

MINUTES
CITY COUNCIL MEETING
CITY OF FARMINGTON HILLS
MARCH 16, 2015 – 7:30PM
CITY HALL – COUNCIL CHAMBER

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

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

Council Members Absent: None

Others Present: City Manager Brock, City Clerk Smith, Assistant City Manager Boyer, Directors Gardiner, Lasley and Mekjian, City Attorney Joppich and Planning Consultant Arroyo

PLEDGE OF ALLEGIANCE

Marcia Gershenson, Oakland County Commissioner, led the pledge of allegiance.

APPROVAL OF AGENDA

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

MOTION CARRIED 7-0

PRESENTATION TO NEIGHBORHOOD HOUSE BY MISS FARMINGTON

Jordan Lindsay commented that the Chili-Cook Off fundraising event for Neighborhood House was a success. She introduced Miss Farmington, Emma Feehey, who presented Neighborhood House with a check in the amount of \$375 from the fundraising event.

A representative of the Neighborhood House thanked Emma and the Miss Farmington Organization and the community for their continued support.

PROCLAMATION RECOGNIZING MARCH 20, 2015 AS “THE GREAT AMERICAN MEATOUT DAY”

The following proclamation was read by Councilmember Bridges and accepted by Caroline Trapp:

**PROCLAMATION
The Great American Meatout Day
March 20, 2015**

WHEREAS, a wholesome plant-based diet promotes good health and reduces the risk of heart disease, stroke, cancer, diabetes, and other chronic diseases; and

WHEREAS, this year marks the 30th anniversary of the Meatout campaign, started by the Farm Animal Rights Movement in 1985 and since recognized by all 50 states and many countries worldwide; and

WHEREAS, the first day of Spring has become the largest annual education campaign about the health, environmental, and ethical benefits of trying a vegan diet and avoiding animal products for one day; and

WHEREAS, a plant-based diet has been shown to use fewer resources and cause less pollution as well as fostering healthier and more compassionate eating habits; and

WHEREAS, on Meatout Day, everyone is encouraged to abstain from meat eating and to explore a nutritious and wholesome diet of vegetables, fresh fruits, and whole grains.

NOW, THEREFORE, BE IT RESOLVED that I, Barry Brickner, Mayor of the City of Farmington Hills, on behalf of the City Council, do hereby proclaim March 20, 2015 as **The Great American Meatout Day** in Farmington Hills and encourage all residents to reduce their consumption of meat on that day and reap the benefits of a plant-based diet.

EMERGENCY PREPAREDNESS COMMISSION “TIP OF THE MONTH”

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

**MARCH 2015
EMERGENCY PREPAREDNESS COMMISSION
TIP OF THE MONTH**

This month the Farmington Hills Emergency Preparedness Commission is emphasizing knowledge and preparedness for weather and tornado-related events.

In Michigan, most tornadoes occur in April, May, June and July, usually between 3 and 7 p.m. Oakland County ranks third highest in Michigan for the number of tornadoes. To alert residents when a tornado has been sighted, Oakland County has more than 200 outdoor warning sirens, nine of which are located in Farmington and Farmington Hills.

Oakland County activates the siren system either when radar indicates severe weather conditions are present, when an actual tornado or funnel cloud is sighted or when wind speeds are 70 mph or higher. Be aware that the sirens are only activated for these specific weather conditions, not for acts of terrorism, toxic spills or any other Civil Defense matters.

Testing of the warning system occurs on first Saturday of each month at 1:00 p.m. during the months of May through November.

March is a good time for you and your family to have a tornado drill. You should have your 72-hour kit ready – including a battery operated radio – to take to your basement, or other designated area in your home.

Try to make the drill a fun family event. Practice your drill as a family or household group. Perhaps you could go out for a treat afterwards, or give prizes to children who remember what to do. Praise everyone who participates.

For more information about tornado preparedness, and for answers to your emergency preparedness questions, to get your own free copy of the Farmington Hills Emergency Preparedness Handbook or for

information on attending the Emergency Preparedness Commission meetings, please visit the website at www.FHReady.com.

HISTORIC DISTRICT COMMISSION ANNUAL REPORT

Steve Olson, Chair, provided the annual report outlining various projects and activities of the Commission and noting that the Commission is guided by National Secretary of Interior Standards and its mission is to promote preservation of historic district in the City

OAKLAND COUNTY UPDATE BY COUNTY COMMISSIONER GERSHENSON

County Commissioner Gershenson mentioned that the County Treasurer's Office received a grant that would fund free and confidential one-on-one meetings with an Oakland County Financial Empowerment Center Counselor for residents of Oakland County. Contact the Oakland County Treasurer's Office to make an appointment. The grant ends on March 31, 2015.

CORRESPONDENCE

Mayor Brickner stated that various e-mails were received by Council from residents of Independence Commons with regard to the improvement of their roads and the public hearing being held this evening.

Councilmember Bridges acknowledged an e-mail received by Council. City Manager Brock stated that this e-mail involved the Police and Fire Departments and staff is looking into the details of the e-mail and will respond to Council with an update.

CONSENT AGENDA

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

Roll Call Vote:

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

MOTION CARRIED 7-0

PUBLIC QUESTIONS AND COMMENTS

David Herrgott, Quaker Valley Subdivision, expressed concern with a number of deer that have been in his subdivision and on his property. He feels if the issue is not addressed to remove the deer, the matter will only get worse and he is concerned about Lyme disease and the bovine virus that can spread to other animals. He mentioned that the DNR had suggested deer culling (killing the deer) and he feels that is the only answer at this point.

City Manager Brock stated that the issue was brought to his attention and was discussed. He stated that this is a contentious issue and expressed concern over a deer culling in the city and did not feel the DNR would suggest that in a city like Farmington Hills. He stated that this issue could be brought to Council for further exploration.

Mr. Herrgott stated that he realizes there may be some opposition to a culling and that there would be some cost involved; but he feels it could be done safely and stressed that something needs to be done to address the situation.

COUNCIL MEMBER'S COMMENTS AND ANNOUNCEMENTS

The following announcements were made:

- A new restaurant, Wicked Table, opened recently at 38503 W. Ten Mile Road. Support of the local area restaurants was encouraged.
- National League of Cities meeting was attended by several Council members and they were able to meet with area Senators and hear the President speak.
- Congressman Brenda Lawrence held an open house last week at her office in Southfield.

CITY CLERK COMMENTS

Clerk Smith mentioned that this week is Sunshine Week and that is to promote openness in government and transparency. She commented that staff has met to discuss upcoming amendments in the Freedom of Information Act (FOIA) and at that time also discussed how they can use the website to get more information out to the public. She mentioned that most of the documents held by the City are electronic and easily accessible and can be provided with very minimal costs.

Clerk Smith provided for the following Election information updates for the upcoming May 5th Election:

- Absentee ballots will be mailed by April 2, 2015 for those voters who have requested a ballot.
- The last day to register to vote is April 6, 2015 to be eligible to vote on May 5th
- The County Clerk is hosting a voter registration drive in Farmington Hills at the OCC campus and city clerk staff will be in attendance as well to register people to vote.
- The City Clerk's Office is also holding voter registration drives in the area high schools.
- Precinct 27 polling location has changed due to the closing of St. Alexander's Church. Voter will now be voting at Greater Seth Temple on Grand River. New voter ID cards were mailed out to all affected residents.

CITY MANAGER UPDATE

City Manager Brock provided an update on the following:

- May 5th Election Proposals and public meetings being held on those proposals
- Spring yard waste pick up starts April 13th. There will also be a Bonus Day pick and that date is still to be determined. The schedule is shifted back a week so that pick up will include the week of Thanksgiving
- Study Session discussion this evening included potential amendments to the city's special assessment district policy and an anti-discrimination ordinance that should be on the next regular meeting agenda.

PUBLIC HEARING

PUBLIC HEARING AND CONSIDERATION OF ADOPTION OF RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR MUER COVE DRIVE AREA WATER MAIN IMPROVEMENT, SPECIAL ASSESSMENT DISTRICT C-339. CMR 3-15-18

Director Mekjian stated that this is the second and final required public hearing for this project. He explained that a request for an informational meeting was received by the City for this project and on March 7th that informational meeting was held and petitions were subsequently received with approximately 61% of the residents in favor by the deadline. An additional 3 signatures were received following the deadline in favor of the project. The public hearing of determination was held on July 22, 2013 and City Council adopted a resolution to proceed. On March 10, 2015 the City held an open house so that residents could view the final project plans and how it would affect their properties.

Mr. Mekjian stated that since the project has been bid out, the total project costs have been reduced to \$188,000 with a single unit assessment of \$15,989 less than what was estimated at the informational meeting. Staff is recommending that City Council adopt the resolution approving the assessment roll.

Councilmember Bridges inquired how many homes were involved in the project and how this project came about.

Director Mekjian responded that there are 19 homes included in the project and the residents contact the city and petitioned for the improvement.

Mayor Brickner opened the public hearing.

There were no public comments; therefore, the public hearing was closed.

MOTION by Bruce, support by Bridges, that the City Council of Farmington Hills hereby adopts a resolution confirming the Muer Cove Drive Area Water Main Improvement Special Assessment Roll C-339, based on the property owners share of the cost of the project.

MOTION CARRIED 7-0

PUBLIC HEARING AND CONSIDERATION OF THE PLANNED UNIT DEVELOPMENT PLAN 1, 2014 FOR THE REDEVELOPMENT OF THE PROPERTY LOCATED AT 33045 HAMILTON COURT (FORMER ALEXANDER HAMILTON BUILDING).

Director Gardiner explained that a Planned Unit Development plan was submitted on behalf of the owners of 33045 Hamilton Court. He noted that this was the site of the former Alexander Hamilton building that was condemned. The PUD plan for the redevelopment of the property and has qualified for PUD development. Mr. Gardiner stated that the Planning Commission reviewed the request and held two public hearings, and they are recommending approval of the plan subject to some amendments to the plan, which the proponent has made and revised plans have been submitted.

Scott Bowers, proponent, explained that the PUD plan is to develop 3 hotel facilities on the site. He noted that the current zoning allows for the hotel use; however, they went through the PUD process in order to obtain a greater height that is required for premium flag franchise hotels. He indicated that the tallest hotel will be 6 stories and that will be in the middle of the site, aligned per discussion with the Planning Commission, with regard to residential view points.

Mr. Bowers noted that as part of the project, they will be removing the condemned building, create 3 new strong flagships that will create new business and a strong pedestrian access along Hamilton Court that would lead to existing business and will help business in this area and building to LEED standards. They are replacing all existing trees and more and repairing Hamilton Boulevard and the 2 cul-de-sacs at the end of Hamilton Court and creating a way out to Farmington Road through their parking lot. The buildings will be built with premium materials. A sign will be located at Twelve Mile Road for their facilities as well as the neighboring buildings. He noted that they were deficient 98 parking spaces per code requirements, but they have an agreement with the neighboring business for additional parking.

Councilmember Bruce inquired how many total rooms there would be between the 3 facilities and if it was felt there was a demand for that many hotel rooms in the area.

Mr. Bowers indicated that the total number of rooms would be 367 and they do feel that there is the demand for these hotels. He explained that the 3 facilities would serve various uses, including business travel, a full-service hotel and then a suites hotel for extended stay. In answer to Dr. Bruce, he stated that construction would begin immediately if approved and it would take approximately 10 months to construct the first phase.

Councilmember Steckloff noted that the traffic study was conducted on a day that school was not in session due to the weather and inquired if another study had since been conducted.

Mr. Bowers stated that they did not conduct a subsequent study but worked with the city's traffic engineer to take those statistics into consideration and included that information as additional information to the study.

Councilmember Lerner stated that the property has been vacant for quite some time and he felt that any economic development was good for the area. He suggested crosswalks on both sides of 12 Mile and Market Streets and to install wider sidewalks to accommodate pedestrian volume. He inquired if there were any other 6-story buildings in Farmington Hills and if the Fire Department had equipment with a ladder tall enough to address a building of that height.

City Manager Brock stated that Botsford Hospital is 6 stories and stated that other fire suppression for the building would be included and felt that the Fire Department would be able to get close enough to the building that that access would not be a problem.

Councilmember Lerner inquired about a court issue with an easement on the site. Attorney Joppich explained that the plan includes access out to Farmington road through an easement on the site; however, a lawsuit was filed to clarify whether an easement exists. If it is determined by the court that an easement does not exist, the plan would have to come back for an amendment.

Councilmember Bridges stated that he is pleased that they want to redevelop this area, but questioned the need and financial viability of the project with other hotels in the area. He also inquired as to the public benefits to the city as part of the plan.

Mr. Bowers stated that the market studies have indicated that this market is very strong and also want to bring major flagship hotels to the area.

Director Gardiner explained that the Master Plan for the area called for more pedestrian connectivity and this plan includes that with the sidewalks and way-finding out to Twelve Mile Road. Hamilton Court, a public road, will also be refurbished and the blighted building will be removed. He added that premium materials will be used as well as building to LEED standards.

Mr. Bowers added that there will be a lighted pedestrian way to 12 Mile and providing an easement through the property providing access to a water valve on the embankment of the overpass.

Mayor Pro-Tem Massey expressed concern with the traffic issue in this area and access to the site off of Orchard Lake Road and being able to fill the hotels.

Mr. Bowers stated that their analysis of the site indicates that most people will be accessing the site off of Orchard Lake Road. He stated that while it is good to be seen from the expressway, these hotels have a strong reservation system and that is how they will get most of their clientele. He added that the traffic is actually less intense for this use than it is for office. He stated that the traffic study suggests that they should install a right-hand turn lane into the property, which they are willing to do and to alleviate any more congestion that easement to Farmington Road is suggested and we agree with that and feel confident that this will suffice.

Kenny Kosa, Developer/Owner and one of the Operators of the proposed hotels spoke to the marketability of the hotels and the success of the companies involved.

Dr. Massey is concerned with the morning and evening traffic and back-up onto Twelve Mile Road. He inquired if it was determined that the 3rd hotel would not be built; would a revised plan have to come back to Council. He also inquired about construction time for the 3 phases of development.

Mr. Kosa responded that they would landscape the area that was not developed.

Attorney Joppich clarified that if the developer were going to develop the area as something other than what was included in the plan; it would have to come before Council for approval.

Mr. Kosa stated that if the plan is approved, they would begin the construction process immediately and their plan is to stagger the phases about a year apart.

Councilmember Knol stated that she is excited about the plan and agrees there is a need for higher end hotels in this area. She appreciates the traffic study, but feels that if the County were to repave Twelve Mile Road, cars would move through the area more efficiently. She feels there is a need for larger banquet venues in the area to accommodate large weddings. She inquired the size of the banquet facilities.

Mr. Kosa stated that they plan to accommodate a 300 guest wedding.

Councilmember Knol felt this development would fill a need in the community and also provide guests hotel accommodations at different price points at the same location.

Mayor Brickner inquired about deed restrictions for the site.

Larry Gadd, Counsel for the proponent, stated that in his review of the records, it showed that the Association does not exist any longer and was dissolved in 1988 so there was nobody to discuss those restrictions with. They have provided notice to all property owners within the development. He stated that most of the deed restrictions were subjective other than the setbacks; and he feels the project will comply with all setback requirements as outlined in the deed restrictions.

Mayor Brickner stated that he likes the project, but wanted to make sure the neighbors have been heard. He mentioned the easement and lawsuit filed.

Attorney Gadd stated that a lawsuit was filed pending in circuit court and no response has yet been filed with regard to this case. He feels they have a strong case to enforce that easement.

Rod Arroyo, Planning Consultant, stated that the Planning Commission spent a lot of time on this application and working with the applicant, who have revised the plans several times to include the recommendations of the Planning Commission. He noted that there is an agreement between the proponent and Level One Bank to address the additional parking required. He noted that the hotel use is a permitted use and the PUD allows for the additional height. He outlined the benefits to the City under the Plan. He noted that the landscape plan was reviewed and tree replacement will meet or exceed ordinance requirements. Mr. Arroyo mentioned that in considering additional height, buildings, this is typically allowed near highways and with the proximity to I-696 and principally surrounded by non-residential development, the Planning Commission felt this made sense

Mayor Brickner opened the public hearing.

Attorney Mike Healey, representing AGT Properties at 27500 Farmington Road, stated that his client purchased a portion of Lot 10 in the Thompson-Brown Office Center in 1994 and prior to purchasing that property, Metro Bank had sold the other portion of lot 10 to Alexander Hamilton Insurance Company, and a few days later Metro Bank and Alexander Hamilton entered into an easement agreement granting Alexander Hamilton an easement across his client's property on Lot 10. Alexander Hamilton since vacated the property. AGT then erected a barricade across that portion of his property due to concern over damage to the parking lot and also safety concerns with the traffic and the barricade has been in place for about 19 years without any objection or further use of that portion of his property and the validity of that easement is in litigation and he will be filing an answer to the complaint.

Mr. Healey noted that the PUD plan includes a portion of Lot 10 that he believes is not permitted under the easement. He added that if Council is inclined to approve the PUD, he would ask that Council condition any approval upon the only ingress/egress being from Twelve Mile Road.

Attorney Richard Rassel, representing a group of owners within the Thompson-Brown Office Park, stated that his clients have significant concerns and objections to the proposed development. He stated that they are not anti-development or anti-progress as they are property owners and developers; but they are concerned with the lack of transparency of the proposed development and maintaining a cohesive development. He stated that they have not had an opportunity at any point to discuss the proposed plans with the developer for this project. Mr. Rassel stated that his clients have concerns with regard to traffic and ingress/egress to the site. He noted there is ongoing litigation with regard to the easement and they feel the easement is already overburdened and that there are unresolved issues relating to the deed restrictions. He encouraged City Council to review the entire site when making their decision.

Councilmember Bruce inquired if Mr. Rassel was at the Planning Commission meeting on February 12, 201 and if these same issues were raised at that time. Attorney Rassel confirmed that representatives of his clients were present at the meeting and some of these issues were raised. In answer to Dr. Bruce, he stated that he realizes the city is under no obligation to honor the deed restrictions; however, if the deed restrictions make this development unenforceable as the easement issue may, it will not be redeveloped and he feels this plan is premature. He feels it is important for Council to consider these issues and make some contingencies as part of any consideration.

Councilmember Knol inquired what Attorney Rassel considered a cohesive plan. Attorney Rassel stated that concern is with building three hotels built of significant size with bars, restaurants, outdoor seating and large events into a place intended for office. This raises concerns with parking, ingress/egress, traffic, etc.

Councilmember Knol inquired about the number of cars coming and going when Alexander Hamilton was successfully operating.

Director Gardiner responded that the office building was approximately 90,000 square feet that would equate to approximately 360 parking spaces per the ordinance. He also pointed out that the hotel use is permitted in an OS-4 district and from a planning standpoint the uses are compatible. He noted that many of the traffic concerns are at peak hours, which is morning and early evening

for office buildings. He noted that the traffic study showed that the hotel use would disperse this traffic a bit more and there would not be as big of a demand at those peak hours.

Attorney Rassel stated that his clients are landlords, and they want to be able to ensure that their tenant community can get in and out of their buildings and that traffic will not be an issue. He urged Council to consider how this development would affect other buildings within the office park.

Councilmember Massey commented that this issue has been before the Planning Commission since 2014 at 3 different public hearings and all of these issues have been discussed; and he is not sure how this development would negatively affect the other owners any more than a condemned building on the site and could even enhance the property.

Attorney Rassel stated that his clients feel the development was not considered as a whole and taking into consideration the other uses on the site.

Councilmember Bruce inquired if there have been issues with trespassing on the condemned building. Director Gardiner confirmed that there was some activity on the property and they have had to board up the building and mow the lawn, etc.

Director Gardiner added in response to Councilmember Knol's previous question, that the property could support a 140,000 or 150,000 square foot office building if redeveloped as office.

Councilmember Lerner commented that he can't believe this development would do anything but enhance the value of the other properties. The property has been an eyesore for over 2 decades and he feels this is a good use for the surrounding tenants and restaurants and retail outlets in the area.

Councilmember Knol commented that she did not feel this development would be adding any additional capacity during the 9-5 hours of the office buildings. She stated that this site worked back when Alexander Hamilton was thriving and fully occupied

Councilmember Bridges inquired about the transparency issue. Attorney Rassel stated that his clients have had only one conversation with the other owners and he feels that is not a dialogue. He suggested a compromise would be to consider conditioning any approval upon the easement and deed restriction issues being resolved in court and another traffic study when school is in session.

Councilmember Bridges asked Attorney Joppich his opinion with regard to a conditional approval.

Attorney Joppich stated that he does have some concerns with regard to the easement and enforcement of the deed restrictions being attached to any motion. The City has discussed the issue of the concept of enforcing private deed restrictions by way of holding approval pending satisfaction of private deed restrictions. The question is whether Council has the authority to do so and essentially the City would be delegating your approval authority to private entities and their enforcement of their private documents. They have the right to enforce those and there is litigation. The PUD statute enables the City to approve PUD's based on public health, safety and welfare and not based on private documents. There may also be inconsistencies between the private documents and what they require and what the city ordinances require.

Mayor Brickner summarized the request and urged the developer to meet with the other property owners to discuss this development. He inquired why this was being developed as a PUD.

City Manager Brock stated that the PUD development would address the public benefits mentioned tonight that would not otherwise happen.

Attorney Joppich explained that once Council approves the PUD plan, he drafts the PUD agreement that comes back to City Council and that would be final approval of the PUD. He noted that if there is some dialogue between the parties during that time, Council could take that into consideration at the time the agreement is approved. He noted that there would not be another public hearing.

Mayor Brickner closed the public hearing as there were no further comments.

MOTION by Lerner, support by Steckloff, that the City Council of Farmington Hills hereby approves the Planned Unit Development (PUD) Plan 1, 2014 dated March 6, 2015 for the redevelopment of the property located at 33045 Hamilton Court (former Alexander Hamilton Building) with the following conditions: the shared parking agreement with Level One Bank be recorded and the traffic impact study be approved by engineering; and further approves that the City Attorney prepare the appropriate PUD agreement which stipulates the final development conditions for City Council consideration and approval.

Councilmember Bruce stated that he feels this is a great plan that is taking a building that has been a nuisance for the past 20 years and replacing that with 3 hotels and a lot of business activity and puts this property back on the tax rolls. He feels there are traffic concerns but no more than what was there when Alexander Hamilton was in business. He hopes to see all 3 hotels built.

Mayor Pro-Tem Massey inquired if a traffic study has been done and approved. Director Gardiner stated that the study was submitted and reviewed by the Engineering Department and the result had to do with the type of improvement that would be necessary along Twelve Mile Road, which will be resolved during the final engineering plans.

Dr. Massey stated that he likes the idea of the development but was concerned with traffic in the area. He inquired if a second traffic study would be completed.

Director Gardiner stated that any concerns were close to being resolved. It was noted that the study was turned back in to the Engineering Division after some discussion. The study included different aspects and started out as a traffic study, then a crash study and then the proponent included having only Hamilton Court as the ingress/egress and then the additional traffic if school were in session. The study resulted in the fact that improvements would be required at the Twelve Mile Road entrance.

Director Gardiner felt that most of the concerns would be resolved by the time the PUD agreement comes back to City Council.

Dr. Massey stated that he would prefer to postpone consideration of this matter until Council could review the traffic study.

MOTION by Massey, support by Bridges, to POSTPONE consideration of the Planned Unit Development (PUD) Plan 1, 2014 dated March 6, 2015 for the redevelopment of the property located at 33045 Hamilton Court, to a date certain of April 13, 2015.

MOTION FAILED 2-5 (Brickner, Bruce, Knol, Lerner and Steckloff opposed)

City Manager Brock stated that the motion of approval seems to indicate that the traffic study would be complete and all of that would be resolved before the PUD Agreement is brought back to City Council for consideration.

Councilmember Bridges inquired why the traffic study was not completed before now. City Manager Brock stated that the study has been done but the City has asked for additional information so in light of keeping the process moving this matter was scheduled before City Council.

Mayor Brickner called for the vote on the original motion.

MOTION CARRIED 7-0

City Council recessed for 5 minutes.

PUBLIC HEARING AND CONSIDERATION OF APPROVAL OF AN INTRODUCTION OF AN ORDINANCE AMENDING CITY CODE, CHAPTER 34, "ZONING," TO AMEND THE OFFICIAL ZONING MAP IN ORDER TO REZONE PROPERTY LOCATED ON 13 MILE, WEST OF ORCHARD LAKE ROAD FROM B-2, COMMUNITY BUSINESS DISTRICT TO B-3, GENERAL BUSINESS DISTRICT; ZONING REQUEST 4-10-14.

Director Gardiner explained that the parcel of property in question is located on the north side of Thirteen Mile Road, west of Orchard Lake Road and is approximately a half acre parcel currently zoned B-2, Community Business District.

Arie Leibovitz, proponent, stated that the property was originally developed as a Great Scott Supermarket and was then acquired by Kroger and then converted to a CVS and ABC Warehouse. He noted that CVS moved across the street and ABC Warehouse moved south about a ¼ mile. He acquired the property when it was vacant and was able to redevelop the site and secure a long term lease with Gordon Food and lease with LUV Salon. During the redevelopment process, they realized that the portion of the parking lot facing Thirteen Mile Road was under-utilized and had preliminary conversations with Tim Horton's and the potential of opening a free-standing drive-thru facility. He explained that the City advised him that under the B-2 Zoning District, drive-thru facilities were not permitted, so he is requesting to rezone that portion of the property to B-3, General Business District, in order to accommodate a drive-thru facility. He stated that they were before the Planning Commission and have addressed their concerns and noted that their available parking exceeds requirements and they could accommodate a 1,800 to 2,000 square foot building with the parking that was available. The Planning Commission has recommended approval of the project.

Councilmember Bridges inquired when the project would be complete. Mr. Leibovitz responded that they have no contractual agreement with a specific user at this time, but they would be confined to a specific use, but will be complimentary to the site.

Rod Arroyo, Planning Consultant, discussed the surrounding zoning and noted that the Master Plan shows this area as a shopping center type of business. He discussed the existing land use and showed an overview of the map. He reviewed the requested rezoning and mentioned that the B-3 District allows for a reduction in the front yard setback. Mr. Arroyo reviewed his letter that was submitted to Council.

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

MOTION by Bruce, support by Knol, that the City Council of Farmington Hills hereby approves the INTRODUCTION of an Ordinance amending City Code, Chapter 34, "Zoning," to amend the official Zoning Map in order to rezone the property located on 13 Mile, west of Orchard Lake Road from B-2, Community Business District to B-3, General Business District; Zoning Request 4-10-14.

Roll Call Vote:

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

MOTION CARRIED 7-0

UNFINISHED BUSINESS

CONSIDERATION OF APPROVAL OF ENACTMENT OF ORDINANCE C-2-2015 AMENDING CITY CODE, CHAPTER 34, "ZONING," TO AMEND THE OFFICIAL ZONING MAP IN ORDER TO REZONE THE PROPERTY LOCATED ON THE CORNER OF ELDRED AND KENWOOD STREET FROM RA-3, ONE-FAMILY RESIDENTIAL DISTRICT TO SP-1, SPECIAL PURPOSE DISTRICT; AND APPROVAL OF SUMMARY FOR PUBLICATION.

Director Gardiner explained that this rezoning was before City Council previously for public hearing and consideration of Introduction of the Ordinance at which time Council approved the Introduction of the Ordinance. The request is to rezone property in order to allow for an expansion of an existing senior care facility. As required, it is back before City Council for Enactment of the Ordinance.

MOTION by Massey, support by Lerner, that the City Council of the City of Farmington Hills hereby approves the ENACTMENT of Ordinance C-2-2015 amending City Code, Chapter 34, "Zoning," Section 34-3.2, to amend the official Zoning Map to rezone the property located at the corner of Eldred and Kenwood Street from RA-1, One-Family Residential District to SP-1, Special Purpose District; (Zoning Request 3-9-2014), and approval of summary for publication

Roll Call Vote:

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

MOTION CARRIED 4-3

NEW BUSINESS

CONSIDERATION OF APPROVAL OF APPOINTMENT TO THE COMMISSION FOR ENERGY AND ENVIRONMENTAL SUSTAINABILITY.

MOTION by Bruce, support by Massey, that the City Council of Farmington Hills hereby confirms the Mayor's recommendation to appoint Yash Vesikar to the Commission for Energy and Environmental Sustainability with a term ending February 1, 2017.

MOTION CARRIED 7-0

CONSIDERATION OF APPROVAL OF AWARD OF CONTRACT FOR WATER MAIN IMPROVEMENT FOR THE MUER COVE DRIVE AREA, SPECIAL ASSESSMENT DISTRICT C-339, TO SPRINGLINE EXCAVATING, LLC IN THE AMOUNT OF \$246,213.00. CMR 3-15-19

MOTION by Massey, support by Bridges, that the City Council of Farmington Hills hereby awards the Water Main Improvement for the Muer Cove Drive Area, Special Assessment District C-339 contract to the lowest competent bidder, Springline Excavating LLC, of Detroit, Michigan, in the amount of \$246,213.00, and further authorizes the City Manager and City Clerk to sign the contract on behalf of the City.

MOTION CARRIED 7-0

CONSENT AGENDA

RECOMMENDED APPROVAL OF PURCHASE OF FLEET VEHICLES TO GORNO FORD FOR ONE (1) FORD FUSION IN THE AMOUNT OF \$19,668.00 AND RED HOLMAN BUICK/GMC FOR ONE (1) GMC TERRAIN IN THE AMOUNT OF \$22,838.00. CMR 3-15-20

MOTION by Lerner, support by Bridges, that the City Council of Farmington Hills hereby authorizes the City Manager to issue purchase orders to Gorno Ford for one (1) Ford Fusion in the amount of \$19,668.00 and to Red Holman Buick/GMC for one (1) GMC Terrain in the amount of \$22,838.00.

Roll Call Vote:

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

MOTION CARRIED 7-0

RECOMMENDED APPROVAL OF AWARD OF PROPOSAL FOR WEBSITE MAINTENANCE AND HOSTING TO MUNICIPAL WEB SERVICES IN THE AMOUNT OF \$30,170.00. CMR 3-15-21

MOTION by Lerner, support by Bridges, that the City Council of Farmington Hills hereby authorizes waiving the formal bidding process and further authorizes the City Manager to issue a purchase order for website maintenance and hosting to Municipal Web Services.

Roll Call Vote:

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

MOTION CARRIED 7-0

RECOMMENDED ADOPTION OF A RESOLUTION TO ESTABLISH THE COST HEARING DATE OF APRIL 13, 2015 FOR ORCHARD WEST SUBDIVISION ROAD REHABILITATION, SPECIAL ASSESSMENT DISTRICT C-343. CMR 3-15-22

MOTION by Lerner, support by Bridges, that the City Council of Farmington Hills hereby adopts a resolution establishing the date of April 13, 2015 for the cost hearing for the Special Assessment District for Orchard West Subdivision Road Improvements, S.A.D. C-343.

Roll Call Vote:

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

MOTION CARRIED 7-0

RECOMMENDED ADOPTION OF A RESOLUTION TO ESTABLISH THE COST HEARING DATE OF APRIL 13, 2015 FOR WOODBROOK SUBDIVISION ROAD REHABILITATION, SPECIAL ASSESSMENT DISTRICT C-344. CMR 3-15-23

MOTION by Lerner, support by Bridges, that the City Council of Farmington Hills hereby adopts a resolution establishing the date of April 13, 2015 for the cost hearing for the Special Assessment District for Woodbrook Subdivision Road Rehabilitation, S.A.D C-344.

Roll Call Vote:

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

MOTION CARRIED 7-0

RECOMMENDED APPROVAL OF AWARD OF CONTRACT FOR THE 2015 SIDEWALK PROJECT TO GM & SONS, INC. IN THE AMOUNT OF \$342,990.00. CMR 3-15-24

MOTION by Lerner, support by Bridges, that the City Council of Farmington Hills hereby approves the award of bid for the 2015 Sidewalk Project to the lowest competent bidder, GM & Sons Inc., in the amount of \$342,990.00, and further authorizes the City Manager and City Clerk to execute the contract on behalf of the City.

Roll Call Vote:

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

MOTION CARRIED 7-0

RECOMMENDED APPROVAL OF AWARD OF CONTRACT FOR THE 2015 CULVERT REPLACEMENT PROJECT TO COMMERCE CONSTRUCTION AND LANDSCAPING, INC. IN THE AMOUNT OF \$202,147.11. CMR 3-15-25

MOTION by Lerner, support by Bridges, that the City Council of Farmington Hills hereby approves the award of bid for the 2015 Culvert Replacement Project to the lowest competent bidder, Commerce Construction & Landscaping, Inc. in the amount of \$202,147.11; and further authorizes the City Manager and City Clerk to execute the contract on behalf of the City.

Roll Call Vote:

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

MOTION CARRIED 7-0

RECOMMENDED APPROVAL OF AWARD OF CONTRACT FOR THE POLICE STATION PARKING LOT REPLACEMENT PROJECT TO NAGLE PAVING IN THE AMOUNT OF \$169,656.00. CMR 3-15-26

MOTION by Lerner, support by Bridges, that the City Council of Farmington Hills hereby approves the award of bid for the Police Station Parking Lot Replacement Project to the lowest competent bidder, Nagle Paving Company, in the amount of \$169,656.00; and further authorizes the City Manager and City Clerk to execute the contract on behalf of the City.

Roll Call Vote:

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

MOTION CARRIED 7-0

RECOMMENDED APPROVAL OF AWARD OF CONTRACT FOR THE 2015/2016 SIDEWALK REPLACEMENT PROGRAM TO A LAND CONSTRUCTION, INC. IN THE AMOUNT OF \$130,027.79; WITH A ONE YEAR EXTENSION OPTION. CMR 3-15-27

MOTION by Lerner, support by Bridges, that the City Council of Farmington Hills hereby authorizes the City Manager and the City Clerk to sign the contract with A Land Construction Inc. in the amount of \$130,027.79; and further authorizes that any remaining unencumbered funds in the 2014/2015 Sidewalk Replacement Program be allocated for additional funding to supplement the 2015/2016 Sidewalk Replacement Program; and further authorizes a one year extension to A Land Construction, Inc. in the amount of \$145,000.00 upon agreement between the City and the Contractor.

Roll Call Vote:

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

MOTION CARRIED 7-0

RECOMMENDED APPROVAL OF AWARD OF CONTRACT FOR THE 2015/2016 ASPHALT REPLACEMENT PROGRAM TO PAVEX CORPORATION IN THE AMOUNT OF \$634,350.80; WITH A ONE YEAR EXTENSION OPTION. CMR 3-15-28

MOTION by Lerner, support by Bridges, that the City Council of Farmington Hills hereby authorizes the City Manager and the City Clerk to sign the contract with Pavex Corporation for the 2015/2016 Asphalt Replacement Program in the amount of \$634,350.80 with the option to extend the contract for an additional year with a 5% cost increase; and further authorizes the asphalt replacement unit prices be extended from the \$634,350.80 amount up to, but not exceeding, the \$819,000.00 budget

amount if the City desires; and further authorizes a one year extension to Pavex Corporation in the amount of \$819,000.00 upon agreement between the City and the Contractor.

Roll Call Vote:

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

MOTION CARRIED 7-0

RECOMMENDED APPROVAL OF AWARD OF CONTRACT FOR THE 2015/2016 CONCRETE REPLACEMENT, CATCH BASIN REHABILITATION & SUMP PUMP CONNECTION PROGRAM TO HARTWELL CEMENT COMPANY IN AMOUNT OF \$814,480.12; WITH A ONE YEAR EXTENSION OPTION. CMR 3-15-29

MOTION by Lerner, support by Bridges, that the City Council of Farmington Hills hereby authorizes the City Manager and the City Clerk to sign the contract with Hartwell Cement Company for the 2015/2016 Concrete Replacement, Catch Basin Rehabilitation and Sump Pump Connection Program in the amount of \$814,480.12 with the option to extend the contract for an additional year with a 6% cost increase; and further authorizes the concrete work be extended from the \$814,480.12 amount up to, but not exceeding, the \$1,015,000.00 budget amount if the City desires; and further authorizes a one year contract extension to Hartwell Cement Company in the amount of \$1,015,000.00, upon agreement between the City and the Contractor.

Roll Call Vote:

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

MOTION CARRIED 7-0

RECOMMENDED APPROVAL OF AWARD OF CONTRACT FOR 2015 AS-NEEDED CONSTRUCTION SERVICES AND AUTHORIZATION TO APPROVE THE LIST OF QUALIFIED CONTRACTORS WITH A ONE YEAR EXTENSION OPTION. CMR 3-15-30

MOTION by Lerner, support by Bridges, that the City Council of Farmington Hills hereby authorizes the City Manager and the City Clerk to approve the list of qualified construction companies to provide As-Needed Construction Services; and further authorizes a one year extension to this approved list upon agreement between the City and the Contractor; and further authorizes City staff to enter into an agreement with the most qualified company as projects become available.

Roll Call Vote:

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

MOTION CARRIED 7-0

**RECOMMENDED APPROVAL OF THE CITY COUNCIL STUDY SESSION MEETING
MINUTES OF FEBRUARY 23, 2015**

MOTION by Lerner, support by Bridges, that the City Council of Farmington Hills hereby approves the Study Session meeting minutes of February 23, 2015 as submitted.

Roll Call Vote:

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

MOTION CARRIED 7-0

**RECOMMENDED APPROVAL OF THE CITY COUNCIL REGULAR MEETING MINUTES OF
FEBRUARY 23, 2015**

MOTION by Lerner, support by Bridges, that the City Council of Farmington Hills hereby approves the regular meeting minutes of February 23, 2015 as submitted.

Roll Call Vote:

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

MOTION CARRIED 7-0

APPROVAL OF CITY ATTORNEY REPORT

The City Attorney Report was received and there were no questions.

TOPICS FOR CONSIDERATION AT THE NEXT CITY COUNCIL MEETING

Mayor Brickner mentioned potential topics for the next regular City Council meeting of March 23, 2015.

ADJOURNMENT

Mayor Brickner adjourned the City Council meeting at 10:17p.m.

Respectfully submitted,



Pamela B. Smith, City Clerk