shall advise the developer and City Council of the reason it is not in compliance and what steps may be taken to have the proposed public art comply with the applicable requirements and standards.

(e) The commission shall be responsible for reviewing a proposed "donated work of art" proposed to be donated to comply with the exception requirement of Sec. 50-38(6)-d.-4 of the City Code and making a recommendation to the City Council as to whether or not the proposed public art is in compliance with the review standards. If the Commission determines the proposed public art is not in compliance, it shall advise the developer and City Council of the reason it is not in compliance and what steps may be taken to have the proposed donated public art comply with the applicable requirements and standards.

Sec. 2-312. Public art fund established.

(a) *Public funding.* There is further hereby established a "Public Art Fund" to which shall be appropriated each year by the city council an amount equal to one percent of the-cost to the City's general fund of all public facilities or city capital improvement projects unless public art is not legally permissible due to the constraints imposed by the funding mechanism. The funds shall be appropriated the fiscal year following the fiscal year in which the public facilities or city capital improvement project is completed. The process of funding under this provision shall begin in the fiscal year 2015. All such funds as are appropriated to the public art fund may be accumulated and expended for such public art, from time to time, as hereinafter provided. No public art from public funding may be placed on private property.

(b) *Private funding of public art.* All funds placed into the Public Art Fund through private donations or donations creating an exemption to the public art requirement of Sec. 50-38(6) of the City Code shall be expended for public art as hereafter provided.

Sec. 2-313. Definitions.

The following definitions will apply in the interpretation and administration of the public art program and fund.

Architect means the person or firm (architect, landscape architect, interior designer, other design professional, or city staff member) who may be designing construction projects.

Artist means a practitioner in the visual arts, generally recognized by critics and his/her peers as professional, who produces work as described in the definition of "works of art" in this section.

Arts commission means the East Lansing Arts Commission.

Capital project means that portion of any project paid from any of the capital improvement funds by the City of East Lansing used to construct or remodel any building, structure, park, street, sidewalk, parking facility, or utility, or any portion thereof, including permanent fixtures to any building owned, operated, and maintained by the city.

City means the City of East Lansing.

Contracting agency means the City of East Lansing.

Public art means works of art purchased through the public art fund or through the public art requirement of Sec. 50-38(6) of the City Code that are located in highly visible public areas or private property areas that are highly visible from public areas. These are:

- (1) Outdoor areas on public property or outdoor areas on private property that are highly visible from public areas.
- (2) Interior areas that are highly traveled public areas in public or private buildings. Specifically excluded are interior areas not accessible to the general public (e.g., offices, work stations, cafeterias).
- (3) Interior and exterior wall surfaces on or in public or private buildings when the work of art is attached to the wall surface, such as a mosaic or mural and the wall surface is visible from an area that is highly traveled by the public.

Public art fund means those monies appropriated by city council pursuant to this division, plus any other funds received by the city specifically designated to be used for the purchase of public art.

Total project cost means the total value of the project as determined by the building official as indicated on the building permit that is issued by the City for that project.

Works of art means all forms of original creations of visual art, including, but not limited to:

- (1) Sculpture: In the round, bas relief, high relief, mobile, fountain, kinetic, electronic, etc., in any material or combination of materials.
- (2) Painting: All media, including portable and permanently affixed works, such as murals and frescoes.
- (3) Mosaics.
- (4) Mixed media: Any combination of forms or media including collage.
- (5) Performing arts.
- (6) Digital art.
- (7) Architecture meeting the criteria of 2-313a.

Sec. 2-313a. Criteria for approving architecture as art.

The following criteria shall be used to determine, on a case-by-case basis, whether architecture can be considered art for purposes of fulfilling the city's public art requirement.

- (a) The architect shall be substantially recognized by the art world in shows, museums, and/or publications.
- (b) When reviewing architecture as art, the underlying concept of the architecture shall be expressive as more than mere utilitarian architecture. The architecture as a whole, or certain architectural features, shall express ideas or meaning and have cultural significance or conceptual complexity in relation to the totality of the object.
- (c) In the alternative, architecture can be considered art if it is created as a collaborative effort with an artist, the artist does a majority of the work, the artist has major design control of the portions of the architecture to be considered art, and the artist has been brought in early in the process. The artist shall have experience and knowledge of monumental scale sculpture.
- (d) The architecture must meet the definition of public art on private property as defined in Sec. 2-313 of this code.
- (e) The architecture must be approved by the Arts Commission pursuant to the following additional procedures and standards.

- (1) A developer must make two presentations to the Arts Commission. The first presentation shall be made prior to the development application being deemed complete. The developer must submit a maquette and other materials which satisfactorily illustrate the proposed conceptual development. The developer and architect must submit a conceptual statement expressing why the architecture should be considered art, including an explanation of the ideas, meaning, cultural significance or conceptual complexity expressed in the architecture. The second presentation shall be made at the completion of the city approval process. The developer must then submit a maquette and other materials which satisfactorily illustrate the to-be-built development.
- (2) If a development application was received prior to the adoption of this section, the above requirements for the timing of a developer's presentations to the Arts Commission shall not apply, provided the first presentation is made at the Planning Commission meeting at which the project's approval is considered.
- (3) The developer and architect shall demonstrate that there will be high quality materials and craftsmanship used in the execution of the construction.
- (4) The architectural work, in the judgment of the Arts Commission shall be of extremely high artistic merit and would make a substantial cultural contribution to the city.
- (5) The incremental cost of the architectural work, including additional payments to the architect or artist, and the incremental costs of installation must be equal to or exceed the total budget for public art allocation as specified in Sec. 50-38(6)-a of this Code.

Sec. 2-314. Inclusions and exclusions relative to expenditures for works of art.

(a) Inclusions. The portion of the public art fund reserved for works of art may be expended for the following:

- (1) The cost of the work of art and its installation.
- (2) Identification plaques and labels.
- (3) Waterworks, electrical and mechanical devices and equipment which are an integral part of the work of art.

- (4) Frames, mats, and simple pedestals necessary for the proper presentation of the works of art.
- (5) Maintenance and repair of the public art works.
- (6) Fees to artists for the execution of final proposals for the arts commission to select from.
- (7) Honoraria for art selection panel members and reimbursement for travel and lodging expenses which are approved in advance by the city manager.
- (8) Exhibitions, marketing and educational programs at a cost not to exceed five percent of the appropriation reserved for the work of art.
- (9) For the support of artistic festivals at a cost not to exceed five percent of the appropriation reserved for the work of art.
- (10) Administrative expenses at a cost not to exceed fifteen percent of the appropriation reserved for the work of art.

(b) Exclusions. The portion of the public art fund reserved for works of art may not be expended for the following:

- (1) Reproductions by mechanical or other means of original works of art, however, limited editions controlled by the artist may be included.
- (2) Art objects which are mass produced or of standard designs, such as playground sculpture or fountains.
- (3) Exhibitions, marketing and educational programs beyond that allowed in subparagraph (a)(8) of this section.

Sec. 50-37. Application materials for site plan approval.

The planning and zoning official shall determine the format(s) and number of copies of the application materials necessary to facilitate review by other departments and agencies, presentation at public meetings, inclusion in printed reports and incorporation into public records. The application shall include sufficient information and detail to determine if the proposed development meets applicable standards of review under this chapter. The information shall be prepared by persons with applicable competencies so that the city may rely on its accuracy and feasibility. The application shall typically include the following drawings and information, as may be relevant to the nature of the application and the city's review requirements:

- (1) A site plan, as defined in section 50-9 of this chapter, showing the proposed size and location of buildings, parking and access facilities, free-

standing signs and other improvements to be constructed or installed on the site, and the proposed use and treatment of other areas on the site. The site plan shall be clearly dimensioned to show the setbacks of buildings and parking areas, the separation between buildings and parking areas, the height of buildings, the width of roadways and driveways, the size of parking spaces, and other elements of the site plan as necessary to ensure the site plan complies with the applicable dimensional standards of this chapter.

(2) An existing topographic survey and boundary description of the site, drawn at the same scale as the site plan, showing the following existing conditions:

a. Exact dimensions and size of the site and any easements, rights-of-way or other physical encumbrances on the site;

b. Location, size, and composition of all existing buildings, paved areas and other improvements;

c. Existing ground contours at two-foot intervals or less, indicating the direction of surface drainage flow, and the type of surface soils present;

d. Location and species of all existing individual trees which have a diameter (d.b.h.) of four inches or more, or where significant clusters of trees and shrubs are present, the location and general composition of such clusters, and an indication of which individual trees or tree clusters will be removed or retained;

e. Location and boundaries of water bodies, including, but not limited to rivers, streams, lakes, ponds, marshes, city or county drains and manmade surface drainageways;

f. Where wetland of any size may be present, as indicated on the city's wetland inventory map, a report prepared by a qualified wetland consultant which verifies the presence of any wetland, establishes the boundary of any wetland, describes the character and quality of any wetland, and indicates if any wetland may be regulated by the state or protected by chapter 49 of the City Code; except, this requirement may be waived by the city engineer where it is clearly evident that the proposed site changes would not disturb any wetland on the property;

g. The boundary and elevation of areas of special flood hazard and floodways, as defined in chapter 18 of the City Code;

h. Location and size of all existing utility lines, manholes,

catch basins, and fire hydrants on or near the site which may be used to serve the site;

i. Delineation of areas on the site which are known or suspected to be environmentally contaminated, together with a report on the status of cleanup or closure.

(3) A proposed landscape plan which, at a minimum, conforms to the requirements of subsection 50-816(8) and section 50-817 of this chapter, drawn at the same scale as the site plan or larger, showing: the location and size of areas to be landscaped; the type, size and placement of plant materials to be installed; the type, size and location of existing trees and significant clusters of trees or shrubs to be preserved; the location and height of proposed earth berms; and the size and design of fences or other screens to be erected. For clarity, detailed plans drawn at a larger scale than the site plan may be submitted to show the typical design and treatment of similar landscaped areas and fencing.

(4) Proposed preliminary engineering plans, drawn at the same scale as the site plan or larger, showing the following proposed conditions:

a. Ground contours at two-foot intervals or less, indicating the direction of surface drainage flow;

b. Ground and floor elevations of buildings and other site improvements drawn to two decimal places;

c. Location, dimensions and composition of roadways, driveways, curb cuts, parking and access facilities, curbing and sidewalks;

d. Location and size of public utility connections, fixtures and easements;

e. Stormwater management plan including the design of sewers, outlets, and retention or detention ponds, with sufficient data regarding site runoff estimates and off-site drainage patterns to permit review of the feasibility and permanence of drainage detention and/or retention as well as the impact on local surface and groundwater;

f. Location and delineation of any wetland that would be disturbed and the location, existing character and proposed treatment of any proposed mitigation sites;

g. Location and screening of exterior trash storage facilities;

h. Type, height and placement of exterior light fixtures, including fixtures mounted on poles and on buildings;

i. Location and status of any floor drains in existing or proposed structures on the site, indicating the point of discharge for all drains and pipes;

j. Location of any on-site wastewater collection, treatment and disposal system;

k. Location of existing and proposed public and private drinking water wells, monitoring wells, irrigation wells, test wells or wells used for industrial processes;

l. Inventory of hazardous substances to be stored, used or generated on-site, in a format acceptable to the local fire marshal (including CAS numbers);

m. Descriptions of type of operations proposed for the property with drawings showing size, location, and description of any proposed interior or exterior areas for storing, using, loading or unloading hazardous substances, hazardous wastes, and/or polluting materials;

n. Description and location for any existing or proposed aboveground and belowground storage facilities;

o. Completed environmental permits checklist on the form provided by the planning and zoning official.

(5) A traffic impact study if so required under the provisions of division 4 of this article.

(6) Proposed preliminary building plans, drawn at an accurate scale, including:

a. Interior floor plans showing the arrangement and use of rooms for each floor, maximum occupancy and seating plans where applicable;

b. Building elevations showing the size, height, architectural style, and exterior materials to be used, and areas intended to be used for wall-mounted signage.

(7) A descriptive text which addresses the following items:

a. The design principles followed in preparing the plans and how the plans address the objectives and criteria specified in section 50-38;

b. The type of occupants anticipated and the market the

project is intended to serve; for nonresidential uses, the intended hours of operation and the expected number of employees; for residential uses, the expected occupancy, the period of leases, and the approximate range of sale prices or rental rates of the proposed dwelling units;

c. The land use statistics reflected in the proposed plans as measured against the required conditions in the applicable zoning district;

d. A rationale for any variances from the requirements of this chapter which may be requested as part of the application.

e. The proposed construction schedule and staging of the development.

(8) Proposed plans showing compliance with the requirements of the public art requirement of Sec. 50-38(6) of the City Code or a detailed narrative of the basis for an exemption from the requirement pursuant to Sec. 50-38(6)-d.

Sec. 50-38. Standards of review for site plan approval.

A site plan application shall meet the development standards of the use district in which it is to be located and all other required conditions for development in this chapter, comply with other applicable local ordinances and state and federal statutes, and be consistent with the objectives of the comprehensive plan as approved and amended by the city. A site plan application shall also substantially comply with the standards of review specified below. A site plan may be approved subject to certain conditions or modifications necessary to bring the plan into conformance with these requirements, including the approval of any variance that may be granted by the zoning board of appeals.

(1) *General site conditions.* The site shall be designed and developed to provide a logical relationship between functional elements, to effectively serve the purposes for which it is to be developed, and to be reasonably compatible with surrounding properties.

a. The size, height, design and architectural treatment of buildings shall be reasonably compatible with surrounding properties; except, if the site is in an area which is expected to redevelop in accordance with the provisions of the comprehensive plan, the size, height, design and architectural treatment of buildings shall be consistent with the objectives in the comprehensive plan.

b. Buildings, including windows, balconies and other openings, shall be located and designed to provide reasonable privacy for residents and employees on the site and those adjacent to the site; buffers such as walls, fencing, landscape plantings or additional setbacks may be required to protect residents and employees from adverse impacts from

adjacent uses or streets.

c. Yard areas on the site shall be arranged and improved to provide adequate light and ventilation; separation between buildings, roads and other activity areas; trees and other vegetation; passive and active recreational areas; and to improve the appearance of the property, ensure reasonable privacy and enjoyment for residents and employees and promote the public health, safety and welfare.

d. Outdoor activity areas, such as pools, playgrounds, courts, cooking or dining facilities, shall be located and screened sufficiently to minimize impacts on adjacent properties or dwelling units on the site and to provide appropriate security.

(2) *Natural features.* The site shall be designed and developed to minimize the disruption or loss of its desirable natural elements and to enhance its overall appearance by incorporating those elements into required open spaces and setbacks.

a. The design and placement of buildings, other site improvements and open space shall respect the natural topography of the site to minimize the extent of site grading, excavation and filling.

b. Mature trees and significant clusters of trees and shrubs shall be retained where possible to provide shade for buildings and over parking areas and driveways, to maintain privacy between adjacent properties and to enhance the appearance of the site.

c. Within a regulated wetland, no filling, grading, dredging, excavating, draining or construction shall be permitted unless the required permit is first obtained from the Michigan Department of Environmental Quality and/or the city in accordance with chapter 49 of the City Code. Existing wetland areas not regulated by the state or the city and surface drainageways shall be preserved to the maximum practicable extent to maintain stormwater control, water quality, natural habitat and open space.

d. Buildings and other site improvements shall be set back an appropriate distance from the perimeter of preserved natural features to protect them from encroachment, damage, degradation or pollution, both during and after construction, to preserve the aesthetic and functional values of the resources and to provide access to use and maintain the site improvements. All construction activities within the drip line of existing trees shall be minimized to avoid damage to their root systems. Buildings and other site improvements shall be set back from the edge of a wetland or other surface water feature the following minimum distances:

Setbacks from preserved wetlands and other surface water features:	Minimum distance:
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- Principal buildings25 feet
- Accessory buildings and site features supported by frost footings15 feet
- Decks, stairways and other features supported by post footings10 feet
- Parking areas, driveways and curbing15 feet
- Sidewalks, patios and other flatwork10 feet
- Stormwater collection, detention or retention facilities10 feet

A vegetation strip at least ten feet wide consisting of plant species that are consistent with a wetland habitat shall be provided and maintained around the perimeter of a preserved wetland or surface water feature. Existing trees, shrubs and ground cover may be preserved within this strip or appropriate trees, shrubs and other perennial species native to a Michigan wetland habitat shall be installed to enhance the strip. Once established, this strip shall not be mowed or clear cut, except for vegetation that requires cutting to reseed and maintain healthy growth, and trees and shrubs may be selectively pruned to maintain views of the wetland or water feature and to protect and maintain access to buildings and other site improvements. Pathways no more than ten feet in width may be cleared and maintained to provide access to the wetland or surface water feature. Observation decks or docks may also be permitted to allow viewing of the water feature or wetland.

The setback and vegetation strip requirements in this subsection may be increased or decreased if it is determined that a proposed activity is in the public interest. In determining whether the proposed activity is in the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the construction or activity, taking into consideration the local, state and national concern for the protection and preservation of the environmental feature in question. The following general criteria shall be applied in undertaking this balancing test:

1. The relative extent of the public and private need for the proposed activity.
2. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.
3. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the

benefits the natural feature and/or natural feature open space provides.

4. The probable impact of the activity in relation to the cumulative effect created by other existing and anticipated activities in or near the natural feature to be protected.

5. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values, and on fish, wildlife and public health.

6. The size and quantity of the natural feature open space being considered.

7. The amount and quantity of the remaining natural feature open space.

8. Proximity of the proposed activity in relation to the natural feature, taking into consideration the degree of slope and the soil type within and adjacent to the natural feature and the setback area, the quantity and speed of surface runoff expected and the nature of the natural feature to be protected.

9. Economic value, both public and private, of the proposed activity and economic value, both public and private, if the proposed activity were not permitted.

e. Development within designated floodplain areas shall be accomplished in a way that does not alter or obstruct stormwater flow within a designated floodway, maintains the overall stormwater storage capacity of the site and does not increase risks to persons and property.

f. Appropriate ground cover, trees and other vegetation shall be planted and maintained on the site to control stormwater runoff and prevent erosion, siltation and dust, to provide privacy between adjacent uses and mitigate impacts from noise and lights, and to enhance the appearance of the site.

g. Parking and access facilities shall be landscaped in accordance with the requirements of subsection 50-816(8) of this chapter.

(3) *Traffic access.* The site shall be designed and developed to provide safe and efficient access for all forms of travel and to minimize impacts on adjacent public facilities.

a. The site shall not overburden adjacent public streets nor

cause significant hazards to public safety due to excessive traffic generation or inadequate traffic control.

b. Existing and proposed public streets shall be designed and constructed in accordance with the requirements of chapter 40 of the City Code and applicable local standards and specifications.

c. Roadway or driveway connections between the site and adjacent public streets shall be spaced sufficiently apart and may be limited in number to minimize congestion and delays in traffic flow along the adjacent public streets and to minimize conflicts with other turning movements on adjacent public streets or private driveways.

d. Where practicable, principal access to and from the site shall be provided from major streets; access to local streets shall be designed to avoid excessive traffic volumes and speed through adjacent neighborhoods.

e. Appropriate curb radii and lane widths shall be provided and acceleration and deceleration lanes may be required at roadway or driveway openings to protect public safety and minimize congestion and delays along adjacent public streets.

f. Separate turn lanes may be required at roadway or driveway openings to reduce on-site stacking and congestion and such lanes shall be clearly marked.

g. Secondary access may be required to adjacent public streets or alleys or through adjacent private parking areas to provide sufficient access for emergency vehicles.

h. Where two or more adjacent sites may be developed for similar or complementary uses, the city may require the creation of shared or linked access facilities, which may be constructed in phases, to minimize turning movements on public streets and provide access between the adjacent uses.

i. Roadways and driveways within the site shall be designed to provide safe and efficient access while minimizing speeds and safety risks; the placement of traffic control devices within the site may be required to regulate speeds and minimize safety risks.

j. Sidewalks shall be installed to provide safe and convenient pedestrian and bicycle access to and within the site, including sidewalks along public street frontages and linkages between such sidewalks and all principal buildings, between the principal buildings and parking facilities

on the site, and between adjacent sites, where practicable.

k. Sidewalks and other pedestrian access pathways within the site shall be located to minimize conflicts with vehicular traffic and enhance safety; pavement markings and signs may be required at principal points where pedestrians would cross driveways within the site.

l. Sidewalks and ramps within the site shall be designed to provide safe and convenient barrier-free access.

m. Parking facilities shall be located and designed to provide safe and convenient access to the building(s) they are intended to serve and, where practicable, to separate maneuvering areas from principal routes of traffic flow through the site.

n. Parking areas shall be located or sufficiently screened to avoid headlights projecting into windows of residential dwellings.

o. Parking and access facilities shall be designed and constructed in accordance with the requirements of section 50-816 of this chapter.

p. Bicycle parking and storage facilities shall be provided in accordance with the requirements of section 50-820 of this chapter.

(4) *Utilities and public services.* The site shall be designed and developed to facilitate the efficient provision and maintenance of adequate public services.

a. Existing and proposed utility services to and within the site shall be of adequate size and design to serve the expected needs of the development.

b. Appropriate easements shall be provided to the city to afford access to all existing, proposed and known future extensions of public utilities on or adjacent to the site.

c. The site shall be designed and developed to afford adequate access for fire suppression and other emergency services; fire hydrants, stand pipes and similar water service connections may be required; designated fire lanes may also be required.

d. Stormwater collection and discharge facilities shall be provided and designed to minimize the risk of flooding or soil erosion, on or off the site; stormwater detention or retention facilities may be required to regulate the rate of flow of stormwater off the site to avoid flooding and to comply with the requirements of article IV, chapter 34, of the City

Code.

e. Stormwater collection and discharge facilities and site grading shall be designed to avoid runoff onto adjacent properties and public streets and sidewalks.

f. Stormwater treatment facilities shall be provided as required by the city engineer to comply with the city's Michigan Department of Environmental Quality NPDES Phase II Stormwater Permit.

g. Loading docks, loading spaces and other service areas and external utility and mechanical equipment shall be located and screened to minimize noise, vibration, or visual impacts which may affect adjacent properties or residents within the development; walls or other solid screens may be required to attenuate noise impacts.

h. Adequate containers or compactors shall be provided on the site to collect and store trash or other waste materials and recyclable materials; such containers or compactors shall be effectively screened to obscure them from view, prohibit materials from blowing away and to control access; such containers shall also be located as inconspicuously as possible on the site.

i. In order to further the goal of the city to minimize the disposal of solid waste and to maximize waste diversion through recycling, every owner of a multiple dwelling approved for construction after January 1, 2007, shall construct, provide, and maintain adequate and safe facilities or containers for the collection, storage, and disposal of recyclable materials placed for collection by their tenants, unless such premises is approved by the Director of Public Works for city curbside recycling services as provided in article III of chapter 36 of this code.

j. Exterior lighting shall be installed as necessary to provide adequate safety and security; all exterior lighting shall be designed and shielded to direct the light downward and avoid projecting light onto adjacent properties or creating glare along public streets; pole-mounted lights shall be restricted in height to be in scale with the site and its environment and avoid projecting light onto adjacent properties.

(5) *Environmental protection.* The site shall be designed and developed to minimize any risk of pollution of natural resources and to protect the public health, safety and welfare.

a. The project and related improvements shall be designed to protect land and water resources from pollution, including pollution of soils, groundwater, rivers, streams, lakes, ponds, open drains and

wetlands.

b. Stormwater retention, detention, transport, and drainage facilities shall be designed to use or enhance the natural stormwater system on-site, including the storage and filtering capacity of wetlands, watercourses, and water bodies, and/or the infiltration capability of the natural landscape. Stormwater facilities shall not cause flooding or the potential for pollution of surface or groundwater, on-site or off-site. Stormwater facilities shall not damage natural features by depositing pollutants in them, by draining them or by depriving them of sufficient stormwater runoff to maintain their natural condition.

c. General purpose floor drains shall be connected to a public sanitary or combined sewer system or an on-site holding tank (not a septic system) in accordance with state, county and municipal requirements, unless a groundwater discharge permit has been obtained from the Michigan Department of Environmental Quality. General purpose floor drains which discharge to the public stormwater system or into the groundwater are generally prohibited.

d. Sites at which hazardous substances, hazardous wastes, or potentially polluting materials are stored, used, or generated shall be designed to prevent spills and discharges of such materials to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.

e. Secondary containment facilities shall be provided for aboveground storage of hazardous substances, hazardous wastes, or potentially polluting materials in accordance with state and federal requirements. Aboveground secondary containment facilities shall be designed and constructed so that the potentially polluting material cannot escape from the unit by gravity through sewers, drains, or other means, directly or indirectly into a sewer system, or to the waters of the state (including groundwater).

f. Underground storage tanks shall be registered, installed, operated, maintained, closed or removed in accordance with regulations of the Michigan Department of Environmental Quality.

g. Aboveground storage tanks shall be certified, installed, operated, maintained, closed or removed in accordance with regulations of the Michigan Department of Environmental Quality.

h. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.

i. Abandoned water wells (wells that are no longer in use or are in disrepair), abandoned monitoring wells, and cisterns shall be plugged in accordance with regulations and procedures of the Michigan Department of Environmental Quality.

j. State and federal requirements for storage, spill prevention, recordkeeping, emergency response, transport and disposal of hazardous substances, hazardous wastes, liquid industrial waste or potentially polluting materials shall be met. No discharge to surface water or groundwater, including direct and indirect discharges of waste, waste effluent, wastewater, pollutants, or cooling water, shall be allowed without approval from appropriate state, county and local agencies.

(6) *Public art requirement.* Unless the project is exempt from this requirement pursuant to subparagraph (6)-d of this paragraph, the site shall be designed and developed to contain public art as defined by Sec 2-313 of the City Code and in accordance with the following:

a. A budget for the public art required by this section shall be established based on the allocation of 1% of the total project cost up to \$25,000 to be committed to the procurement and display of public art on the site.

b. The public art shall be a work of art as defined by Sec 2-313 of the City Code and shall be approved by the City's Arts Commission in accordance with the definition of public art and the standards set forth in Sec. 2-315(a)(1) & (7) of the City Code and the City Council prior to site plan approval. The approval by the Arts Commission and City Council shall not be unreasonably withheld.

c. The total allocation as established pursuant to subparagraph (6)-a shall be expended on those items listed in Sec. 2-314 (a) (1) through (4) of the City Code and shall not include any other expenditures. Maintenance shall be the responsibility of the owner of the property in addition to the allocation established by subparagraph (6)-a. Failure to install the public art as required by this subparagraph and in accordance with the approved site plan shall result in denial of a certificate of occupancy. Failure to properly maintain the public art in accordance with the approved site plan is a violation of the zoning code and subject to enforcement pursuant to the provisions of Sec. 50-33. Prior to any enforcement action a violation notice shall be sent to the responsible party. A failure to cure the violation within 30 days shall constitute a violation and each day thereafter that the violation remains uncured shall constitute a separate offense.

d. The following projects are exempt from the public art

requirements of this section:

1. Projects where the application of this requirement would constitute a governmental taking or otherwise be contrary to law, as determined by the Zoning Administrator, under the particular facts and circumstances of that case as explained in detail by the applicant. The Zoning Administrator may request additional information from the applicant if insufficient information is provided with the site plan to make a determination. The applicant has all appeal rights as would otherwise be applicable to any determination by the Zoning Administrator.

2. Projects where the total project cost is less than \$500,000.00.

3. Residential projects containing fewer than 4 residential units.

4. Projects where, upon issuance of the building permit, the applicant donates an amount equivalent to the amount established pursuant to subparagraph (6)-a of this paragraph to the public art fund as established pursuant to Sec 2-312 of the City Code or donates a “work of art” approved by the art commission of equal value to the fund as established pursuant to subparagraph (6)-a of this paragraph.

5. Projects that are renovations of existing buildings where the total project cost is less than \$2.5 million.

e. A developer may choose to partially exempt a project from the public art requirement of this section to the extent the developer chooses to donate funds or works of art less than the amount established pursuant to subparagraph (6)-a of this paragraph in which case the budget required for public art shall be reduced by a corresponding amount.

Nathan Triplett, Mayor

Marie E. Wicks, City Clerk

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

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

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

Council Members Absent: None

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

CLOSED SESSION

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

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

Roll Call Vote:

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

MOTION CARRIED 7-0.

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

STUDY SESSION ITEMS

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

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

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

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

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

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

Council discussion

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

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

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

Other discussion:

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

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

DISCUSSION ON OPTIONS FOR PUBLIC ART FUNDING

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

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

Council discussion

Art Funding and Public Appeal

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

Funding Strategies

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

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

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

Legal Considerations

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

UPDATE FROM DTE REPRESENTATIVES

DTE representatives present this evening included:

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

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

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

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

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

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

Council discussion

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

DTE response

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

Discussion of June 19, 2024, storm event

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

Closing discussion

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

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

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

Council thanked the DTE team for their attendance this evening.

ADJOURNMENT

The study session meeting adjourned at 7:23pm.

Respectfully submitted,

Carly Lindahl, City Clerk

AGENDA
CITY COUNCIL MEETING
OCTOBER 28, 2024 – 7:30PM
CITY OF FARMINGTON HILLS
31555 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 must complete and turn in to the City Clerk a blue Public Participation Registration Form.

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

STUDY SESSION (6:00P.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
2. Proclamation recognizing [October 28, 2024 as National First Responders Day](#)
3. Proclamation recognizing [November 1, 2024 as Extra Mile Day](#)

ANNOUNCEMENTS/PRESENTATIONS FROM CITY BOARDS, COMMISSIONS AND PUBLIC OFFICIALS

CORRESPONDENCE

CONSENT AGENDA - (See Items No. 5-10)

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

COUNCIL MEMBERS' COMMENTS AND ANNOUNCEMENTS

CITY MANAGER UPDATE

NEW BUSINESS:

4. Consideration of authorizing the Event Participant Agreement for the 2024 MiCareerQuestSE to be held on November 19, 2024. [CMR 10-24-107](#)

CONSENT AGENDA:

5. Recommended adoption of a Resolution authorizing the issuance of Capital Improvement Bonds, for the purpose of financing Capital Improvement Fund projects; and Notice of Intent to Issue Bonds. [CMR 10-24-108](#)
6. Acknowledgement of [fourth and first quarter financial summary reports and quarterly investment report](#).
7. Recommended approval of award of purchase of a Fire Engine to Rosenbauer America in the amount of \$1,052,882. [CMR 10-24-109](#)
8. Recommended approval of consultant for the Grand River Corridor Market Study to Gibbs Planning Group in the amount of \$85,000. [CMR 10-24-110](#)
9. Recommended approval of City Council [study session meeting minutes](#) of October 14, 2024.
10. Recommended approval of City Council [regular session meeting minutes](#) of October 14, 2024.

ADDITIONS TO AGENDA

PUBLIC COMMENTS

Limited to three (3) minutes for any item of City business not on the agenda.

ADJOURNMENT

Respectfully submitted,

Carly Lindahl, 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.



PROCLAMATION
National First Responders Day
Oct. 28, 2024

- WHEREAS,** first responders, including dispatchers, firefighters, paramedics, police officers, public works professionals, and other emergency personnel, stand on the front lines selflessly serving and protecting the Farmington Hills community in times of crisis; and,
- WHEREAS,** first responders respond swiftly and courageously to emergencies, often putting their own lives at risk to ensure the safety and well-being of others, whether in natural disasters, accidents, medical emergencies, or threats to public health and safety; and,
- WHEREAS,** first responders answer the call to duty when it arises without hesitation and tirelessly give their time and energy in humanitarian efforts by making themselves available every hour of the day, every day of the year; and,
- WHEREAS,** it is in the public interest for community members and civic leaders in Farmington Hills to learn about and maintain an ongoing interest and understanding of the importance of public safety and public works; and,
- WHEREAS,** the year 2024 marks the 6th annual National First Responders Day sponsored by bipartisan resolutions in the US Senate and House.

NOW, THEREFORE, I, Theresa Rich, Mayor of the City of Farmington Hills, on behalf of the entire City Council, do hereby proclaim Oct. 28, 2024, as National First Responders Day. I urge all citizens to join in activities, events and ceremonies paying tribute to first responders to recognize the substantial contributions they make to protecting our health, safety and advancing the quality of life for all.

A handwritten signature in black ink, reading "Theresa Rich".

Theresa Rich, Mayor



PROCLAMATION
Extra Mile Day
Nov. 1, 2024

- WHEREAS,** the City Farmington Hills acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism and service; and,
- WHEREAS,** the City of Farmington Hills encourages its citizens to maximize their personal contributions to society by giving of themselves wholeheartedly and with total effort, commitment and conviction to their individual ambitions, family, friends and community; and,
- WHEREAS,** the City Farmington Hills chooses to shine a light on, and celebrate, individuals and organizations who “go the extra mile” to make a difference and lift up fellow members of their community; and,
- WHEREAS,** the City of Farmington Hills acknowledges the mission of Extra Mile America to create more than 550 Extra Mile cities in our country and is proud to support “Extra Mile Day” on Nov. 1, 2024.

NOW, THEREFORE, I, Theresa Rich, Mayor of the City of Farmington Hills, on behalf of the City Council, do hereby proclaim **Nov. 1, 2024** to be “**Extra Mile Day**” and urge all members of the community to not only go the extra mile in their own lives, but also to acknowledge individuals who are inspirational in their efforts and commitment to make their organizations, families, community, country and world a better place.

A handwritten signature in black ink, appearing to read "Theresa Rich", is written over a horizontal line.

Theresa Rich, Mayor



**CITY MANAGER'S REPORT TO
MAYOR AND COUNCIL**

DATE: 10/28/2024

DEPT: DPW

RE: AGREEMENT TO PARTICIPATE IN MiCareerQuestSE NOVEMBER 19, 2024

ADMINISTRATIVE SUMMARY

- MiCareerQuestSE is an event held in Novi that provides high school students, 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 ~25 exhibitors, including Advanced Manufacturing, Construction, Health Sciences, and Technology.
- The City's DPW participated in CareerQuest (Construction) in 2018, 2019 and 2023. Following cancellations starting in 2020 due to COVID, the event made a comeback in 2023.
- Over 7,000 students from 100 different schools in 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 consent.

RECOMMENDATION

It is recommended that City Council authorizes the City Manager to sign the Event Participant Agreement for the 2024 MiCareerQuestSE to be held on November 19, 2024.



###

Prepared by: Derrick Schueller, DPW Superintendent
Reviewed by: Jacob Rushlow, P.E., Director, Department of Public Services
Lori Brown, Director, Department of Human Resources
Approved by: Gary Mekjian, P.E., City Manager

**MICAREERQUEST SOUTHEAST
EVENT PARTICIPANT AGREEMENT
(GOVERNMENT ENTITIES)**

This event participant agreement (the “Agreement”) is made between the County of Oakland, 1200 North Telegraph, Pontiac, Michigan, 48341 (herein the “County”) and the event participant listed below (herein the “Participant”). The County and Participant may be referred to individually as a “Party” and collectively as the “Parties.” The County and Participant enter into this Agreement pursuant to the Urban Cooperation Act of 1967, 1967 Public Act 7, MCL 124.501 *et seq.*, for the purpose of County permitting Participant to participate in the Event (defined below).

Name of Government Entity (the “Participant”):

Address:

Contact Person:

Telephone Number: 248-232-4212

E-Mail Address:

The Parties agree to the following terms and conditions:

1. **Definitions.** In addition to the terms and expressions defined elsewhere in this Agreement, the following words and expressions are defined and interpreted throughout this Agreement as:
 - 1.1. **Art Craft Display** means Art Craft Display, Inc. Art Craft Display is the exclusive contractor for display assembly at the Facility.
 - 1.2. **BOCO** means BOCO Enterprises, Inc., a Michigan corporation, located at 46100 Grand River Avenue, Novi, Michigan 48374. BOCO manages and operates the Facility.
 - 1.3. **Claims** mean any alleged losses, claims, complaints, demands for relief or damages, lawsuits, causes of action, proceedings, judgments, deficiencies, liabilities, penalties, litigation, costs, and expenses, including, but not limited to, reimbursement for reasonable attorney fees, witness fees, court costs, investigation expenses, litigation expenses, amounts paid in settlement, and/or other amounts or liabilities of any kind which are incurred by or asserted against County or Participant, or for which County or Participant may become legally and/or contractually obligated to pay or defend against, whether direct, indirect or consequential, whether based upon any alleged violation of the federal or the state constitution, any federal or state statute, rule, regulation, or any alleged violation of federal or state common law, whether any such claims are brought in law or equity, tort, contract, or otherwise, and/or whether commenced or threatened.
 - 1.4. **County** means Oakland County, a Municipal Corporation, including, but not limited to, all of its departments, divisions, the County Board of Commissioners, elected and appointed officials, directors, board members, council members, commissioners, authorities, committees, employees, agents, volunteers, and/or any such persons’ successors.
 - 1.5. **Designated Area** means an area within the Facility that is designated by the County for Participant to use at the Event for the purposes authorized by this Agreement.

- 1.6. **Event** means the MiCareerQuest Southeast at the Facility on November 18th and 19th of 2024.
- 1.7. **Facility** means the exhibit space, pre-function space, conference rooms, banquet rooms, hotel lobby and guest rooms, lounge areas, storage areas, maintenance rooms, common areas, parking lots, roadways and grounds, located at the Suburban Collection Showplace, 46100 Grand River Avenue, Novi, Michigan 48374 and the Hyatt Place Hotel, 46080 Grand River Avenue, Novi, Michigan 48374.
- 1.8. **Participant** means the government entity provided above, which is an entity created by state or local authority or which is primarily funded by or through state or local authority, including, but not limited to, its council, its commission, its Board, its departments, its divisions, elected and appointed officials, directors, board members, council members, commissioners, authorities, committees, employees, agents, subcontractors, attorneys, volunteers, and/or any such persons' successors.
2. **Participation at Event.** Participant may only participate in the Event as set forth in this Agreement.
 - 2.1. County will permit Participant to use the Designated Area at the Event for the purposes authorized by this Agreement.
 - 2.2. Participant is only permitted to use its Designated Area at the Event to provide an exhibit that concerns career options for high school students.
 - 2.3. Participant is only allowed to use its Designated Area and the Facility for the Event on November 18th and 19th of 2024.
 - 2.4. Participant shall not place any signs or advertisements outside of its Designated Area without the prior written consent of the County.
 - 2.5. Participant shall keep its Designated Area and anything stored thereon in good order and repair and in a clean, safe, and healthful condition.
 - 2.6. Participant shall not make any alternations, additions, or changes to the Facility, unless prior written approval is given by BOCO.
 - 2.7. Participant acknowledges that it had the opportunity to inspect the Facility and accepts the Facility and its Designated Area "AS IS," "AS AVAILABLE," and "WITH ALL FAULTS."
 - 2.8. COUNTY EXPRESSLY DISCLAIMS ALL WARRANTIES OF ANY KIND, WHETHER EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, AND NON- INFRINGEMENT.
 - 2.9. At the expiration or termination of the Event, Participant shall leave its Designated Area in the same condition that Participant found it and clean of all rubbish. Participant shall remove of all of its personal property from the Designated Area and the Facility prior to 11:59pm on November 19, 2024. If Participant does not remove all of its personal property from the Facility prior to 11:59pm on November 19, 2024, the County may dispose of it, as County deems fit, and bill Participant for any costs associated with the disposal.
 - 2.10. Participant will be provided with a "Vendor Kit" prior to the Event. The Vendor Kit will provide and explain, among other things, the procedures and rules for loading and unloading and setting up and dismantling the Participant's displays and exhibits. Participant acknowledges and understands that it may be required to contract with BOCO, Art Craft

Display, or another contractor that is approved by BOCO, for services or goods that Participant may need for the Event. To the extent the Vendor Kit does not conflict with the provisions in this Agreement, Participant shall comply with all requirements, rules, and procedures in the Vendor Kit. If the Vendor Kit conflicts with the provisions of this Agreement, this Agreement and its terms and exhibits will prevail.

3. **Participant Responsibilities.**

- 3.1. Participant's exhibit at the Event shall be a hands-on career learning experience for high school students, teachers, and counselors.
- 3.2. Participant and all persons performing work on behalf of Participant shall not in any manner hold themselves out to be agents or employees of the County.
- 3.3. Participant is responsible for and shall obtain, at its sole expense, all necessary licenses, permits, and other governmental approvals that are necessary for its participation at the Event.
- 3.4. Participant is prohibited from performing activities that may be injurious to County property, the Facility, or any person.
- 3.5. Participant shall comply with the Rules and Regulations of the Facility, which is attached and incorporated into this Agreement as Exhibit A, and the City of Novi's Fire Department Fire Prevention Practices for Exposition Events, which is attached and incorporated into this Agreement as Exhibit B.

4. **Liability/Assurances.**

- 4.1. **Damage to Property.** Participant shall be responsible for any damage to the Facility and the property of Art Craft Display, BOCO, and any other contractor that Participant contracts with for the Event, that is caused by Participant. In the event the County incurs liability for damage to the property of BOCO, Art Craft Display, or any other person or entity that is caused by the Participant, the Participant shall reimburse the County for the full amount within thirty (30) days after receiving an invoice from the County.
- 4.2. Participant shall be solely liable and responsible for any loss, damage, destruction, or liability relating to or arising out of any of Participant's contents, equipment, displays, or participation in the Event.
- 4.3. Participant shall not cause or allow any person or entity to cause any hazardous material, waste, or debris to enter or to be disposed upon the Facility.
- 4.4. **Responsibility for Claims.** Except as otherwise provided in this Agreement, each Party shall be responsible for any Claims made against that Party by a third party, and for the acts of its employees, agents, and volunteers arising under or related to this Agreement. In any Claim that may arise from the performance of this Agreement, each Party shall seek its own legal representation and bear the costs associated with such representation, including judgments and attorney fees.
- 4.5. IN NO EVENT SHALL EITHER PARTY BE LIABLE TO THE OTHER PARTY OR ANY OTHER PERSON, FOR ANY CONSEQUENTIAL, INCIDENTAL, INDIRECT, SPECIAL, AND/OR PUNITIVE DAMAGES, ARISING OUT OF OR RELATED TO THIS AGREEMENT OR PARTICIPANT'S PARTICIPATION IN THE EVENT, REGARDLESS OF WHETHER THE PARTY HAS BEEN INFORMED OF THE POSSIBILITY OF SUCH DAMAGES.

- 4.6. **No Indemnification.** Except as otherwise provided in this Agreement, neither Party shall have any right under this Agreement or under any other legal principle to be indemnified or reimbursed by the other Party or any of its agents in connection with any Claim.
- 4.7. **Reservation of Rights.** This Agreement does not, and is not intended to, impair, divest, delegate or contravene any constitutional, statutory, and/or other legal right, privilege, power, obligation, duty, or immunity of the Parties. Nothing in this Agreement shall be construed as a waiver of governmental immunity for either Party.
5. **Insurance.** Participant shall maintain general liability insurance for the Event on November 18th and 19th of 2024 and property/casualty insurance for any and all items and property that it brings to the Facility along with those coverages set forth in Exhibit C, which is attached to and incorporated into this Agreement. Participant shall provide BOCO and County with evidence of the insurance required in this Agreement upon request. Nothing in this Agreement precludes the County from being covered and protected by Participant's insurance for any and all Claims against the County.
6. **Termination.** Either Party may terminate this Agreement upon thirty (30) calendar days written notice to the other Party for any reason.
7. **Compliance with Law.** Participant must comply with all applicable federal, state, and local laws, regulations and ordinances, and the requirements of this Agreement.
8. **No Interest in Property.** Participant shall have no title or ownership interest to the Facility or property belonging to or owned by the Facility. Participant will not claim any such title to or any easement over the Facility or property belonging to or owned by the Facility.
9. **Successors and Assigns.** This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the Parties. Notwithstanding the foregoing, Participant shall not assign any portion of this Agreement without the prior written consent of the County.
10. **No Employee-Employer Relationship.** Nothing in this Agreement shall be construed as creating an employee-employer relationship between County and Participant.
11. **No Third-Party Beneficiaries.** Except as provided for the benefit of the Parties, this Agreement does not and is not intended to create any obligation, duty, promise, contractual right or benefit, right to indemnification, right to subrogation, and/or any other right in favor of any other person or entity.
12. **Force Majeure.** Notwithstanding any other term or provision of this Agreement, neither Party shall be liable to the other for any failure of performance hereunder if such failure is due to any cause beyond the reasonable control of that Party and that Party cannot reasonably accommodate or mitigate the effects of any such cause. Such cause shall include, without limitation, acts of God, fire, explosion, vandalism, national emergencies, insurrections, riots, wars, strikes, lockouts, work stoppages, other labor difficulties, or any law, order, regulation, direction, action, or request of the United States government or of any other government. Reasonable notice shall be given to the affected Party of any such event.
13. **Waiver.** The failure of the County to insist upon strict performance of any covenants or conditions of this Agreement or to exercise any option herein conferred in any one or more instances shall not be construed as a waiver or relinquishment of any such covenants, conditions, or options, but the same shall be and remain in full force and effect. No covenant, term or condition of this Agreement shall be deemed to have been waived by the County, unless such

waiver is in writing by the County.

14. **Amendments.** This Agreement cannot be modified unless reduced to writing and signed by both Parties.
15. **Severability.** If any term, covenant, or condition of this Agreement or the application thereof to any person or circumstance is deemed to be invalid or unenforceable to any extent, the remainder of this Agreement or the application of such term, covenant or condition to persons or circumstances, shall not be affected thereby and each term, covenant or condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law, unless removal of such term materially alters the basic intent of the Parties in executing this Agreement.
16. **Governing Law.** This Agreement shall be governed, interpreted, and enforced by the laws of the State of Michigan. Any action brought to enforce, interpret, or decide any Claim arising under or related to this Agreement shall be brought in the Sixth Judicial Circuit Court of the State of Michigan, the 50th District Court of the State of Michigan, or the United States District Court for the Eastern District of Michigan, Southern Division, as dictated by the applicable jurisdiction of the court. Except as otherwise required by law or court rule, venue is proper in the courts set forth above.
17. **Counterparts.** This Agreement may be executed in one or more counterparts, including facsimile copies, each of which shall be deemed an original, but all of which shall together constitute one instrument.
18. **Entire Agreement.** This Agreement sets forth all covenants, promises, agreements, conditions and understandings between the Parties concerning the use of the Facility for the Event and there are no covenants, promises, agreements, conditions or understandings, either oral or written, between the Parties other than are herein set forth.
19. **Effective Date.** The Effective Date of this Agreement shall be the date upon which the last of the Parties listed below has signed the Agreement.
20. **Authority.** The Parties represent that their respective signatories have the requisite authority to execute and bind them to the duties and responsibilities contained herein.

APPROVED AND AUTHORIZED BY PARTICIPANT:

The Authorized Official below hereby acknowledges that they have been authorized by Participant’s respective board, commission, council, or other governing body to execute this Agreement on behalf of Participant and hereby accepts and binds Participant to the terms and conditions of this Agreement.

NAME OF GOVERNMENT ENTITY (THE “PARTICIPANT”):

**APPROVED AND AUTHORIZED BY
PARTICIPANT**

PARTICIPANT SIGNATURE

DATE

APPROVED AND AUTHORIZED BY COUNTY:

David T. Woodward, Chairperson, Oakland County Board of Commissioners, hereby acknowledges that he has been authorized by a resolution of the Oakland County Board of Commissioners to execute this Agreement on behalf of Oakland County, and hereby accepts and binds Oakland County to the terms and conditions of this Agreement.

**APPROVED AND AUTHORIZED BY
COUNTY**

SIGNATURE

David T. Woodward, Chairperson Oakland County
Board of Commissioners

DATE

EXHIBIT A

1. **PROMULGATION.** BOCO Enterprises, Inc., the exclusive manager and operator ("Licensor") of the Facility has promulgated these Rules and Regulations ("Rules and Regulations"), pursuant to Section 9.2 of the BOCO Enterprises License Agreement ("Agreement") under which the Licensor has agreed to allow the Licensee to use certain areas ("Authorized Area") in the Facility during those times ("License Period") and for those purposes set forth in the Agreement. If there is at any time a conflict between the provisions of these Rules and Regulations and the provisions of the Agreement, the provisions of the Agreement shall control.
2. **ADVANCE OR "CASH ON DELIVERY" SHIPMENTS.** Licensor shall not accept any goods shipped to the Facility for the Licensee or any person claiming under the Licensee prior to the beginning of the License Period or during the License Period if any sum is to be paid to the carrier of such goods upon his delivery thereof. Notwithstanding the foregoing, the Licensor shall not be obligated to accept any goods shipped to the Licensee during the License Period except upon prior written consent to the Licensor. Licensor shall not be liable for any damage to said property, and the Licensee releases the Licensor for any claim of loss or of damage to said property and to any damage to other persons or property caused by said property.
3. **RIGHT OF INSPECTION.** Licensor reserves the right to inspect all cartons, packages, and containers brought into or out of the Facility.
4. **PROPERTY OF LICENSOR.** Licensee may not use or operate any equipment, furnishings, or other property of the Licensor without the prior written consent of the Licensor, and under no circumstances may Licensee remove said equipment, furnishings, or other property from the Facility.
5. **DESIGNATED ENTRANCES.** All persons, articles, exhibits, fixtures, displays, and property of any kind and description shall be brought into and out of the Facility only at and through those entrances and exits as the Licensor may designate from time to time.
6. **RESTRICTED AREAS.** Restricted areas of the Facility are labeled "Authorized Personnel Only", and only the Licensor shall have access to those areas.
7. **IDENTIFICATION.** All persons acting for or on behalf of the Licensee must wear an identification badge provided by the Licensee.
8. **PUBLIC SAFETY.** In accordance with Section 3.5 of the Agreement, Licensor may prohibit Licensee or an exhibitor from bringing into the Facility, any material, substances, equipment, or object which may endanger the life of, or cause bodily injury to, any person in the Facility or which is likely to constitute a hazard to any other property therein.
9. **PROHIBITION AGAINST FLAMMABLE MATERIALS.** No flammable materials, such as bunting, tissue

paper, crepe paper, etc., shall be used for decorations or advertising in the Facility. All such materials to be used for decorative or advertising purposes must first be treated with a flame-retardant, and such use shall be in accordance with all applicable federal, state, and municipal fire and safety rules and regulations.

10. **PROHIBITION AGAINST FLAMMABLE LIQUIDS AND GASES.** Licensee shall not, without prior written consent of the Licensor, put up or operate any engine or motor or machinery in the Facility or use oils, burning fluids, camphene, liquid oxygen, ethylene, propane, kerosene, naphtha, gasoline, or other flammable gases for either mechanical or other purposes or any other agent other than gas or electricity for illuminating the Facility. Said prohibition against the use of oils, gases, and gasoline will not apply to the use of fork lifts, motor drive vehicles, cranes, etc., necessary for the installation and removal of exhibits in the Facility, but shall apply to the operation of any exhibit in the Authorized Area. Where any automobiles, trucks, or gasoline engines are to remain in the Facility during any portion of the License Period, the Licensee shall take the following precautions:
- (a) All battery cables are to be disconnected and taped so as to avoid any possibility of emission of sparks therefrom;
 - (b) All gasoline tanks are to register in the Empty or E range on their gauges by order of the City of Novi Fire Marshall;
 - (c) In the event draining of tanks and refueling must be completed outside of the Facility. Fuel is to be removed or dispensed only with safety equipment approved by the Licensor;
 - (d) All gasoline tanks must be sealed with a locking type gasoline cap. If such a cap is not available, the tank must be sealed in accordance with all federal, state, and municipal fire and safety regulations;
 - (e) All liquid propane tanks are to be removed from the Facility during any portion of the License Period.

NOTE: Added to these Rules and Regulations and made a part hereof, is the Novi Fire Marshall requirements. All occupants will need to follow the BOCA fire protection code.

11. **SMOKING.** Smoking is prohibited in the Facility at all times.
12. **EMERGENCY EQUIPMENT.** Fire-fighting and emergency equipment shall not be blocked or obstructed under any circumstances. This includes fire hose and fire extinguisher cabinets, fire pull and alarm boxes, and all entrances and exits to first aid facilities within the Facility.
13. **MOTORIZED VEHICLES.** No motorized vehicle shall be operated on any carpeted or tiled areas in the Facility under any circumstances.
14. **USE OF CARTS.** Carts or dollies with steel wheels are not permitted in any carpeted or tiled area in the Facility. In motion, all crates moved in and out of the Facility must be handled in a manner so as to maximize the protection of and minimize the risk of damage to all carpeting, painted

surfaces, door fixtures, etc.

15. **USE OF TAPE.** Licensee and all of its exhibitors, is strictly prohibited from using any unauthorized style of tape or adhesive substance on any surface within the facility, including the "show floor". Duct tape, plastic double-sided tape, or masking tape is specifically prohibited! Only cloth-backed carpet tape is allowed -- the acceptable type of tape is available for purchase from the Service Desk during move in hours.
16. **CRATE STORAGE.** The Licensee shall remove all crates, packaging and related materials from the Authorized Area prior to the beginning of the Show Period set forth in the Agreement. Notwithstanding anything in this paragraph to the contrary, cartons and boxes may be stored under exhibitor tables as long as the cartons or boxes do not extend past the edges of the tables.
17. **ADVERTISING.** All advertising of the exhibition or performance to be given in the Authorized Area for which the license set forth in the Agreement was given shall be accurate and true in all respects, and the content of all such advertising must first be supplied to the Licensor for its review and comment before it is, by any means, published.
18. **BROADCAST RIGHTS.** The Licensor reserves all rights and privileges for outgoing radio and television broadcasts originating from the Facility during the License Period. Licensee will request prior approval from Licensor to have any media coverage (including radio or television broadcasts) at the Event and will share any of the broadcast footage of the Event that is owned or permitted to be distributed by Licensee with Licensor for public relations purposes.
19. **RECORDING.** No visual or audio recording of any type or kind shall be made in the Facility without the prior written approval of the Licensor. The Licensor reserves the right to charge the Licensee an additional charge that is mutually agreed to in writing by the parties to be paid in accordance with the provisions of Article III of the Agreement for that privilege.
20. **FIRE DEPARTMENT.** The Fire Department may exercise its right to assign a fire detail to the premises during open show hours. The financial responsibility shall be with the Licensee.
21. **ATTENDANCE CAPACITY.** The Licensee shall not admit into the Facility a larger number of persons than the Facility can accommodate, as determined by federal, state, and municipal fire and safety rules and regulations. Furthermore, the Licensee shall not admit into any Authorized Area a larger number of persons than can freely and safely move about therein. The decision of the Licensor, in its sole discretion, shall be final in this respect.
22. **LIVE ANIMALS.** The Licensee shall not permit any live animal, reptile, fish, or bird to enter, nor suffer the same to remain in the Facility unless it is a properly and safely muzzled "seeing eye" dog accompanying a blind person or is an animal, reptile, fish, or bird which the Licensor has in writing expressly consented to allow in the Facility. All such animals so admitted must at all times remain on a leash, within a pen, or under similar control.
23. **EXHIBITOR'S CONTRACTS.** The Licensee shall have valid, properly executed and compatible written contracts with all performers and exhibitors who are to use the Authorized Area under the Licensee's right to use such, and the Licensee shall submit the same upon demand to the Licensor.

24. **PERFORMANCE AND EXHIBIT APPROVAL.** The Licensor retains the final right to approve every performance and exhibit offered in the Facility and in no event shall any such performance or exhibit take place if the Licensor objects to such.
25. **REFUND OF TICKET REVENUE.** Licensor retains the right to determine whether the price of tickets will be refunded for cause, in keeping with the Licensor's policy of retaining the public's goodwill.
26. **ANNOUNCEMENTS.** Licensor reserves the right to make announcements during all intermission periods relating to advertisement of future Facility attractions, and also at any time such other announcements as the Licensor deems necessary in the interest of public safety.
27. **TOURS.** Licensor reserves the right to conduct public tours of the Facility and Authorized Area therein during the License Period in such a manner as to minimize any interference with the Licensee's use thereof.
28. **SOLICITATIONS.** No collections or donations, whether for charity or otherwise, shall be made, attempted, or announced in the Facility without the prior written approval of the Licensor.
29. **LOST ARTICLES.** Licensor shall have the sole right to collect and have the custody of all articles left, lost, or checked in the Facility by persons attending any performance, exhibition, or entertainment given or held in the Facility, and the Licensee shall not collect or interfere with the collection or custody of such articles.
30. **KEYS.** All Facility keys required by the Licensee during its use of the Authorized Area under the terms of the Agreement may be obtained from the Licensor, must be returned to the Licensor at the end of the License Period, and are subject to a ten- dollar (\$10.00) deposit per key.
31. **PARKING.**

Exhibitor Parking: All exhibitors must park in the designated exhibitor parking area only, which may be by way of an off-site shuttle program at a location to be determined by Licensor. All exhibitors will be allowed free access in and out of the parking lot during move-in and move-out periods only. **No gray water may be dumped. There will be charges if a power hook up is required.** Licensee understands and agrees that this Exhibitor Parking Areas may be designated at an off-site location by Licensor and accommodated via a shuttle system.

Exhibitor Parking Permits: Exhibitor Parking Permits allowing unlimited access in and out of the parking lot are available through the Licensor. Exhibitor Parking Permits must be prominently displayed on the dashboard of the vehicle.

Parking Areas: Licensor shall attempt to provide as many parking spaces on-site as possible. In the event that the amount of on-site parking spaces will not be sufficient for Licensee's projected attendance, the Licensor shall attempt to coordinate additional parking areas off-site, the use of which may require the implementation of an off-site shuttle program which will be utilized in the event that the on-site parking falls short of the required amount. The acceptability and determination of whether or not to proceed with arrangements with the adjacent property

owner's parking area or the development of the on-site temporary parking area would remain solely with the Licensor, but, in any event, the Licensor and Licensee shall coordinate a mutually acceptable off-site shuttle program.

32. **MEETING ROOMS.** Meeting Rooms, unless licensed as part of the Authorized Area, may be rented at an additional charge.
33. **LOADING DOORS.** Licensee shall provide, at the Licensee's expense, a door operator designated and approved by the Licensor for the operation of loading doors within the Authorized Areas. Licensee shall be financially responsible to replace or repair doors if damage occurs during the License Period.
34. **CLEARANCE REQUIREMENTS.** Clearance requirements for combustible materials from hanging gas-fired heating units within exposition area: Five feet (5') from any side of the heating unit; Six feet (6') from the bottom of the heating unit.
35. **HANGING SIGNS, BANNERS AND STREAMERS.** No hanging signs, banners, streamers or other types of materials will be allowed directly under the heating units and the same shall maintain the appropriate distances as identified in #34 above.
36. **HELIUM BALLOONS.** Helium balloons are specifically banned from use in the areas of the exposition center serviced by these hanging gas-fired heating units.
37. **COMPLIANCE.** Licensor, in cooperation with local officials, reserve the absolute right to take whatever steps are necessary to ensure the strict adherence to these provisions, and if any costs are incurred to provide compliance, these costs shall be the responsibility of Licensee.

BOCO ENTERPRISES, INC.
By order of its Board of Directors

EXHIBIT B



FIRE DEPARTMENT

FIRE PREVENTION PRACTICES FOR EXPOSITION EVENTS

The Novi Fire Department, in an attempt to maintain a safe and enjoyable event has established the following Rules and Regulations to be observed by all exhibitors and vendors. These rules are derived from model fire prevention code such as NFPA 101, Life Safety Code and the International Fire Code. If you have any questions regarding these regulations, contact the Fire Marshal's office at #248-735-5674.

GENERAL PRECAUTIONS

1. No display or exhibit shall be installed or operated to interfere in any way with access to any required exit or with the visibility of any required exit or required exit sign.
2. Fire Fighting Equipment: All fire extinguishers and hose valves shall not be blocked by displays or exhibits and shall remain accessible at all times.
3. Electrical: The use of unfused multi-plug adaptors and multi-plug cords is prohibited. Temporary use of extension cords is allowed under the following conditions:
 - 1.) Of adequate gauge (size) for the equipment being supplied.
 - 2.) Protected from damage and not in traffic areas.
4. Smoking: Smoking is prohibited in all exhibition areas. "No Smoking" signs shall be posted. Smoking is allowed only in areas so designed.
5. Compressed flammable gases; flammable or combustible liquids, hazardous chemicals or materials; and Class II or greater lasers, blasting agents, and explosives shall be prohibited within exhibit halls unless approved by the Fire Department.

EXHIBITS

1. The travel distance within the exhibit booth or exhibit enclosure to an exit aisle shall not exceed 50 ft.
2. The upper deck of multi-level exhibits exceeding 300 square feet shall have not less than two remote means of egress.
3. Exhibit booths shall be constructed of the following:
 - 1.) Noncombustible or limited-combustible materials
 - 2.) Fire-retardant wood
 - 3.) Flame-retardant materials
 - 4.) Textile wall coverings, such as carpeting and similar products used as wall or ceiling finishes have a Class A flame spread rating.
4. Draperies, curtains and other similar loosely hanging furnishings and decorations shall be flame resistant.

5. Acoustical and decorative matter including, but not limited to, cotton, hay, paper, straw, moss, split bamboo and wood chips shall be flame-retardant treated to the satisfaction of the fire department. Materials that cannot be treated for flame retardant shall not be used.
6. The following shall be protected by automatic extinguishing systems:
 - 1.) Single-level exhibit booths exceeding 300 ft² and covered with a ceiling.
 - 2.) Each level of multi-level booths, including the uppermost level where the uppermost level is covered with a ceiling.

A single exhibit or group of exhibits with ceilings that do not require sprinklers shall be separated by a distance of not less than 10 ft. where the aggregate ceiling exceeds 300 ft².

Exception: Vehicles, boats and similar exhibited products having over 100 ft² of roofed area shall be provided with smoke detectors acceptable to the fire department.

7. No open flame devices or pyrotechnic devices shall be used in assembly occupancy unless approved by the fire department.
8. Open flame devices, where approved, shall be isolated from the public by at least 48 inches and shall be separated from combustible materials by at least 24 inches.
9. Combustible materials within exhibit booths shall be limited to a one-day supply. Storage of combustible materials behind the booth shall be prohibited.
10. The use of compressed natural gas is allowed where permitted by the fire department.

COMBUSTION VEHICLE DISPLAYS

1. All **GASOLINE** fuel powered vehicles openings shall be locked and sealed in an approved manner to prevent the escape of vapors. Gasoline fuel tanks shall not contain in excess of one-quarter their capacity or contain in excess of 5 gallons of fuel, whichever is less.
2. All **DIESEL** fuel powered vehicles fuel tank shall be locked and sealed in an approved manner to prevent the escape of vapor. Diesel fuel tanks shall not contain in excess of one-half their capacity or contain in excess of 20 gallons of fuel, whichever is less.
3. Fueling or de-fueling of vehicles is prohibited inside the building.
4. At least one battery cable shall be removed from the batteries used to start the vehicle engine. The disconnected battery cable shall then be taped.
5. Batteries used to power auxiliary equipment shall be permitted to be kept in service.
6. Vehicles shall not be moved during exhibition hours.

ELECTRIC VEHICLE DISPLAYS

1. All electric vehicles battery state of charge **SHALL** be no more than 30%.
2. An emergency plan for an electric vehicle that starts to off gas.
3. Dedicate an area outside in the parking lot to put an electric vehicle that is off gassing.
4. All main aiseways **SHALL** be wide enough to allow the forklift that Suburban Collections has or a wrecker vehicle to drive down to remove the electric vehicle that is off gassing to the burn area out in parking lot.

Revised 6/24

EXHIBIT C

INSURANCE REQUIREMENTS

During this Contract, the Participant shall provide and maintain, at its own expense, all insurance as set forth and marked below, protecting the County against any Claims, as defined in the Agreement. The insurance shall be written for not less than any minimum coverage herein specified.

Primary Coverages

Commercial General Liability Occurrence Form including: (a) Premises and Operations; Products and Completed Operations (including On and Off Premises Coverage); (c) Personal and Advertising Injury; (d) Broad Form Property Damage; (e) Independent Contractors; (f) Broad Form Contractual including coverage for obligations assumed in this Contract;

\$1,000,000 – Each Occurrence Limit

\$1,000,000 – Personal & Advertising Injury

\$2,000,000 – Products & Completed Operations Aggregate Limit

\$2,000,000 – General Aggregate Limit

\$ 100,000 – Damage to Premises Rented to You (formally known as Fire Legal Liability)

Workers' Compensation Insurance with limits statutorily required by any applicable Federal or State Law and Employers Liability insurance with limits of no less than \$500,000 each accident, \$500,000 disease each employee, and \$500,000 disease policy limit. Participant must also satisfy one of the following:

1. Fully Insured or State approved self-insurer: or
2. Exempt entities, Partnerships, LLC, etc., must submit a State of Michigan form WC-337 Certificate of Exemption upon request; or
3. Sole Proprietors must submit a signed Sole Proprietor form upon request.

Commercial Automobile Liability Insurance covering bodily injury or property damage arising out of the use of any owned, hired, or non-owned automobile with a combined single limit of \$1,000,000 each accident. This requirement is waived if there are no company owned, hired or non-owned automobiles utilized in the performance of this Contract.

Commercial Umbrella/Excess Liability Insurance with minimum limits of \$2,000,000 each occurrence. Umbrella or Excess Liability coverage shall be no less than following form of primary coverages or broader. This Umbrella/Excess requirement may be met by increasing the primary Commercial General Liability limits to meet the combined limit requirement.

Commercial Property Insurance. Participant shall be responsible for obtaining and maintaining insurance covering their equipment and personal property against all physical damage.

General Insurance Conditions

The aforementioned insurance shall be endorsed, as applicable, and shall contain the following terms, conditions, and/or endorsements. All certificates of insurance shall provide evidence of compliance with all required terms, conditions and/or endorsements.

1. All policies of insurance shall be on a primary, non-contributory basis with any other insurance or self-insurance carried by the County;
2. The insurance company(s) issuing the policy(s) shall have no recourse against the County for subrogation (policy endorsed written waiver), premiums, deductibles, or assessments under any form. All policies shall be endorsed to provide a written waiver of subrogation in favor of the County;
3. Any and all deductibles or self-insured retentions shall be assumed by and be at the sole risk of the Participant;
4. Participant shall be responsible for its own property insurance for all equipment and personal property used and/or stored at the Facility;
5. The Commercial General Liability, Commercial Automobile Liability, and Commercial Property Insurance policies along with any required coverages shall be endorsed to name the County of Oakland and its officers, directors, employees, appointees, and commissioners as additional insured where permitted by law and policy form;
6. The Participant shall require its contractors or sub-contractors that participate in the Event, not protected under the Participant's insurance policies, to procure and maintain insurance with coverages, limits, provisions, and/or clauses equal to those required in this Contract;
7. Certificates of insurance must be provided upon request and must bear evidence of all required terms, conditions and endorsements; and
8. All insurance carriers must be licensed and approved to do business in the State of Michigan and shall have and maintain a minimum A.M. Best's rating of A- unless otherwise approved by the County Risk Management Department.

NAME OF ENTITY/PERSON (THE "PARTICIPANT"):

ADDRESS:

**APPROVED AND AUTHORIZED BY
PARTICIPANT**

**APPROVED AND AUTHORIZED BY THE
COUNTY**

SIGNATURE

SIGNATURE

DRAFT



**CITY MANAGER'S REPORT TO
MAYOR AND COUNCIL**

DATE: 10/28/2024

DEPT: Finance

RE: Consider Adopting a Bond Authorizing Resolution to Sell Capital Improvement Bonds to Finance Capital Improvements

ADMINISTRATIVE SUMMARY

- The Adopted FY 2024-25 Budget includes Capital Improvement Fund projects that will be financed in part with proceeds from the sale of bonds, including a) drainage projects, b) fire equipment, and c) other capital improvement projects indicated in the City's CIP Plan, together with other necessary improvements and all demolition, site improvements and all appurtenances and attachments.
- Based on bond specifications prepared by PFM, the City's financial advisor, the City's bond counsel from Miller Canfield prepared the attached bond authorizing resolution for consideration by City Council.
- The bond authorizing resolution allows bonds to be issued in a competitive sale in an aggregate amount not to exceed \$8,500,000 for a term not to exceed 20 years.
- It is expected that if the bond authorizing resolution is adopted on October 28th, 2024, then the bond sale will occur early 2025 contingent on bond market conditions.

RECOMMENDATION

- **Adopt the Resolution (as prepared by Miller Canfield) authorizing the issuance of Capital Improvement Bonds, for the purpose of financing Capital Improvement Fund projects.**

###

Prepared by: Thomas C. Skrobola, Finance Director/Treasurer
Department Approval: Thomas C. Skrobola, Finance Director/Treasurer
Executive Approval:

**NOTICE OF INTENT RESOLUTION
CAPITAL IMPROVEMENT BONDS**

**CITY OF FARMINGTON HILLS
County of Oakland, State of Michigan**

Minutes of a regular meeting of the City Council of the City of Farmington Hills, County of Oakland, State of Michigan, held on the 28th day of October, 2024, at 7:30 o'clock p.m. prevailing Eastern Time.

PRESENT: Members _____

ABSENT: Members _____

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS, the City of Farmington Hills, County of Oakland, State of Michigan (the "City"), intends to authorize the issuance and sale of one or more series of general obligation limited tax bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), to pay all or part of the cost to acquire, construct, furnish and equip capital improvements in the City, including a) drainage projects, b) fire equipment, and c) other capital improvement projects indicated in the City's CIP Plan, together with other necessary improvements and all demolition, site improvements and all appurtenances and attachments (the "Projects"); and

WHEREAS, the total amount of bonds to be issued to finance the acquisition and construction of the Projects shall not exceed Eight Million Five Hundred Thousand Dollars (\$8,500,000); and

WHEREAS, a notice of intent to issue bonds must be published before the issuance of the aforesaid bonds in order to comply with the requirements of Section 517 of Act 34; and

WHEREAS, the City intends at this time to state its intention to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the City for the Projects prior to issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue the Bonds in the *Farmington Press*, a newspaper of general circulation in the City.

2. The notice of intent shall be published as a **display advertisement not less than one-quarter (1/4) page in size** in substantially the form attached to this Resolution as Exhibit A.

3. The City Council does hereby determine that the foregoing form of Notice of Intent to Issue Bonds, and the manner of publication directed, is adequate notice to the taxpayers and electors of the City, and is the method best calculated to give them notice of the City's intent to issue the Bonds, the purpose of the Bonds, the security for the Bonds, and the right of referendum of the electors with respect thereto, and that the provision of forty-five (45) days within which to file a referendum petition is adequate to insure that the City's electors may exercise their legal rights of referendum, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(a) The City reasonably expects to reimburse itself with proceeds of the Bonds for certain costs of the Projects which were paid or will be paid from funds of the City subsequent to sixty (60) days prior to today.

(b) The maximum principal amount of debt expected to be issued for the Projects, including issuance costs, is \$8,500,000.

(c) A reimbursement allocation of the capital expenditures described above with the proceeds of the Bonds will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Projects are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the Bonds to reimburse the City for a capital expenditure made pursuant to this resolution.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

AYES: Members _____

NAYS: Members _____

RESOLUTION DECLARED ADOPTED.

Carly Lindahl
City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Farmington Hills, County of Oakland, State of Michigan, at a regular meeting held on October 28, 2024, and that the meeting was conducted and public notice of the meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of the meeting were kept and will be or have been made available as required by the Open Meetings Act.

Carly Lindahl
City Clerk

EXHIBIT A

NOTICE TO ELECTORS OF THE CITY OF FARMINGTON HILLS OF INTENT TO ISSUE BONDS SECURED BY THE TAXING POWER OF THE CITY AND OF RIGHT OF REFERENDUM THEREON

PLEASE TAKE NOTICE that the City Council of the City of Farmington Hills, County of Oakland, intends to authorize the issuance and sale of general obligation capital improvement bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in one or more series in a total principal amount of not to exceed Eight Million Five Hundred Thousand Dollars (\$8,500,000), for the purpose of paying all or part of the cost to acquire, construct, furnish and equip capital improvements in the City, including a) drainage projects, b) fire equipment, and c) other capital improvement projects indicated in the City's CIP Plan, together with other necessary improvements and all demolition, site improvements and all appurtenances and attachments.

BOND DETAILS

The bonds will mature in annual installments not to exceed twenty (20) in number, with interest rates to be determined at a public or negotiated sale but in no event to exceed the maximum permitted by law on the unpaid balance from time to time remaining outstanding on said bonds.

SOURCE OF PAYMENT OF BONDS

THE PRINCIPAL OF AND INTEREST ON SAID BONDS shall be payable from the general funds of the City lawfully available for such purposes including property taxes levied within applicable constitutional, statutory and charter tax rate limitations.

RIGHT OF REFERENDUM

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE CITY VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 517, Act 34, Public Acts of Michigan, 2001, as amended.

Carly Lindahl
Clerk, City of Farmington Hills

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CITY MANAGER'S REPORT TO MAYOR AND COUNCIL

DATE: 10/28/2024

DEPT: Finance

RE: FY 2023/24 Fourth Quarter Financial Summary Report - Preliminary Year-End 6/30/2024

ADMINISTRATIVE SUMMARY

Enclosed you will find the Preliminary Year-End 6/30/2024 Fourth Quarter Summary Financial Report of the General Fund, Major Road Fund, Local Road Fund and Capital Improvement Fund.

General Fund

Revenue/Transfers-in:

Total annual revenue and transfers-in are projected to be \$79.8 million, which is \$2.6 million more than the amount projected in the FY 2023-24 Amended Budget, due in part to better than anticipated revenues in the following areas:

- Interest Earnings (\$1.0 million), due to sustained high Federal Reserve rates, which drive local government investment returns,
- Fees (\$0.7 million), due to increases in emergency transport fees,
- Grants (\$0.5 million), due to several successful grant applications that were not specifically anticipated in the FY 2023-24 Amended Budget;
- Special Services User Charges (\$0.4 million), due to increases in Parks and Recreation utilization and fees.

Expenditures/Transfers-out:

Total annual expenditures and transfers-out are projected to be \$74.3 million, which is \$2.1 million lower than the amount indicated in the FY 2023-24 Amended Budget, due primarily to positive vacancy variance.

Fund Balance:

Total Fund Balance is projected to be approximately \$61.7 million at June 30, 2024, representing 83.0% of projected Total Expenditures at June 30, 2024.



CITY MANAGER'S REPORT TO MAYOR AND COUNCIL

Major Road Fund

Revenue/Transfers-in:

Total annual revenue and transfers-in are projected to be \$15.3 million, which is \$0.3 million more than the amount projected in the FY 2023-24 Amended Budget, due to higher than anticipated state Gas and Weight collections and distributions.

Expenditures/Transfers-out:

Total annual expenditures and transfers-out are projected to be \$15.7 million, which is \$6.9 million less than the amount projected in the FY 2023-24 Amended Budget, due to the timing of capital project and major maintenance expenditures.

Fund Balance:

The projected Fund Balance of \$15.6 million is 99.1% of projected Total Expenditures at June 30, 2024.

Local Road Fund

Revenue/Transfers-in:

Total annual revenue and transfers-in are projected to be \$18.8 million, which is \$0.2 million more than the amount projected in the FY 2023-24 Amended Budget, due to slightly higher than anticipated Gas and Weight Tax distributions from the State of Michigan.

Expenditures/Transfers-out:

Total annual expenditures and transfers-out are projected to be \$17.8 million, which is \$6.8 million less than the amount projected in the FY 2023-24 Amended Budget, due primarily to changes in the timing of capital project expenditures.

Fund Balance:

The projected Fund Balance of \$7.6 million is 43.1% of projected Total Expenditures at June 30, 2024.

Capital Improvement Fund

Revenue/Transfers-in:

Total annual revenue and transfers-in are projected to be \$5.7 million, which is nearly identical to the amount projected in the FY 2023-24 Amended Budget.

Expenditures/Transfers-out:

Total annual expenditures and transfers-out are projected to be \$10.8 million, which is \$9.7 million lower than the amount projected in the Adopted FY 2023-24 Budget, due primarily to changes in the timing of capital project expenditures.



CITY MANAGER'S REPORT TO MAYOR AND COUNCIL

Fund Balance:

The Projected Fund Balance of \$10.9 million is 100.3% of projected Total Expenditures at June 30, 2024.

Please contact me if you have any questions.

#

Prepared by: Thomas C. Skrobola, Finance Director/Treasurer

Department Approval: Thomas C. Skrobola, Finance Director/Treasurer

Executive Approval:

FY 2023-24 4th Quarter Financial Report

GENERAL FUND SUMMARY

	2023/24 Amended Budget	2023/24 Year-To-Date (includes encumbrances)	2023/24 Year-end Projection	Projection Over (Under) Budget	Percentage Change
<u>Fund Balance, July 1</u>					
Unassigned	56,293,852	56,293,852	56,293,852		
Nonspendable + Restricted + Assigned	0	0	0		
Total Fund Balance (actual)	56,293,852	56,293,852	56,293,852		
<u>Revenue</u>					
Property Taxes	38,326,751	38,384,474	38,384,474	57,723	0.15%
Business Licenses & Permits	24,733	26,283	26,283	1,550	6.26%
Other Licenses & Permits	2,044,502	1,915,406	1,915,406	(129,096)	-6.31%
Grants	1,391,680	1,915,895	1,915,895	524,215	37.67%
State Shared Revenues	10,590,480	10,473,571	10,473,571	(116,909)	-1.10%
Fees	7,348,795	8,120,510	8,120,510	771,715	10.50%
Sales	704,309	884,233	884,233	179,924	25.55%
Fines & Forfeitures	1,804,802	1,971,675	1,971,675	166,873	9.25%
Interest Earnings	2,407,511	3,405,738	3,405,738	998,227	41.46%
Recreation User Charges	8,686,750	9,057,995	9,057,995	371,245	4.27%
Other Revenue	2,557,468	2,361,676	2,361,676	(195,792)	-7.66%
Total Revenue	75,887,781	78,517,456	78,517,456	2,629,675	3.47%
<u>Expenditures</u>					
City Council	151,807	142,296	142,296	(9,511)	-6.27%
Planning Commission	153,898	112,974	112,974	(40,924)	-26.59%
Boards and Commissions	3,177,124	3,080,192	3,080,192	(96,932)	-3.05%
City Administration	825,551	887,637	887,637	62,086	7.52%
Public Information	819,743	581,228	581,228	(238,515)	-29.10%
Finance	249,666	246,895	246,895	(2,771)	-1.11%
Accounting	588,698	556,612	556,612	(32,086)	-5.45%
Assessing	820,173	790,932	790,932	(29,241)	-3.57%
Treasury	455,286	423,036	423,036	(32,250)	-7.08%
Corporation Counsel	782,400	788,852	788,852	6,452	0.82%
City Clerk	1,067,179	1,044,371	1,044,371	(22,808)	-2.14%
Human Resources	596,744	556,412	556,412	(40,332)	-6.76%
Central Services	1,387,032	1,164,373	1,164,373	(222,659)	-16.05%
Support Services	3,191,032	3,163,661	3,163,661	(27,371)	-0.86%
Post-Employment Benefits	2,254,673	2,254,673	2,254,673	-	0.00%
Police Department	19,260,812	17,994,699	17,994,699	(1,266,113)	-6.57%
Fire Department	8,374,578	7,596,332	7,596,332	(778,246)	-9.29%
Public Services Administration	607,143	498,935	498,935	(108,208)	-17.82%
Road Maintenance (Net)	281,544	658,555	658,555	377,011	133.91%
Planning & Community Development	1,953,120	1,900,705	1,900,705	(52,415)	-2.68%
Building Maintenance	515,510	494,419	494,419	(21,091)	-4.09%
Engineering	1,485,448	1,354,845	1,354,845	(130,603)	-8.79%
DPW Maintenance Facility	1,467,390	1,409,743	1,409,743	(57,647)	-3.93%
Waste Removal	4,186,538	4,154,691	4,154,691	(31,847)	-0.76%
Special Services Administration	4,578,444	5,319,420	5,319,420	740,976	16.18%
Youth Services	0	0	0	-	0.00%
Senior Services	1,054,092	1,102,129	1,102,129	48,037	4.56%
Parks Maintenance	1,945,993	1,968,179	1,968,179	22,186	1.14%
Cultural Arts	1,476,698	1,249,000	1,249,000	(227,698)	-15.42%
Golf Course	875,634	836,569	836,569	(39,065)	-4.46%
Recreation Programs	2,789,862	2,992,955	2,992,955	203,093	7.28%
Ice Arena	1,124,143	1,070,844	1,070,844	(53,299)	-4.74%
Total Expenditures	68,497,955	66,396,164	66,396,164	(2,101,791)	-3.07%
Excess of Revenue Over (Under) Expenditures	7,389,826	12,121,293	12,121,293	4,731,466	64.03%
<u>Other Financing Sources (Uses)</u>					
Operating Transfers In	1,316,850	1,316,852	1,316,852	2	0.00%
Operating Transfers Out	(7,973,951)	(7,973,952)	(7,973,952)	(1)	0.00%
Total Other Financing Sources (Uses)	(6,657,101)	(6,657,100)	(6,657,100)	1	0.00%
Excess of Revenue and Other Financing	732,725	5,464,193	5,464,193	4,731,467	645.74%
<u>Fund Balance, June 30</u>					
Unassigned	54,626,578		61,758,045		
Nonspendable + Restricted + Assigned	2,400,000		500,000		
Total Fund Balance, June 30	57,026,578		61,758,045	4,731,467	
Total Fund Balance - Percent of Expenditures	74.6%		83.0%		
Unassigned Fund Balance - Percent of Expendit	71.4%		83.0%		
Unassigned Fund Balance	54,626,578		61,758,045		
Revenue + Transfers-in	77,204,631		79,834,308	2,629,677	3.41%
Expenditures + Transfers-out	76,471,906		74,370,116	(2,101,790)	-2.75%

FY 2023-24 4th Quarter Financial Report

MAJOR ROADS FUND SUMMARY

	2023/24 Amended Budget	2023/24 Year-To-Date (includes encumbrances)	2023/24 Year-end Projection	Projection Over (Under) Budget	Percentage Change
<u>Fund Balance, July 1</u>					
Nonspendable + Restricted + Assigned Unassigned	15,781,909	15,781,909	15,781,909		
Total Fund Balance (actual)	15,781,909	15,781,909	15,781,909		
<u>Revenue</u>					
Intergovernmental Revenues					
Gas & Weight Tax (Act 51)	8,194,167	8,882,316	8,882,316	688,149	8.40%
Federal/State Grants	0	0	0	-	0.00%
Total Intergovernmental Revenues	8,194,167	8,882,316	8,882,316	688,149	8.40%
Other Revenues					
Miscellaneous	250	196,902	196,902	196,652	78660.69%
Interest Earnings	266,667	725,216	725,216	458,549	171.96%
Total Other Revenues	266,917	922,118	922,118	655,201	245.47%
Total Revenue	8,461,084	9,804,433	9,804,433	1,343,349	15.88%
<u>Expenditures</u>					
Construction	15,854,500	9,616,477	9,616,477	(6,238,023)	-39.35%
Routine Maintenance	3,229,271	2,720,214	2,720,214	(509,057)	-15.76%
Traffic Services - Maintenance	652,620	629,357	629,357	(23,263)	-3.56%
Winter Maintenance	774,077	711,683	711,683	(62,394)	-8.06%
Administration, Records & Engineering	90,400	48,529	48,529	(41,871)	-46.32%
Total Expenditures	20,600,868	13,726,259	13,726,259	(6,874,609)	-33.37%
Excess of Revenue Over (Under) Expenditures	(12,139,784)	(3,921,826)	(3,921,826)	8,217,958	-67.69%
<u>Other Financing Sources (Uses)</u>					
Bond Proceeds	0	0	0	-	0.00%
Operating Transfers In	6,747,270	5,727,367	5,727,367	(1,019,903)	-15.12%
Operating Transfers Out	(2,000,000)	(2,000,000)	(2,000,000)	0	0.00%
Total Other Financing Sources (Uses)	4,747,270	3,727,367	3,727,367	(1,019,903)	-21.48%
Excess of Revenue and Other Financing	(7,392,514)	(194,459)	(194,459)	7,198,055	-97.37%
<u>Fund Balance, June 30</u>					
Nonspendable + Restricted + Assigned	8,389,395		15,587,450		
Total Fund Balance, June 30	8,389,395		15,587,450		
Total Fund Balance - Percent of Expenditures	37.1%		99.1%		
Revenue + Transfers-in	15,208,354		15,531,800	323,446	2.13%
Expenditures + Transfers-out	22,600,868		15,726,259	(6,874,609)	-30.42%

FY 2023-24 4th Quarter Financial Report

LOCAL ROADS FUND SUMMARY

	2023/24 Amended Budget	2023/24 Year-To-Date (includes encumbrances)	2023/24 Year-end Projection	Projection Over (Under) Budget	Percentage Change
<u>Fund Balance, July 1</u>					
Nonspendable + Restricted + Assigned Unassigned	6,618,790	6,618,790	6,618,790		
Total Fund Balance (actual)	6,618,790	6,618,790	6,618,790		
<u>Revenue</u>					
Intergovernmental Revenues					
Gas & Weight Tax (Act 51)	2,994,581	2,968,922	2,968,922	(25,659)	-0.86%
Federal/State Grants	0	0	0	-	0.00%
Total Intergovernmental Revenues	2,994,581	2,968,922	2,968,922	(25,659)	-0.86%
Other Revenues					
Miscellaneous					
Interest Earnings	81,668	297,749	297,749	216,081	264.58%
Total Other Revenues	81,668	297,749	297,749	216,081	264.58%
Total Revenue	3,076,249	3,266,671	3,266,671	190,422	6.19%
<u>Expenditures</u>					
Construction	19,421,300	13,641,119	13,641,119	(5,780,181)	-29.76%
Routine Maintenance	4,122,769	3,096,907	3,096,907	(1,025,862)	-24.88%
Traffic Services - Maintenance	41,405	15,753	15,753	(25,652)	-61.95%
Winter Maintenance	108,311	150,843	150,843	42,532	39.27%
Administration, Records & Engineering	902,600	871,670	871,670	(30,931)	-3.43%
Total Expenditures	24,596,385	17,776,291	17,776,291	(6,820,094)	-27.73%
Excess of Revenue Over (Under) Expenditures	(21,520,136)	(14,509,620)	(14,509,620)	7,010,516	-32.58%
<u>Other Financing Sources (Uses)</u>					
Bond Proceeds	0	0	0	-	0.00%
Operating Transfers In	15,546,266	15,546,268	15,546,268	2	0.00%
Operating Transfers Out	0	0	0	-	0.00%
Total Other Financing Sources (Uses)	15,546,266	15,546,268	15,546,268	2	0.00%
Excess of Revenue and Other Financing	(5,973,870)		1,036,648	7,010,518	-117.35%
<u>Fund Balance, June 30</u>					
Nonspendable + Restricted + Assigned	644,920		7,655,438		
Total Fund Balance, June 30	644,920		7,655,438		
Total Fund Balance - Percent Of Expenditures	2.6%		43.1%		
Revenue + Transfers-in	18,622,515		18,812,939	190,424	1.02%
Expenditures + Transfers-out	24,596,385		17,776,291	(6,820,094)	-27.73%

FY 2023-24 4th Quarter Financial Report

CAPITAL IMPROVEMENT FUND SUMMARY

	2023/24 Amended Budget	2023/24 Year-To-Date (includes encumbrances)	2023/24 Year-end Projection	Projection Over (Under) Budget	Percentage Change
<u>Fund Balance, July 1</u>					
Nonspendable + Restricted + Assigned Unassigned	16,013,518	16,013,518	16,013,518		
Total Fund Balance (actual)	16,013,518	16,013,518	16,013,518		
<u>Revenue</u>					
Grants	100,000	0	0	(100,000)	-
Miscellaneous	0	21,504	21,504	21,504	-
Interest Earnings + Bond Proceeds	500,000	584,196	584,196	84,196	16.84%
Total Revenue	600,000	605,700	605,700	5,700	0.95%
<u>Expenditures</u>					
Capital and Equipment	11,155,088	5,177,627	5,177,627	(5,977,461)	-53.59%
Construction	8,689,682	4,993,815	4,993,815	(3,695,867)	-42.53%
City Wide Facilities Improvements	700,000	671,463	671,463	(28,537)	-4.08%
Miscellaneous	500	21	21	(479)	-95.80%
Debt Payment	0	0	0	-	#DIV/0!
Total Expenditures	20,545,270	10,842,926	10,842,926	(9,702,344)	-47.22%
Excess of Revenue Over (Under) Expenditures	(19,945,270)	(10,237,226)	(10,237,226)	9,708,044	-48.67%
<u>Other Financing Sources (Uses)</u>					
Bond Proceeds	0	0	0	-	-
Operating Transfers In	5,100,000	5,100,000	5,100,000	-	0.00%
Operating Transfers Out	0	0	0	-	-
Total Other Financing Sources (Uses)	5,100,000		5,100,000	-	0.00%
Excess of Revenue and Other Financing	(14,845,270)		(5,137,226)	9,708,044	-65.39%
<u>Fund Balance, June 30</u>					
Nonspendable + Restricted + Assigned	1,168,248		10,876,293		
Total Fund Balance, June 30	1,168,248		10,876,293		
Total Fund Balance - Percent of Expenditures	5.7%		100.3%		
Revenue + Transfers-in	5,700,000		5,705,700	5,700	0.10%
Expenditures + Transfers-out	20,545,270		10,842,926	(9,702,344)	-47.22%



CITY MANAGER'S REPORT TO MAYOR AND COUNCIL

DATE: 10/28/2024

DEPT: Finance

RE: FY 2024/25 First Quarter Financial Summary Report

ADMINISTRATIVE SUMMARY

Enclosed you will find the 9/30/2024 First Quarter Summary Financial Report of the General Fund, Major Road Fund, Local Road Fund and Capital Improvement Fund.

General Fund

Revenue/Transfers-in:

Total annual revenue and transfers-in are projected to be \$78.5 million, which is the same as the amount projected in the FY 2024-25 Adopted Budget.

Expenditures/Transfers-out:

Total annual expenditures and transfers-out are projected to be \$84.0 million, which is the same amount indicated in the Adopted FY 2024-25 Budget.

Fund Balance:

The projected Fund Balance of \$56.3 million at June 30, 2024 is 67.6% of projected Total Expenditures at June 30, 2024.

Major Road Fund

Revenue/Transfers-in:

Total annual revenue and transfers-in are projected to be \$14.2 million, which is the same amount projected in the FY 2024-25 Adopted Budget.

Expenditures/Transfers-out:

Total annual expenditures and transfers-out is projected to be \$16.4 million, which is the same amount projected in the Adopted FY 2024-25 Budget.



CITY MANAGER'S REPORT TO MAYOR AND COUNCIL

Fund Balance:

The projected Fund Balance of \$13.4 million is 81.6% of projected Total Expenditures at June 30, 2024.

Local Road Fund

Revenue/Transfers-in:

Total annual revenue and transfers-in are projected to be \$18.9 million, which is the same amount projected in the FY 2024-25 Adopted Budget.

Expenditures/Transfers-out:

Total annual expenditures and transfers-out is projected to be \$19.1 million, which is the same amount projected in the Adopted FY 2024-25 Budget.

Fund Balance:

The projected Fund Balance of \$7.6 million is 39.7% of projected Total Expenditures at June 30, 2024.

Capital Improvement Fund

Revenue/Transfers-in:

Total annual revenue and transfers-in are projected to be \$14.0 million, which is the same as the amount projected in the FY 2024-25 Adopted Budget.

Expenditures/Transfers-out:

Total annual expenditures and transfers-out is projected to be \$14.7 million, which is the same amount projected in the Adopted FY 2024-25 Budget.

Fund Balance:

The Projected Fund Balance of \$10.1 million is 68.8% of projected Total Expenditures at June 30, 2024.

Please contact me if you have any questions.

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Prepared by: Thomas C. Skrobola, Finance Director/Treasurer

Department Approval: Thomas C. Skrobola, Finance Director/Treasurer

Executive Approval:

FY 2024-25 1st Quarter Financial Report

GENERAL FUND SUMMARY

	2024/25 Amended Budget	2024/25 Year-To-Date (includes encumbrances)	2024/25 Year-end Projection	Projection Over (Under) Budget	Percentage Change
<u>Fund Balance, July 1</u>					
Nonspendable + Restricted	500,000	500,000	500,000		
Unassigned	61,758,045		61,758,045		
Total Fund Balance (act)	62,258,045	500,000	62,258,045		
<u>Revenue</u>					
Property Taxes	40,612,945	26,859,376	40,612,945	-	0.00%
Business Licenses & Permit	25,573	5,445	25,573	-	0.00%
Other Licenses & Permits	1,856,094	508,811	1,856,094	-	0.00%
Grants	439,366	124,269	439,366	-	0.00%
State Shared Revenues	10,644,878	1,660,741	10,644,878	-	0.00%
Fees	7,617,882	1,159,666	7,617,882	-	0.00%
Sales	491,886	144,391	491,886	-	0.00%
Fines & Forfeitures	1,626,525	490,539	1,626,525	-	0.00%
Interest Earnings	1,304,264	1,113	1,304,264	-	0.00%
Recreation User Charges	10,412,673	2,355,325	10,412,673	-	0.00%
Other Revenue	2,216,163	279,622	2,216,163	-	0.00%
Total Revenue	77,248,249	33,589,298	77,248,249	-	0.00%
<u>Expenditures</u>					
City Council	166,177	17,625	166,177	-	0.00%
Planning Commission	52,653	50,135	52,653	-	0.00%
Boards and Commissions	3,343,215	1,007,182	3,343,215	-	0.00%
City Administration	653,119	185,825	653,119	-	0.00%
Public Information	1,128,543	236,808	1,128,543	-	0.00%
DEI & Employee Developm	187,996	17,298	187,996	-	0.00%
Economic Development	303,839	165,428	303,839	-	0.00%
Finance	298,011	84,155	298,011	-	0.00%
Accounting	703,026	143,842	703,026	-	0.00%
Assessing	970,227	207,707	970,227	-	0.00%
Treasury	448,915	84,074	448,915	-	0.00%
Corporation Counsel	798,400	64,810	798,400	-	0.00%
City Clerk	1,095,423	284,698	1,095,423	-	0.00%
Human Resources	921,347	169,302	921,347	-	0.00%
Central Services	1,578,988	285,191	1,578,988	-	0.00%
Support Services	3,509,996	1,013,790	3,509,996	-	0.00%
Post-Employment Benefits	3,673,209	0	3,673,209	-	0.00%
Police Department	20,381,317	4,399,622	20,381,317	-	0.00%
Fire Department	8,433,099	1,116,502	8,433,099	-	0.00%
Public Services Administrat	603,891	245,860	603,891	-	0.00%
Road Maintenance (Net)	352,460	411,336	352,460	-	0.00%
Planning & Community De	2,193,894	531,909	2,193,894	-	0.00%
Building Maintenance	526,234	101,092	526,234	-	0.00%
Engineering	1,690,808	477,550	1,690,808	-	0.00%
DPW Maintenance Facility	1,485,734	219,579	1,485,734	-	0.00%
Waste Removal	4,291,140	471,507	4,291,140	-	0.00%
Special Services Administra	4,581,677	1,104,519	4,581,677	-	0.00%
Youth Services	0	0	0	-	0.00%
Senior Services	1,171,149	348,726	1,171,149	-	0.00%
Parks Maintenance	2,049,397	487,124	2,049,397	-	0.00%
Cultural Arts	1,674,876	432,640	1,674,876	-	0.00%
Golf Course	1,016,372	207,648	1,016,372	-	0.00%
Recreation Programs	3,190,276	895,711	3,190,276	-	0.00%
Ice Arena	1,266,881	221,850	1,266,881	-	0.00%
Total Expenditures	74,742,289	15,691,046	74,742,289	0	0.00%
Excess of Revenue Over (U	2,505,960	17,898,252	2,505,960	-	0.00%
<u>Other Financing Sources (Uses)</u>					
Operating Transfers In	1,316,850	0	1,316,850	-	0.00%
Operating Transfers Out	(9,273,787)	0	(9,273,787)	-	0.00%
Total Other Financing Sc	(7,956,937)	-	(7,956,937)	-	0.00%
Excess of Revenue and	(5,450,977)	17,898,252	(5,450,977)	-	0.00%
<u>Fund Balance, June 30</u>					
Nonspendable + Restricted	500,000		500,000		
Unassigned	56,307,068		56,307,068		
Total Fund Balance, Jun	56,807,068		56,807,068		
Total Fund Balance - Perc	67.6%		67.6%		
Unassigned Fund Balance -	67.0%		67.0%		
Unassigned Fund Balance	56,307,068		56,307,068		
Revenue + Transfers-in	78,565,099		78,565,099	-	0.00%
Expenditures + Transfers-o	84,016,076		84,016,076	-	0.00%

FY 2024-25 1st Quarter Financial Report

MAJOR ROADS FUND SUMMARY

	2024/25 Amended Budget	2024/25 Year-To-Date (includes encumbrances)	2024/25 Year-end Projection	Projection Over (Under) Budget	Percentage Change
<u>Fund Balance, July 1</u>					
Nonspendable + Restricted + Assigned Unassigned	15,587,450	15,587,450	15,587,450		
Total Fund Balance (actual)	15,587,450	15,587,450	15,587,450		
<u>Revenue</u>					
Intergovernmental Revenues					
Gas & Weight Tax (Act 51)	8,194,167	694,454	8,194,167	-	0.00%
Federal/State Grants	0	0	0	-	0.00%
Total Intergovernmental Revenues	8,194,167	694,454	8,194,167	-	0.00%
Other Revenues					
Miscellaneous	0	98,033	0	-	0.00%
Interest Earnings	266,667	0	266,667	-	0.00%
Total Other Revenues	266,667	98,033	266,667	-	0.00%
Total Revenue	8,460,834	792,487	8,460,834	-	0.00%
<u>Expenditures</u>					
Construction	9,748,100	8,734,639	9,748,100	-	0.00%
Routine Maintenance	2,949,479	939,549	2,949,479	-	0.00%
Traffic Services - Maintenance	708,785	437,781	708,785	-	0.00%
Winter Maintenance	942,524	9,660	942,524	-	0.00%
Administration, Records & Engineering	90,500	1,275	90,500	-	0.00%
Total Expenditures	14,439,388	10,122,904	14,439,388	-	0.00%
Excess of Revenue Over (Under) Expenditures	(5,978,554)	(9,330,418)	(5,978,554)	-	0.00%
<u>Other Financing Sources (Uses)</u>					
Bond Proceeds	0	0	0	-	0.00%
Operating Transfers In	5,800,000	0	5,800,000	-	0.00%
Operating Transfers Out	(2,000,000)	0	(2,000,000)	0	0.00%
Total Other Financing Sources (Uses)	3,800,000	0	3,800,000	-	0.00%
Excess of Revenue and Other Financing	(2,178,554)	(9,330,418)	(2,178,554)	-	0.00%
<u>Fund Balance, June 30</u>					
Nonspendable + Restricted + Assigned	13,408,896		13,408,896		
Total Fund Balance, June 30	13,408,896		13,408,896		
Total Fund Balance - Percent of Expenditures	81.6%		81.6%		
Revenue + Transfers-in	14,260,834		14,260,834	-	0.00%
Expenditures + Transfers-out	16,439,388		16,439,388	-	0.00%

FY 2024-25 1st Quarter Financial Report

LOCAL ROADS FUND SUMMARY

	2024/25 Amended Budget	2024/25 Year-To-Date (includes encumbrances)	2024/25 Year-end Projection	Projection Over (Under) Budget	Percentage Change
<u>Fund Balance, July 1</u>					
Nonspendable + Restricted + Assigned Unassigned	7,655,438	7,655,438	7,655,438		
Total Fund Balance (actual)	7,655,438	7,655,438	7,655,438		
<u>Revenue</u>					
Intergovernmental Revenues					
Gas & Weight Tax (Act 51)	2,994,581	241,869	2,994,581	-	0.00%
Federal/State Grants	0	0	0	-	0.00%
Total Intergovernmental Revenues	2,994,581	241,869	2,994,581	0	0.00%
Other Revenues					
Miscellaneous					
Interest Earnings	75,000	0	75,000	-	0.00%
Total Other Revenues	75,000	0	75,000	-	0.00%
Total Revenue	3,069,581	241,869	3,069,581	-	0.00%
<u>Expenditures</u>					
Construction	13,735,900	14,074,257	13,735,900	-	0.00%
Routine Maintenance	4,268,742	1,612,274	4,268,742	-	0.00%
Traffic Services - Maintenance	45,708	387	45,708	-	0.00%
Winter Maintenance	120,915	0	120,915	-	0.00%
Administration, Records & Engineering	882,988	1,275	882,988	-	0.00%
Total Expenditures	19,054,253	15,688,193	19,054,253	-	0.00%
Excess of Revenue Over (Under) Expenditures	(15,984,672)	(15,446,324)	(15,984,672)	-	0.00%
<u>Other Financing Sources (Uses)</u>					
Bond Proceeds	0	0	0	-	0.00%
Operating Transfers In	15,900,000	0	15,900,000	-	0.00%
Operating Transfers Out	0	0	0	-	0.00%
Total Other Financing Sources (Uses)	15,900,000	0	15,900,000	0	0.00%
Excess of Revenue and Other Financing	(84,672)		(84,672)	0	0.00%
<u>Fund Balance, June 30</u>					
Nonspendable + Restricted + Assigned	7,570,766		7,570,766		
Total Fund Balance, June 30	7,570,766		7,570,766		
Total Fund Balance - Percent Of Expenditures	39.7%		39.7%		
Revenue + Transfers-in	18,969,581		18,969,581	-	0.00%
Expenditures + Transfers-out	19,054,253		19,054,253	-	0.00%

FY 2024-25 1st Quarter Financial Report

CAPITAL IMPROVEMENT FUND SUMMARY

	2024/25 Amended Budget	2024/25 Year-To-Date (includes encumbrances)	2024/25 Year-end Projection	Projection Over (Under) Budget	Percentage Change
<u>Fund Balance, July 1</u>					
Nonspendable + Restricted + Assigned Unassigned	10,876,293	10,876,293	10,876,293		
Total Fund Balance (actual)	10,876,293	10,876,293	10,876,293		
<u>Revenue</u>					
Grants	100,000	0	100,000	-	-
Miscellaneous	0	580	0	-	-
Interest Earnings	8,095,000	0	8,095,000	-	0.00%
Total Revenue	8,195,000	580	8,195,000	-	0.00%
<u>Expenditures</u>					
Capital and Equipment	7,151,500	7,279,604	7,151,500	-	0.00%
Construction	7,580,000	5,298,582	7,580,000	-	0.00%
Miscellaneous	0	0	0	-	#DIV/0!
Total Expenditures	14,731,500	12,578,187	14,731,500	-	0.00%
Excess of Revenue Over (Under) Expenditures	(6,536,500)	(12,577,607)	(6,536,500)	-	0.00%
<u>Other Financing Sources (Uses)</u>					
Bond Proceeds	0	0	0	-	-
Bond Payments	0	0	0	-	#DIV/0!
Operating Transfers In	5,800,000	0	5,800,000	-	0.00%
Operating Transfers Out	0	0	0	-	-
Total Other Financing Sources (Uses)	5,800,000		5,800,000	0	0.00%
Excess of Revenue and Other Financing	(736,500)		(736,500)	-	0.00%
<u>Fund Balance, June 30</u>					
Nonspendable + Restricted + Assigned	10,139,793		10,139,793		
Total Fund Balance, June 30	10,139,793		10,139,793		
Total Fund Balance - Percent of Expenditures	68.8%		68.8%		
Revenue + Transfers-in	13,995,000		13,995,000	-	0.00%
Expenditures + Transfers-out	14,731,500		14,731,500	-	0.00%



CITY MANAGER'S REPORT TO MAYOR AND COUNCIL

DATE: 10/28/2024

DEPT: Finance

RE: **The City's Quarterly Investment Report as of September 30, 2024**

ADMINISTRATIVE SUMMARY

Attached you will find the City's Quarterly Investment Report (exclusive of the investments of the Pension Trust Funds) as of September 30, 2024.

In comparison to the quarter ended June 30, 2024, the City's total investment/bank balance is \$196.0 million, an increase of \$52.9 million or 36.9%, which is typical for the commencement period for Summer (2024) Property Tax collections.

In comparison to the same quarter a year ago, i.e., the quarter ended September 30, 2023, the City's total investment/bank balance has increased by \$3.3 million or 1.7%, which reflects a positive cash flow that is the net of FY 2023-24 year-end performance which added a net \$5 million to the General Fund balance.

The City's average Rate of Return (R.O.R.) on investments was 4.22% compared to 5.01% the previous quarter. The City's R.O.R. was below the benchmark Fed Funds Rate by 1.08%. This gap represents short-term Treasury rates increases that trail increases in Federal Reserve Rates by the Federal Reserve Open Market Committee. The Treasurer's Office has shortened maturities to "climb the ladder" through the prudent and timely diversification of investment options. We have invested \$100 million of multi-year investments to lock-in historically high interest rates.

We will continue to work within the primary objectives of the City's Investment Policy, which, in priority order, are; safety, diversification, liquidity and return on investment, as highlighted below:

1. Safety of principal is the primary objective of the City of Farmington Hills investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of principal in the overall portfolio. The objective will be to mitigate risk through the utilization of FDIC insured and collateralized investments;
2. The investments shall be diversified by type and institution in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio. The City has investments in certificate of deposits, CDARS, cash equivalents, mutual funds, checking accounts, savings accounts, money market accounts, and U.S. instruments, diversified between financial institutions as indicated in this report;



CITY MANAGER'S REPORT TO MAYOR AND COUNCIL

3. The investment portfolio shall remain sufficiently liquid to enable the City to meet all operating requirements which may be reasonably anticipated, by the use of cash flow forecasting models; and
4. The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow characteristics of the portfolio. At minimum, the City's average rate of return on investments should earn more than the 3-month Treasury Bill Rate and Fed Funds Rate.

City of Farmington Hills Quarterly Investment Report As of September 30, 2024								
				\$196,017,951			4.22%	
Financial Institution	Fund	Account Type	Investment	Bank Total	Date of Maturity	Current % Interest Rate	Average R.O.R.	Percentage of Portfolio
Comerica Bank	All funds	*CK	138,419		Immediate	0.18%	0.0001%	
Comerica Bank	All Funds-J-Fund	MF	55,933,456	56,071,875	Immediate	4.79%	1.3668%	28.61%
Community Unity	All Funds		252,820	252,820	12/25/2024	4.45%	0.0057%	0.13%
Michigan Class	All Funds	MMIP	20,582,049	20,582,049	Immediate	5.23%	0.5496%	10.50%
Oakland County Investment Pool	All Funds	LGIP	11,442,319	11,442,319	Immediate	3.64%	0.2127%	5.84%
PNC Bank	All Funds	*CK	4,874,165	4,874,165	Immediate	0.19%	0.0047%	2.49%
Robinson Capital	All Funds	MUNI	102,794,723	102,794,723	Varies	3.97%	2.0819%	52.44%
Total				196,017,951			4.2216%	100.00%
1-Year Treasury Bill Rate-trailing six months							5.32%	
3-Month Treasury Bill Rate-trailing six months							5.45%	
Quarterly Fed Funds Rate-trailing six months							5.30%	
City's Avg. R.O.R. over/(under) the 1-year T-Bill Rate							-1.10%	
City's Avg. R.O.R. over/(under) the 3-month T-Bill Rate							-1.22%	
City's Avg. R.O.R. over/(under) the Fed Funds Rate							-1.08%	
Type Codes								
CD - Certificate of Deposit			MF - Mutual Fund			MUNI - Municipal Bonds		
CE - Cash Equivalent			MM - Money Market Account					
CK - Regular Checking			***MMIP - Money Market Investment Pool					
CP - Commercial Paper			SV - Savings Account					
IBC - Interest bearing checking			USI - United States Instrumentality					
LGIP - Local Government Investment Pool			UST - United States Treasury					
*CK = Earnings Credit applied to Bank Service Fees.								
**CK = Non-interest bearing account.								
***Michigan Cooperative Liquid Assets Securities System (Michigan CLASS) is rated 'AAAm' by Standard & Poor's. The rating signifies extremely strong capacity to maintain principal stability and to limit exposure to principal losses due to credit, market, and/or liquidity risks. This is accomplished through conservative investment practices and strict internal controls. Standard & Poor's monitors the portfolio on a weekly basis. The Pool invests in US Treasury obligations, federal agency obligations of the U.S. government, high grade commercial paper (A-1 or better), collateralized bank deposits, repurchase agreements (collateralized at 102% by Treasuries and agencies) and approved money market funds. The credit quality of the Pool is excellent with greater than 50% of the securities invested in A-1+ securities and the remainder in A-1 paper. The portfolio's weighted average maturity is kept under 60 days, which further helps to enhance liquidity and limits market price exposure. Portfolio securities are priced to market on a weekly basis.								
			Previous 1/4	\$143,117,325			73.0%	
			\$ Change	\$52,900,625				
			% Change	36.96%				
			Previous Year	\$192,716,794			98.3%	
			\$ Change	\$3,301,156				
			% Change	1.71%				



**CITY MANAGER'S REPORT TO
MAYOR AND COUNCIL**

Please let me know if you have any questions.

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Prepared by: Shontae Stringfellow, Deputy Treasurer

Department Approval: Thomas C. Skrobola, Finance Director/Treasurer

Executive Approval:



CITY MANAGER'S REPORT TO MAYOR AND COUNCIL

DATE: 10/28/2024

DEPT: FIRE DEPARTMENT

RE: AWARD OF PURCHASE OF FIRE ENGINE

ADMINISTRATIVE SUMMARY

- Sealed bids were advertised, publicly opened and read aloud by Sourcewell, a local government unit and service cooperative on November 30, 2021, for Firefighting Apparatus and Fire Service Vehicles with Related Equipment, Options, and Services. The awarded contract with Rosenbauer America is offered to the City as a national cooperative bid. Participating in a cooperative purchase provides cost savings for the City due to the buying power of a national cooperative.
- 2025 Rosenbauer Avenger Pumper. 750 gallon water tank, 1500 Gallon per minute pumping capacity with matching compartmentation and lighting configuration to our current fleet.
- City staff from Fire & Central Services evaluated the cooperative contract offered by Sourcewell and have determined it is a qualified, competitive cooperative contract and are recommending the City of Farmington Hills accept the offer. Rosenbauer America is offering 15% off MSRP for the base vehicle and the additional features. Their knowledge and compliance of current NFPA, OSHA & MiOSHA standards is extensive, the apparatus proposed meets all required specifications and Fire Department has been please with their customer service.
- The recommended proposal provides CHASSIS WARRANTY: 2-Year Bumper to Bumper on Chassis Warranty - Frame - Lifetime ,10- Year Chassis Paint, Lifetime Structural BODY WARRANTY: 2-Year Apparatus Body Warranty, 10- Year Body paint Warranty, Warranty, Stainless Steel Body, 10 Years , Warranty, Subframe, 20 Year Stainless Steel
- Staff is recommending the City accept the voluntary alternate pricing option, offered by Rosenbauer to issue a deposit of 50%. This option will bring the subject truck and related equipment in-line with the budget. Staff considers this as a viable option due to past performance history and acceptance of all required bonds. Yes 50% prepay will get us an additional discount



CITY MANAGER'S REPORT TO MAYOR AND COUNCIL

- Funding for this purchase is available in the 2024/25 Capital Improvement Fund.

RECOMMENDATION

- In view of the above, it is recommended that City Council authorize the City Manager to issue a purchase order to Rosenbauer America, for a Fire Engine, in the amount of \$1,052,882.00.

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Prepared by: Jason Olszewski, Deputy Fire Chief
Reviewed by: Michelle Aranowski, Director of Central Services
Reviewed by: Jon Unruh, Fire Chief
Approved by: Gary Mekjian, City Manager



CITY MANAGER'S REPORT TO MAYOR AND CITY COUNCIL

Date: Monday, October 28, 2024

Re: APPROVAL OF RECOMMENDED CONSULTANT FOR CORRIDOR MARKET STUDY - GRAND RIVER CORRIDOR

ADMINISTRATIVE SUMMARY

- Request for Proposals were advertised, available on the Michigan Inter-Governmental Trade Network (MITN) e-procurement site, publicly opened and read aloud on Monday, August 16, 2024, after a one-week postponement to obtain additional bidding interest. Notification was sent to one thousand seven hundred ten (1,710) vendors, (including six hundred ninety-four (694) vendors that hold the classification of minority owned, woman owned, veteran owned, disabled, disadvantaged or service disabled) with four (4) responding. We received zero "No Bids."
- Staff reviewed all the bids and has determined that Gibbs Planning Group (Gibbs) is the best and most qualified bidder. Gibbs has demonstrated that they are qualified in data gathering for market studies, have the expertise in planning and economic development, while offering new ideas and fresh perspectives to the City's major corridors that are data driven. Gibbs has also demonstrated the ability to produce strategic and realistic ideas to drive the future of commercial corridors. Staff has also received positive feedback from their available references regarding innovation, positive community responses, and successful outcomes with achievable recommendations.
- The study total falls somewhat out of the anticipated budget, but it is believed that Gibbs group can best assist the City in finding true market details while paving the way for creative, inclusive, modern, and growth-inspiring planning solutions.
- Funding for the project is available in within the Grand River Corridor Improvement Authority Budget.
- On Friday, October 25, the Grand River Corridor Improvement Authority approved Gibbs Planning Group as the recommended vendor to conduct the corridor market study in the amount of \$85,000.

RECOMMENDATION

- In view of the above, it is recommended that City Council authorized the city manager to issue a purchase order for Gibbs Planning Group of Birmingham, MI in the amount of \$85,000 for the consultant for the corridor market study of Grand River Avenue between Orchard Lake Road and 8 Mile Road, within the Corridor Improvement Authority District boundaries.

Prepared by: Michelle Aranowski, Director of Central Services

Reviewed by: Cristia Brockway, Economic Director

Approved by: Gary Mekjian, City Manager

BID TABULATION

Company Name	City State	Study Total
Gibbs Planning Group	Birmingham, MI	\$85,000
McKenna Associates, Inc	Northville, MI	\$85,000
Community Attributes Inc.	Seattle, WA	\$110,000
Plante Moran	Southfield, MI	\$120,000

**MINUTES
CITY OF FARMINGTON HILLS
FARMINGTON HILLS CITY COUNCIL
COSTICK ACTIVITIES CENTER – SHANNON HALL
OCTOBER 14, 2024 – 6:00PM**

The study session meeting of the Farmington Hills City Council was called to order by Mayor Rich at 6:02pm.

Council Members Present: Aldred, Boleware, Bridges, Bruce, Dwyer, and Rich

Council Members Absent: Knol

Others Present: City Manager Mekjian, Assistant City Manager Mondora, City Clerk Lindahl, Director Schnackel, and City Attorney Joppich

Mayor Rich thanked the public attending the meeting and acknowledged participants from the Council on Aging. She clarified that City Council study sessions are for internal discussion and reports. Public input is always welcomed, but there will not be time tonight for extensive public comment. Residents can always speak at the regular City Council meetings and there is a “Walk the Hawk” event tomorrow, when the Mayor and others will be walking at the Hawk and talking with residents. Before any decisions are made regarding the Costick Center, public hearings with opportunity for public input will be held.

DISCUSSION ON IDEAS FOR POTENTIAL JOINT MEETING WITH FARMINGTON PUBLIC SCHOOLS AND THE CITY OF FARMINGTON

Council discussed ideas for a potential joint meeting with Farmington Public Schools and the City of Farmington. Noting that academic achievement impacts the entire City and is a shared priority, Council focused on the following topics for potential discussion during a joint meeting:

- Strengthen communication between the School Board and City Council. Share minutes and other key communications between the City Council, School Board, and the City of Farmington to foster collaboration.
- Student Achievement: Encourage residents including seniors to volunteer and support student learning. Develop ways for the City to support and honor student achievement. Share research findings and programming updates from the School Board to foster ideas on how the City can support educational efforts.
- Job Readiness and Experiential Learning: Foster internships and real-world learning opportunities in city departments and local businesses. Offer the City’s resources and alliances to create job opportunities for young people.
- Strengthen school safety through better coordination between the Schools and the Police Department. Encourage real ALICE training (active shooter training) in schools through collaboration with the Police Department.
- Discuss Emergency Preparedness. Possibly develop a round-table collaborative exercise.

Mayor Rich noted that these suggestions align with the Council’s goal set in January to strengthen collaboration with the schools and the neighboring city. City Manager Mekjian was tasked with sharing the proposed topics with Farmington Public Schools and the City of Farmington for further discussion.

DISCUSSION ON APPLICATION FOR A MORE RESPONSIVE GOVERNMENT 2024 GRANT PROGRAM

Clerk Lindahl explained that historically clerks only utilized state and federal funding for election administration. The More Responsive Government 2024 Grant Program marks a new direction for election funding in Michigan, allowing the use of publicly disclosed charitable donations and in-kind contributions for elections under new legislation aligned with the Michigan Constitution.

Farmington Hills applied and was awarded \$60,000 from this grant program. The application and agreement were reviewed and approved by the City's attorney and finance director.

Planned uses for the award included:

- New precinct signage to improve polling location identification.
- Security upgrades for the Clerk's office and Counting Board.
- Help desk station improvements at the city's 27 precincts.
- Replacement of outdated equipment used in election administration.

The grant proposal will be presented for a Resolution under the Consent Agenda at tonight's regular council meeting.

In response to questions, Clerk Lindahl affirmed that the funds were being used in a politically neutral way.

Council praised the grant award. Mayor Rich noted that obtaining this grant aligned with Council's 2024 goal of securing additional funding for the City through grant opportunities.

REVIEW OF SENIOR SERVICES AND TOUR OF THE COSTICK CENTER

Council Member Bridges expressed appreciation to the Council on Aging for proposing this study session at the Costick Center. He highlighted the Council on Aging's work in representing seniors by ensuring programming and services that meet their needs.

Presentation on Senior Services by Special Services Director Ellen Schnackel, Deputy Director Brian Farmer, and Senior Adult Services Supervisor Marsha Koet

Demographics: Population of people age 60+ is increasing in Farmington Hills. Number of adults 85+ will double. This increases the demand for senior services. 170 volunteers support this effort.

- Meals on Wheels: Currently serves over 200 meals daily.
- Meals at Costick Center: 107,000 lunch meals are prepared and served at the Costick Center per year.
- Transportation Service: Provides 14,000 rides annually for medical appointments, shopping, and other needs, with priority given to travel to and from dialysis and other essential medical trips.
- Outreach Services: The Outreach Counselor Teresa Jurgovich assists with Medicare and Medicaid counseling, works with the unhoused population, and receives police and fire intervention referrals. Last year there were 179 such referrals which required collaboration with agencies such as Adult Protective Services, Area Agency on Aging, etc.
- Holiday Package Program: Delivered 581 packages to seniors in collaboration with community organizations.
- Programs at the Costick Center:

- Fitness Classes: Over 40 options, including gym exercises, yoga, and pickleball. All have very strong participation.
- Cycling Group: Began with 60 participants, now includes 240 members who ride 16,000 miles annually.
- Social Groups: Include New Friends Social Club, which helps seniors reintegrate into social activities after caregiving or life transitions.
- Costick Pool classes.
- Respite care for older adults, many with dementia, providing a break for caregivers.
- Special Events and Services:
 - Veterans Resource Day, AARP tax services (provides ~450 free tax returns per year), law day, shredding events, and the Dine and Discover series, which combines lectures with meals.
 - Various support groups for Alzheimer's, Parkinson's, grief, and aging.

Council Members thanked the volunteers and Council on Aging for their efforts.

Special Services Deputy Director Farmer led Council on a tour of the Costic Center.

ADJOURNMENT

Following the tour, the Study Session meeting was adjourned at 7:03pm.

Respectfully submitted,

Carly Lindahl, City Clerk

MINUTES
CITY OF FARMINGTON HILLS
CITY COUNCIL MEETING
CITY HALL – COUNCIL CHAMBER
OCTOBER 14, 2024 – 7:30 PM

The regular session meeting of the Farmington Hills City Council was called to order by Mayor Rich at 7:32PM.

Council Members Present: Aldred, Boleware, Bridges, Bruce, Dwyer and Rich

Council Members Absent: Knol

Others Present: City Manager Mekjian; Assistant City Manager Mondora; City Clerk Lindahl; Directors Rushlow and Schnackel, Police Chief King, and City Attorney Joppich

PLEDGE OF ALLEGIANCE

Brook and Mallerie Merchant, R.C. Merchant & Company, led the pledge of allegiance.

Mayor Rich noted that the R.C. Merchant Company – a family-owned electrical and electronics manufacturers’ representative company – is celebrating its 100th anniversary. The company will be naming Mallerie as its fourth-generation president, following her father, Brook.

APPROVAL OF REGULAR SESSION MEETING AGENDA

MOTION by Dwyer, support by Boleware, to approve the agenda as published.

MOTION CARRIED 6-0.

PROCLAMATION RECOGNIZING NOVEMBER 2024 AS FAMILY COURT AWARENESS MONTH

The following proclamation was ready by Council Member Bruce and accepted by Lisa from Protective Parents Michigan.

**PROCLAMATION
Family Court Awareness Month
November 2024**

WHEREAS, the mission of the Family Court Awareness Month Committee (FCAMC) is to increase awareness of the importance of a family court system that prioritizes child safety and acts in the best interest of children, and;

WHEREAS, the mission of the FCAMC is fueled by the desire to create awareness and change in the family court system for the estimated 58,000 children ordered into unsupervised contact with physically or sexually abusive parents each year, while honoring the hundreds of children who have been reported as murdered during visitation with a dangerous parent, and;

WHEREAS, the mission of the FCAMC is to increase awareness of the importance of

empirically based education and training on domestic violence, child emotional and psychological abuse, childhood trauma, child sexual abuse, coercive control, and post-separation abuse for all professionals working on cases within the family court system, and;

WHEREAS, the mission of the FCAMC is to increase awareness of the importance of using scientifically valid, evidence-based, treatment programs and services that are proven in terms of safety, effectiveness and therapeutic value, and;

WHEREAS, the mission of the FCAMC is to educate judges and other family court professionals on evidence-based, peer-reviewed research, that is a critical component to making decisions that are truly in the best interest of children.

NOW, THEREFORE, I, Theresa Rich, Mayor of the City of Farmington Hills, on behalf of the entire City Council, do hereby proclaim November 2024 to be **Family Court Awareness Month**. I encourage all residents to support their local communities' efforts to prevent the harm to children in the hands of family members, and to honor and value the lives of children.

After accepting the proclamation, Lisa made comments regarding the mission of Protective Parents Michigan. Courts often lack proper training on domestic violence, child abuse, and coercive control, resulting in custody decisions that place children at risk and increase reliance on community resources like shelters and schools. Lisa advocated for Kayden's Law, named after a 7-year-old girl killed by her father during court-ordered unsupervised parenting time. The law aims to improve judicial education on all forms of abuse and ensure that courts prioritize child safety by considering past abuse histories more thoroughly in custody decisions.

ANNOUNCEMENTS/PRESENTATIONS FROM CITY BOARDS, COMMISSIONS AND PUBLIC OFFICIALS

None.

PRESENTATION ON THE FARMINGTON PUBLIC SCHOOLS MILLAGE RENEWAL

Dr. Kelly Coffin, Interim Superintendent, introduced Jennifer Kaminsky, Assistant Superintendent for Business and Finance. Ms. Kaminsky explained that Michigan's Proposal A, approved 30 years ago, reduced property taxes and created a foundation allowance to fund schools more equitably. Since Farmington Public Schools historically exceeded the foundation allowance, it is classified as a "hold harmless" district, allowing it to request operating millages from residents. Farmington schools receive \$11,484 per student, with \$1,875 coming from homestead taxes, \$3,402 from non-homestead/business taxes, and the remainder of \$6,206 from state funds.

Millage Calculation and Use of Funds

As explained in the ballot millage renewal language: "This proposal would renew the authority of the School District, which expires with the 2025 tax levy, to levy up to 18.00 mills for general school district operating purposes on taxable property in the School District to the extent that such property is not exempt from such levy, restrict the levy on principal residences (owner-occupied homes) to no more than 12.5955 mills and protect against the impact of future Headlee rollbacks of up to 3.0 mills, This authorization would allow the School District to continue to levy the statutory limit of 18.00 mills on non-homestead property (principally industrial and commercial real property and residential rental

property) and to continue to levy on principal residence property (owner occupied homes) only that portion of the mills necessary to allow the School District to receive the full revenue per pupil foundation allowance permitted by the State. In 2024 the School District levied only 5.2029 mills on personal residences (owner-occupied homes).” 27% of the district’s revenue comes from this millage, which differs from bond measures that fund infrastructure, busses, and technology. Without the renewal, the district would lose over \$49 million annually, with no compensation from the state.

The current millage expires in December 2025, and the district is requesting a 10-year renewal to ensure stable funding. Ms. Kaminsky noted that holding the election in November 2024 saves costs, and if the measure does not pass, there will still be another opportunity in August or November 2025. She reminded residents of the November 5th ballot date and encouraged residents to visit the District’s website for more information. Flyers with additional details were also distributed at the meeting.

PRESENTATION ON THE CITY OF FARMINGTON HILLS 2024 ROAD MILLAGE RENEWAL

City Manager Mekjian said that the City has two ballot proposals for the November election.

Amending the City Charter

The first proposal involves amending the City Charter to align with recent changes in election laws, ensuring elected officials can take office without conflicts caused by delayed election certifications.

Road Millage Renewal

Public Services Director Rushlow provided details of the Road Millage Renewal.

Farmington Hills maintains over 300 miles of roads, including major roads, neighborhood streets, industrial routes, and gravel roads. Funding for road maintenance comes from multiple sources, including state revenues from gas taxes and registration fees, as well as federal and state grants. The 2014 road millage, which is up for renewal, provides 2.0 mills dedicated to major road improvements, generating approximately \$9 million annually.

The renewal will maintain the same rate and help continue progress made over the past decade in repairing roads, with a focus on improving safety and curb appeal, reducing vehicle wear, and preserving property values. Director Rushlow noted that even with the work completed so far, 106 miles of roads are still classified as being in poor condition under the PASER (Pavement Surface and Evaluation Rating) rating system.

Residents can expect to pay approximately \$240 annually under the renewed millage, based on a \$360,000 home value.

Council Discussion and Road Maintenance Issues

- Council raised concerns about road deterioration in the Heritage Hills neighborhood and requested an update on negotiations with the contractor responsible for a defective concrete project.

Director Rushlow explained that new environmental regulations affecting Portland cement have caused surface issues in some concrete roads. Although the defects are aesthetic rather than structural, the City is exploring solutions with the Michigan Concrete Association and MDOT

(Michigan Department of Transportation), and other agencies and communities. The City is in discussion with the contractor and the Attorney's Office to address warranty issues.

- Following up on an email from a resident, City Manager Mekjian clarified that funds from the road millage renewal will be used exclusively for public roads and streets, which can be identified by their green street signs. Private roads, such as those within site condominiums, will not receive funding from this millage.
- Council asked the total number of miles repaired since the original millage was passed and inquired whether information about the renewal is available on the city's website. Director Rushlow confirmed that the data is accessible online and that he will follow up with the specific road mileage figure.

PRESENTATION ON THE OAKLAND COUNTY PARKS AND RECREATION MILLAGE

Chris Ward, Director of Oakland County Parks and Recreation, explained the need for a millage increase to fund improvements and new initiatives. Oakland County Parks and Recreation, established in 1966, is 100% self-funded. The property tax millage provides about 70% of the funding and the remaining amount is mostly user fees.

The current 0.35 mills will expire in 2029, and the proposed increase to 0.65 mills will allow the Department to issue bonds totaling \$100M backed by the County's AAA rating, generating \$24 million annually. Half of these funds will be allocated to upgrade outdated facilities, such as the Waterford Oaks Water Park, which has seen attendance drop 80% due to removed features. The other half will be invested in partnerships with local governments, focusing on developing countywide trail systems, river access, and green space preservation and green stormwater infrastructure, particularly in areas of the County that are currently underserved. The County has seen through use of American Rescue Act funds that even small investments can have big impacts.

Mr. Ward emphasized the need for equitable investment, noting that 94% of park acreage is located where 20% of the people in the County live. It is important to address this imbalance by increasing support to south and southeast Oakland County to provide better benefit to communities like Farmington Hills. Mr. Ward highlighted the importance of the 20-year millage for sustainability, enabling the county to finance long-term projects and maintain momentum beyond one-time funding, such as the American Rescue Plan.

Mr. Ward noted that Glen Oaks Golf Club in Farmington Hills is a County facility.

Council Questions and Discussion

- Council raised concerns about the historic underfunding of South Oakland County and asked for project plans specific to the Farmington Hills area. Mr. Ward acknowledged that the budget allocation is unbalanced and noted recent efforts made possible by ARPA, such as new playgrounds in Hazel Park and Royal Oak Township, to address the disparity. He discussed potential partnerships with Farmington Hills, explaining that the City is unlikely to receive a new county park but could benefit from investments in existing facilities like Heritage Park or the Hawk.
- Council questioned the nearly 90% increase in the millage rate and sought assurances that the funds would benefit Farmington Hills residents. Ward pointed out that the impact would be about

\$45/year for a \$300,000 home, with a return commitment of about \$4 million for Farmington Hills. He stressed that even a modest percentage of the millage would generate substantial funds. He emphasized his commitment to ensuring that Farmington Hills receives tangible returns on its tax contributions.

PRESENTATION OF THE 2024 FARMINGTON AREA ARTS AWARDS

Director of Special Services Schnackel announced the winners of the 2024 Farmington Area Arts Awards, presented on September 28th at The Hawk Black Box Theater. These awards recognize individuals, businesses, and organizations for their contributions to the arts in the Farmington area. Awards included:

- Debbie Lim, a multi-disciplinary artist, was selected as the 2024-2025 Farmington Area Artist-in-Residence (this award dates back to 1976). As the Artist-in-Residence, Lim will work with the City of Farmington Hills Cultural Arts Division to showcase work throughout the year.
- Craig Nowak was selected as the recipient of the Nancy Coumoundouros Distinguished Service to the Arts Award. As the manager of Geshar Human Services' Creative Expressions Program, Nowak provides meaningful arts experiences to community members with developmental disabilities and mental illness.
- Peter Brandal, a senior at Farmington High School, was recognized as the winner of the new Youth Art Award. Mr. Brandal has been painting since 3rd grade and has been a featured artist in Kids Art Alley at ART on the GRAND for the past four years.
- Richard Adams was selected as Arts Volunteer of the Year for generously donating his time and creativity to the community, as a member of the Farmington Art Foundation and a dedicated supporter of arts programming in Farmington Public Schools.

A number of local organizations and businesses were also recognized for their efforts to encourage creativity in the community, including KickstArt Farmington, Artpack Services, Skep Space, and Apothecary Espresso and Coffee.

Council Member Boleware, Council liaison for the Arts Commission, highlighted the importance of art in the community and congratulated the winners. She noted that over time many council members, including the mayor, have served on the Arts Commission, reflecting the city's deep commitment to the arts. Boleware encouraged residents to submit nominations for the 2025 awards, emphasizing the role of artists and art supporters in strengthening the fabric of the community. Nomination applications are available on the city's website.

Molly McNeese, representing Skep Space, shared that the gallery, called the Honeycomb Gallery, features over 50 local artists working in various media, from painting to glassblowing. She highlighted the gallery's community involvement, including projects with special needs students from Farmington and Farmington Hills.

Debbie Lim, the new Artist in Residence, spoke about her plans for the year, focusing on connecting the community with nature through photography and art. She specializes in feng shui and wildlife photography and expressed her desire to help residents see their surroundings with new perspectives.

CORRESPONDENCE

None

CONSENT AGENDA

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

Roll Call Vote:

Yeas: ALDRED, BOLEWARE, BRIDGES, BRUCE, DWYER, AND RICH

Nays: NONE

Absent: KNOL

Abstentions: NONE

MOTION CARRIED 6-0.

CONSENT AGENDA ITEMS FOR DISCUSSION

There were no items removed for discussion.

COUNCIL MEMBERS' COMMENTS AND ANNOUNCEMENTS

Council Member Aldred provided an update on the Innovation, Energy, and Environmental Sustainability Ad Hoc Subcommittee, created to assess future actions following the expiration of the former committee at the end of 2023. The subcommittee has met three times, including meeting with a representative from the U.S. Department of Energy Office of Community Engagement regarding grant opportunities. A final meeting is scheduled for November, after which recommendations will be presented to Council.

Council Member Boleware expressed gratitude to Police Chief King and his team for their professionalism during an active shooter event on September 15th in the 12 Mile and Middlebelt area. Boleware described the incident, where multiple gunshots were fired including at police officers and vehicles, with several officers being grazed by bullets. The police successfully resolved the situation without injuries or fatalities, including rescuing two children trapped in the home. Chief King later held a forum to address community concerns and provide reassurance to residents.

Council Member Boleware noted two areas for improvement: enhancing the city's alert system and developing post-crisis services. These issues will be brought to the Emergency Preparedness Committee and the Community Health Commission to establish best practices for future emergencies.

Council Member Bruce congratulated city staff on the successful city open house event on October 5, highlighting the engaging demonstrations by various city departments, including police and fire services. The City's canine officers delighted residents. Council Member Bruce expressed appreciation for the hard work that made the event a success.

Mayor Rich echoed the positive feedback about the open house event and invited residents to mark their calendars for next October's event. She extended congratulations to the Kirk Gibson Center for Parkinson's on its soft opening on Northwestern Highway, noting that the facility selected Farmington Hills due to the high population density within 30 minutes of the center. Additionally, Mayor Rich mentioned the opening at MIND on Orchard Lake Road of a new headache-specific facility, reflecting the city's growing appeal as a medical hub. Mayor Rich also congratulated the My India organization on its 25th anniversary event at the Meridian, commending its efforts to unite various Indian cultural groups within the community. She concluded with an invitation to residents to join the "Walk the Hawk" event

at noon tomorrow, offering an opportunity for informal conversations with the Mayor and council members on the track at the Hawk.

CITY MANAGER UPDATE

City Manager Mekjian provided the following update:

- Veterans Day Luncheon Invitation
The public is invited to the annual Veterans Day luncheon, scheduled for November 11th at 11 a.m. at the Costick Center. Registration is available via email by contacting Marcia Koet at MKoet@fhgov.com.
- City Hall Closure and Election Information
City Hall will be closed for regular business on November 4th and 5th, with operations limited to election-related activities. He reminded the public that they can still visit City Hall to register to vote, request an absentee ballot, and cast their vote in person by placing it directly in the drop slot.
- Update on Active Shooter Incident Investigation
City Manager Mekjian provided an update on the police investigation following the active shooter incident. Further investigations by the Farmington Hills Police Department resulted in the Oakland County Prosecutor's Office approving an additional six-count felony warrant against the suspect, including three counts of assault with intent to murder Farmington Hills Police Officers and three counts of felony firearm charges.
- City Manager Mekjian extended his appreciation to Chief King and the Farmington Hills Police Department for their thorough investigation and professionalism in handling the incident. He acknowledged the psychological impact on officers involved in the event, noting that the department is working to address post-traumatic stress issues. Mekjian expressed pride in the department for successfully resolving the situation without physical harm to officers or civilians.

PUBLIC HEARING

PUBLIC HEARING AND CONSIDERATION OF ADOPTION OF A RESOLUTION TO VACATE RIGHT-OF-WAY ON REXWOOD STREET FROM GREENING STREET TO HIGHVIEW AVENUE, AND THE PORTION OF FORDSON ROAD, EAST OF GREENING STREET, IN SECTION 2. CMR 10-24-99

Tammy Gushard, Senior Engineer from the Department of Public Services, presented a request to vacate Rexwood Street from Greening Street to Highview Avenue, Mulfordton Street from Greening Street to Highview Avenue, and a portion of Fordson Road, east of Greening Street, in Section 2. These areas are located south of Northwestern Highway and east of Orchard Lake Road. The vacation is part of the Planned Unit Development (PUD) agreement approved in February 2024 for the Emerson development.

The property owner requesting the vacation owns all the parcels adjacent to these rights-of-way, as required by the PUD agreement. In accordance with City Code, the public hearing was being held to gather input from nearby property owners, all of whom were notified. City staff also contacted relevant public and private agencies. While some agencies have existing infrastructure within the rights-of-way, they expressed no objection to the vacation, and provided a full-width utility easement is retained to allow for future infrastructure maintenance.

Mayor Rich opened the floor for public comments. No members of the public came forward to speak, and Mayor Rich brought the matter back to the Commission.

**CITY OF FARMINGTON HILLS
RIGHT-OF-WAY VACATION
RESOLUTION NO. R-202-24**

At a session of the City Council of the City of Farmington Hills, Oakland County, State of Michigan, held in the City Hall on the 14th day of October, 2024, at 7:30 o'clock P.M.

PRESENT: ALDRED, BOLEWARE, BRIDGES, BRUCE, DWYER, AND RICH
ABSENT: KNOL

The following resolution was offered by Councilmember Bruce and supported by Councilmember Boleware:

WHEREAS, the Council of the City of Farmington Hills did on the 14th day of October, 2024, determine that it is advisable to vacate, discontinue or abolish the following rights-of-way, located in the City of Farmington Hills, subject to the jurisdiction of the City of Farmington Hills:

Legal Description - See EXHIBIT A Attached

WHEREAS, the Council has met and heard any and all objections to such vacation, discontinuance or abolition and having determined to proceed in accordance with the Farmington Hills City Code, Chapter 26, Article I, Section 26.4.

NOW, THEREFORE, BE IT RESOLVED:

1. That the above captioned public rights-of-way are hereby vacated, discontinued or abolished.
2. That there is hereby reserved along, across and upon such vacated rights-of-way, an easement for public or private utility purposes, including water supply systems and sanitary sewer systems, the use and termination of which shall be subject to the approval of the Council of the City of Farmington Hills.
3. That the City Clerk is hereby directed to file certified copies of this resolution with the Oakland County Register of Deeds and the Director of the State of Michigan, Department of Energy, Labor, and Economic Growth, as required by statute.

AYES: ALDRED, BOLEWARE, BRIDGES, BRUCE, DWYER, AND RICH
NAYS: NONE
ABSTENTIONS: NONE

RESOLUTION DECLARED ADOPTED.

UNFINISHED BUSINESS

CONSIDERATION OF APPROVAL OF THE OF THE ENACTMENT OF ORDINANCE C-8-2024 TO AMEND THE FARMINGTON HILLS CODE OF ORDINANCES TO AMEND CHAPTER 19, "PARKS AND RECREATION," ARTICLE III "RULES AND REGULATIONS," SECTION 19-51, "ANIMALS PROHIBITED," FOR PURPOSES OF ALLOWING DOGS IN PIONEER PARK AND THE CITY'S DOG PARK, AND ADDING AN EXCEPTION FOR SERVICE ANIMALS; AND APPROVAL OF SUMMARY FOR PUBLICATION. CMR 10-24-100

MOTION by Aldred, support by Bruce, that the City Council of Farmington Hills hereby approves the ENACTMENT of Ordinance C-8-2024 to amend the Farmington Hills Code of Ordinances to amend Chapter 19, "Parks and Recreation," Article III "Rules and Regulations," Section 19-51,

“Animals Prohibited,” for purposes of allowing dogs in Pioneer Park and the City’s Dog Park, and adding an exception for service animals; and approval of summary for publication.

Roll Call Vote:

Yeas: ALDRED, BOLEWARE, BRIDGES, BRUCE, DWYER AND RICH

Nays: NONE

Absent: KNOL

Abstentions: NONE

MOTION CARRIED 6-0.

CONSENT AGENDA

RECOMMENDED APPROVAL OF ACCEPTANCE OF GRANT FUNDING FROM THE INSTITUTE FOR RESPONSIVE GOVERNMENT’S NONPARTISAN “A MORE RESPONSIVE GOVERNMENT 2024 GRANT PROGRAM” IN THE AMOUNT OF \$60,000, AND AUTHORIZATION OF THE CITY CLERK TO SIGN THE AGREEMENT ON BEHALF OF THE CITY.

MOTION by Boleware, support by Aldred, that the City Council of Farmington Hills hereby approves the grant from the nonpartisan A More Responsive Government 2024 Grant Program and authorizes the City Clerk to sign the agreement and accept the grant funding in the amount of \$60,000 on behalf of the City of Farmington Hills.

Roll Call Vote:

Yeas: ALDRED, BOLEWARE, BRIDGES, BRUCE, DWYER AND RICH

Nays: NONE

Absent: KNOL

Abstentions: NONE

MOTION CARRIED 6-0.

RECOMMENDED APPROVAL OF A RESOLUTION RECOGNIZING NFBASKETBALL AS A NON-PROFIT ORGANIZATION OPERATING IN THE COMMUNITY FOR THE PURPOSE OF OBTAINING A CHARITABLE GAMING LICENSE.

MOTION by Boleware, support by Aldred, that the City Council of Farmington Hills hereby approves the Local Governing Body Resolution for Gaming Licenses Issued by the Bureau of State Lottery, recognizing NFBASKETBALL as a non-profit organization operating in the community for the purpose of obtaining a Charitable Gaming License.

Roll Call Vote:

Yeas: ALDRED, BOLEWARE, BRIDGES, BRUCE, DWYER AND RICH

Nays: NONE

Absent: KNOL

Abstentions: NONE

MOTION CARRIED 6-0.

RECOMMENDED APPROVAL OF A SPECIAL EVENT PERMIT FOR THE NORTH FARMINGTON HIGH SCHOOL HOMECOMING PARADE TO BE HELD ON FRIDAY, OCTOBER 25, 2024.

MOTION by Boleware, support by Aldred, that the City Council of Farmington Hills hereby a Special Event Permit for the North Farmington High School Homecoming Parade to be held on October 25, 2024, from 5:30pm to 6:50pm, subject to the following terms and conditions:

- Police Department assistance will be needed for the Farmington Road route
- The parade will begin at Forest Elementary and proceed through the subdivision
- Once the parade reaches Walnut Lane and Farmington Road, it will pause briefly until all participants have reached Farmington Road. Farmington Road will be closed just north of Walnut Lane and just north of 13 Mile Road
- The applicant has requested six police officers to help with the road closure and has requested this be done via an overtime posting that will be paid for by the school

Roll Call Vote:

Yeas: ALDRED, BOLEWARE, BRIDGES, BRUCE, DWYER AND RICH

Nays: NONE

Absent: KNOL

Abstentions: NONE

MOTION CARRIED 6-0.

RECOMMENDED APPROVAL OF A REQUEST FOR EMPLOYMENT UNDER SECTION 10.01A OF THE CITY CHARTER FOR A YOUTH CENTER SITE SUPERVISOR. CMR 10-24-101

MOTION by Boleware, support by Aldred, that the City Council of Farmington Hills hereby approves an employment request per Section 10.01A of the City Charter for Mia Gonzales as a Youth Center Site Supervisor for the Special Services Department. Mia is related to Emily Gonzales, who is a Youth Center Site Supervisor in the Special Services Department.

Roll Call Vote:

Yeas: ALDRED, BOLEWARE, BRIDGES, BRUCE, DWYER AND RICH

Nays: NONE

Absent: KNOL

Abstentions: NONE

MOTION CARRIED 6-0.

RECOMMENDED APPROVAL OF PURCHASE OF A 2024 GRADALL XL3100 SERIES V RUBBER TIRE EXCAVATOR WITH ATTACHMENTS TO AIS CONSTRUCTION EQUIPMENT IN THE AMOUNT OF \$514,542.12. CMR 10-24-102

MOTION by Boleware, support by Aldred, that the City Council of Farmington Hills hereby authorizes the City Manager to issue a purchase order to AIS Construction Equipment located in New Hudson, Michigan in the amount of \$514,542.12 for the purchase of a 2024 Gradall XL3100Series V Rubber Tire Excavator with attachments.

Roll Call Vote:

Yeas: ALDRED, BOLEWARE, BRIDGES, BRUCE, DWYER AND RICH

Nays: NONE
Absent: KNOL
Abstentions: NONE

MOTION CARRIED 6-0.

RECOMMENDED APPROVAL OF AWARD OF BID FOR PRINTING AND MAILING OF THE SPECIAL SERVICES ACTIVITIES GUIDE TO INDIANA PRINTING & PUBLISHING CO., INC. IN THE AMOUNT OF \$83,906.52 ANNUALLY FOR A TWO-YEAR TERM WITH OPTIONAL RENEWALS. CMR 10-24-103

MOTION by Boleware, support by Aldred, that the City Council of Farmington Hills hereby authorizes the City Manager to award the bid for the Printing & Mailing of the Special Services Activities Guide to Indiana Printing & Publishing Co., Inc. for a two (2) year term in the amount of \$83,906.52 annually with three (3) additional one (1) year renewal options at a 4% increase per year, beginning in year three (3), upon mutual consent of the City and vendor.

Roll Call Vote:

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

MOTION CARRIED 6-0.

RECOMMENDED APPROVAL OF AWARD OF BID FOR THE HAWK GOLF SIMULATOR PROJECT FOR TWO SIMULATORS WITH SERVICE WARRANTY TO SOUNDHECK INC. IN AN AMOUNT NOT TO EXCEED \$114,400. CMR 10-24-104

MOTION by Boleware, support by Aldred, that the City Council of Farmington Hills hereby authorizes the City Manager to award the bid for The Hawk Golf Simulators to Soundcheck Inc. for two (2) simulators with a five (5) year service warranty in an amount not to exceed \$114,400 (\$104,000.00 + \$10,400 contingency).

Roll Call Vote:

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

MOTION CARRIED 6-0.

RECOMMENDED APPROVAL OF AWARD OF BID FOR THE PURCHASE AND INSTALLATION OF WATER HEATERS, PUMPS AND PLUMBING MATERIALS FOR THE ICE ARENA AND FIRE STATION HEADQUARTERS TO THOMAS LANE PLUMBING IN THE AMOUNT OF \$52,184. CMR 10-24-105

MOTION by Boleware, support by Aldred, that the City Council of Farmington Hills hereby authorizes the City Manager to issue to issue a purchase order with Thomas Lane Plumbing, Livonia, MI in the amount of \$52,184.00 (\$47,440.00 bid + 10% contingency for unforeseen

change orders) for the purchase and installation of water heaters, pumps and plumbing materials for the Ice Arena and Fire Station Headquarters.

Roll Call Vote:

Yeas: ALDRED, BOLEWARE, BRIDGES, BRUCE, DWYER AND RICH

Nays: NONE

Absent: KNOL

Abstentions: NONE

MOTION CARRIED 6-0.

RECOMMENDED APPROVAL OF PURCHASE OF TWO REPLACEMENT VEHICLES FOR THE POLICE DEPARTMENT TO LUNGHAMER FORD IN THE AMOUNT OF \$103,136. CMR 10-24-106

MOTION by Boleware, support by Aldred, that the City Council of Farmington Hills hereby authorizes the City Manager to issue a purchase order to Lunghamer Ford for two 2024 Ford Police Responders in the amount of \$103,136.

Roll Call Vote:

Yeas: ALDRED, BOLEWARE, BRIDGES, BRUCE, DWYER AND RICH

Nays: NONE

Absent: KNOL

Abstentions: NONE

MOTION CARRIED 6-0.

RECOMMENDED APPROVAL OF CITY COUNCIL AND PLANNING COMMISSION SPECIAL JOINT STUDY SESSION MEETING MINUTES OF SEPTEMBER 16, 2024.

MOTION by Boleware, support by Aldred, that the City Council of Farmington Hills hereby approves the city council and planning commission special joint study session meeting minutes of September 16, 2024.

Roll Call Vote:

Yeas: ALDRED, BOLEWARE, BRIDGES, BRUCE, DWYER AND RICH

Nays: NONE

Absent: KNOL

Abstentions: NONE

MOTION CARRIED 6-0.

RECOMMENDED APPROVAL OF CITY COUNCIL STUDY SESSION MEETING MINUTES OF SEPTEMBER 23, 2024.

MOTION by Boleware, support by Aldred, that the City Council of Farmington Hills hereby approves the city council special study session meeting minutes of September 9, 2024.

Roll Call Vote:

Yeas: ALDRED, BOLEWARE, BRIDGES, BRUCE, DWYER AND RICH

Nays: NONE
Absent: KNOL
Abstentions: NONE

MOTION CARRIED 6-0.

RECOMMENDED APPROVAL OF CITY COUNCIL REGULAR SESSION MEETING MINUTES OF SEPTEMBER 23, 2024.

MOTION by Boleware, support by Aldred, that the City Council of Farmington Hills hereby approve the city council regular meeting minutes of September 9, 2024.

Roll Call Vote:

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

MOTION CARRIED 6-0.

ADDITIONS TO AGENDA

There were no additions to the agenda.

PUBLIC COMMENTS

Mayor Rich reviewed the process and rules relative to public comment.

Public Comments

- Email received from Julie Lipson regarding the importance of the swim program at the Costick Center.
- M. Kahn expressed concern about recent flyers thrown onto residential driveways during the Jewish High Holy Days of Atonement containing anti-Semitic tropes. He asked City Council to make a statement condemning this action and assuring the Jewish residents that they are safe and are an important and integral member of the Farmington Hills community. He emphasized the need for transparency about the investigation into the incident.
- Patricia Hanson shared her thoughts on the Costick Center. She urged Council to consider a thorough process to understand the community's needs, suggesting smaller, focused sessions on services such as food and recreation. Hanson expressed concerns about relocating senior programs to the Hawk, emphasizing the importance of keeping services in an accessible, one-level building.
- Angie Smith thanked Mayor Rich and Council Members Bruce, Boleware, and Bridges for their support when she received the African American Leadership Award event at the Detroit Institute of Arts (DIA) last Sunday. She also thanked past mayor Vickie Barnett and State Representative Sam Steckloff. She discussed efforts to foster collaboration with Farmington Public Schools and highlighted the need for local markets to support the area's ethnic food diversity.
- PG expressed gratitude to the city manager and police chief for their response to the recent active shooter incident. She stressed the importance of not allowing misinformation or disparagement of public and safety officers and highlighted the challenges police face in their duties. She urged the

community to educate young people on proper behavior during police stops to prevent misunderstandings and conflicts.

- Robert Lacoste, a long-time resident, shared his involvement with the Costick Center and his concerns about the potential relocation of senior programs to the Hawk. He reflected on the importance of maintaining accessible services for older residents and urged Council to prioritize the needs of the senior community when making decisions about the future of the Costick Center.

CITY ATTORNEY REPORT

The City Attorney report was received by Council.

CLOSED SESSION

CONSIDERATION OF APPROVAL TO ENTER INTO A CLOSED SESSION TO CONSIDER AND DISCUSS ATTORNEY CLIENT WRITTEN COMMUNICATIONS FROM THE CITY ATTORNEY UNDER SECTION 8(1)(H) OF THE OPEN MEETINGS ACT AND SETTLEMENT STRATEGY IN CONNECTION WITH PENDING LITIGATION UNDER SECTION 8(1)(E) OF THE OPEN MEETINGS ACT AND RELATING TO THE CASE OF *OLSON V FARMINGTON HILLS GOLF CLUB, ET AL.* (OAKLAND COUNTY CIRCUIT COURT; CASE NO. 2023-202377-NO). (NOTE: COUNCIL WILL RETURN TO OPEN SESSION IMMEDIATELY FOLLOWING THE CLOSED SESSION TO TAKE ACTION IF NEEDED AND TO CLOSE THE MEETING).

MOTION by Boleware, support by Aldred, that the City Council of Farmington Hills hereby Approves entering into a closed session to consider and discuss attorney client written communications from the City Attorney under Section 8(1)(h) of the Open Meetings Act and settlement strategy in connection with pending litigation under Section 8(1)(e) of the Open Meetings Act and relating to the case of *Olson v Farmington Hills Golf club, et al.* (Oakland County Circuit Court; Case No. 2023-202377-NO).

Roll Call Vote:

Yeas: ALDRED, BOLEWARE, BRIDGES, BRUCE, DWYER AND RICH

Nays: NONE

Absent: KNOL

Abstentions: NONE

MOTION CARRIED 6-0.

Council entered closed session at 9:05pm and entered back into regular session immediately following the closed session at 9:20pm.

MOTION by Bridges, support by Dwyer, that the City Council of Farmington Hills hereby approves and authorizes the City Manager and City Attorneys to proceed with settlement of the Oakland County Circuit Court case of *Olson v Farmington Hills* in the manner recommended and discussed in closed session.

MOTION CARRIED 6-0.

ADJOURNMENT

The regular session of City Council meeting adjourned at 9:21PM.

Respectfully submitted,

Carly Lindahl, City Clerk