

MINUTES  
CITY COUNCIL MEETING  
CITY OF FARMINGTON HILLS  
FEBRUARY 8, 2016 – 7:30 PM  
CITY HALL – COUNCIL CHAMBER

The regular meeting of the Farmington Hills City Council was called to order by Mayor Massey at 7:35 p.m.

Council Members Present: Bridges, Bruce, Knol, Lerner, Massey and Rich

Council Members Absent: Steckloff

Others Present: City Manager Boyer, City Clerk Smith, Directors Gardiner and Mekjian, Police Chief Nebus, Fire Chief Unruh, Planning Consultant Arroyo and City Attorney Joppich

**PLEDGE OF ALLEGIANCE**

State Representative Chris Grieg led the pledge of allegiance.

**APPROVAL OF AGENDA**

MOTION by Bridges, support by Lerner, to amend the agenda to swap the order of Items 4 and 5 on the agenda.

MOTION CARRIED 6-0.

**CORRESPONDENCE:**

Mayor Massey acknowledged correspondence received regarding a Police Vehicle parked in a subdivision and staff followed up acknowledging that this was owned by a Police Officer who lived in the subdivision and was in charge of the Police canine.

**CONSENT AGENDA:**

Mayor Massey requested a separate vote on Item 9 of the Consent Agenda, Special Event Permit for Kona Run sponsored by the YMCA, as requested by Councilmember Rich.

Councilmember Rich stated that since her husband serves as President of the YMCA and felt she should abstain from voting on this issue.

Attorney Joppich commented that while there is no monetary benefit involved, he feels it is appropriate for Councilmember Rich to abstain from voting on this issue.

MOTION by Lerner, support by Bridges, to approve the Consent Agenda Items 8, 10 and 11 as published.

Roll Call Vote:

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

MOTION CARRIED 6-0

MOTION by Bruce, support by Lerner, to approve the Consent Agenda Item 9 as published.

Roll Call Vote:

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

MOTION CARRIED 5-0-1-1

**PUBLIC QUESTIONS AND COMMENTS:**

Suzanne Mosen, spoke of the importance of the Multi-Cultural/Multi-Racial Committee and their role in the communities.

**COUNCIL MEMBER'S COMMENTS AND ANNOUNCEMENTS:**

Councilmember Rich reminded citizens that her next Sunday Stroll would be February 14, 2016 starting at 1:30pm at the Farmington Hills Library, 12 Mile Road.

Mayor Massey made the following comments:

- A joint meeting with the Farmington and Farmington Hills City Councils and School Board will be held February 29, 2016 at 6:30pm at the Farmington Hills Golf Course Clubhouse
- The success of the Chili Golf Open
- Thanked the student council for making cookies for the Mayor and Council to show their appreciation of their work

**CITY MANAGER UPDATE:**

City Manager Boyer thanked Nate Geinzer, Assistant to the City Manager, for his work with the City and congratulated him on his new position as City Manager for the City of Brighton.

**UNFINISHED BUSINESS:**

**CONSIDERATION OF APPROVAL OF A VARIANCE FOR CONSTRUCTION ACTIVITY AND NOISE TO THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) FOR THE REPAIR OF I-275.**

Mayor Massey explained that this topic was first presented to Council in a study session forum at which Council made it clear to MDOT the noise issues they have experienced in this area of I-275 and that they would like additional landscaping or some type of noise abatement for the residents. The issue of the variance was scheduled for consideration at a regular meeting of City Council and at that time Council was not satisfied with the proposed landscaping by MDOT and the item was postponed until this evening.

Director of Public Services Mekjian stated that following the last Council meeting, MDOT met with him, the City Engineer and City Manager and are here this evening to submit a revised landscape proposal.

Matthew Chynoweth, MDOT Representative, stated he wanted to follow up from the last meeting at which time the project was presented and he heard the issues regarding noise in this area and would now like to focus on the changes to the contract and landscaping from comments made at the last meeting. He stated that provisions were included in the contract to make sure that none of the pavement breaking operations or any of the loud disruptive operations would occur between 11pm and 7am and they also included additional provisions to end work operations an hour earlier during AP Exams. He reiterated the reasons that a noise wall could not be included as part of the project. Mr. Chynoweth presented an overview of the plan to provide for a total of 380 8-foot tall trees staggered vertically and horizontally along I-275 every 15 feet. He explained that it would not be feasible to plant the trees closer together as

that would not allow for proper growth, but that they would plant them along I-275 and then behind each other to create a more dense area of landscaping. He added that they looked at the options of building berms, but due to the topography of the area most would be required to be built on private property and in order to provide for noise reduction it would require a 100-foot wide berm. He added a berm is also considered a noise abatement feature and would require a formal program. Mr. Chynoweth stated that where they can they will mound the dirt where they can before planting the trees as mentioned.

Mr. Chynoweth mentioned that they are willing to have the contractor plant trees on private properties if additional funding is provided by the city and/or the property owner and the property owner signs a right of entry for the contractor to enter the property. Trees could be purchased at the contract unit price for buying in bulk.

Mr. Chynoweth added that there have been questions regarding the roadway and timeline and he explained that the previous rehabilitation on this road had deteriorated more rapidly than expected. He noted that they are using a high-performance mix this time for the pavement and more testing was involved so that the mix used will be more durable and provide for tighter joints that will reduce noise currently heard from I-275. He mentioned that Mr. William Erben who was present at the last Council meeting will be the engineer on site for this project to make sure the contractor is abiding by the terms of the contract and held accountable. He stated that all information regarding the project and 24 hour contact information will be provided on a project website. Mr. Chynoweth stated that the project is advertised and is proposed to be open 3/4/16 and it has a very aggressive schedule to complete the project within a year's time.

Mayor and City Council members all expressed their appreciation for the presentation and for MDOT listening to the requests of the City and residents and coming to a compromise on the noise issue.

MOTION by Bruce, support by Knol, that Council hereby approves the request from the Michigan Department of Transportation (MDOT) to waive the noise ordinance in conjunction with the I-275/M-5 Interchange, south of I-275 to north of M-5 road rehabilitation project, subject to the following conditions:

1. MDOT agrees to plant 380 additional trees along the I-275 corridor after meeting with the communities to decide the best location of the trees to help mitigate noise
2. MDOT will conduct a noise study before the project is to commence and after the project is completed to establish a benchmark
3. Paving breaking and removal will be limited to the hours of 7am and 11pm
4. Staging and starting of the project will be restricted to daytime hours only
5. MDOT will work with various communities to determine the location of a batch plant and establish a noise and dust mitigation plan
6. Berms will be put in place as part of the landscaping plan and MDOT will be responsible for finding the appropriate room available along I-275 for the berms
7. The concrete crusher will be outside the limits of the project, and
8. MDOT will look into a mowing plan that does not remove any of the natural landscape that provides a noise barrier to surrounding residents.

MOTION CARRIED 6-0 (Steckloff absent)

**PUBLIC HEARINGS:**

**PUBLIC HEARING AND CONSIDERATION OF FINAL APPROVAL OF PRELIMINARY PLAN FOR SUBDIVISION OPEN SPACE PLAN 1, 2015 (FOREST AT WOODDALE), DATED JANUARY 4, 2016.**

Ed Gardiner, Planning and Community Development Director, stated that the request before Council is for final approval of a preliminary plan for a proposed site condominium subdivision development on the former Wooddale School site. He stated that the proponent will make a presentation and then Planning Consultant Rod Arroyo will review the project as it relates to the city code. He added that tonight's meeting is a public hearing and advertised as such so once Council has heard from the proponent and planning consultant, the public should be invited to speak prior to any decision by Council.

George Major, partner in Windmill Homes, outlined their proposal for a development that would consist of 18 single-family homes built as site condominiums that would include a park, water feature and the entrance of the subdivision and open space area. He noted that the development was designed in keeping with ordinance requirements and they have done their best to preserve as many trees as possible on the site.

Rod Arroyo, Planning Consultant, discussed his November 9<sup>th</sup> review letter on the proposed development with Council. He discussed the location of the site and noted that the parcel of property is just over 11 acres and the applicant is requesting to build single-family homes with a density that is in keeping with the city's master plan and RA-1 District. He mentioned that the applicant is asking for some flexibility with the lot sizes in exchange for additional open space within the development. Mr. Arroyo pointed out that the proposed development meets city objectives when considering an open space plan and lot sizes are in general conformance with adjacent subdivisions. He added that over 19% of the site is open space and there are a number of existing trees that provide a buffer to adjacent neighborhoods on the site that the City would like to see preserved once individual lot construction takes place. The landscape plan also calls for additional plantings along the road and pathway as part of the project; and the developer is providing for the appropriate number of replacements trees and a tree removal permit per ordinance requirements.

Councilmember Knol inquired why the developer chose the proposed configuration of the development.

Mr. Major and Mr. Michaelson, Partners for Windmill Homes, explained that the configuration of the road was dictated by ordinance and the requirement to connect the two stub streets and in order to preserve as many trees as possible. He noted the detention location was due to the topography of the property and flow.

Councilmember Bridges inquired if there is anything in the proposed development that substantially deviates from the city's ordinances or master plan and if the ordinance requires the connection of the stub streets. Planning Consultant Arroyo responded there were no substantial deviations and confirmed that the ordinance requires the connection of the stub streets.

Mayor Pro-Tem Knol inquired how many meetings the developer had with the homeowners and if maintaining a park area came up as a priority in those meetings.

Mr. Michaelson responded that they held 3 meetings with 2 different homeowner groups that were recommended by the City. The issue of maintaining the park area was not mentioned by those residents.

Councilmember Rich inquired if a walkway would be included in the development. Mr. Major stated that sidewalks and street lights were part of the proposed development.

Mayor Massey commented that he would prefer no street lights as that seemed inconsistent with surrounding neighborhoods.

Mr. Major commented that they often hear that potential owners like the idea of street lighting for safety reasons but if Council prefers, they will not include street lighting.

Mayor Massey opened the public hearing.

Gary Brown, Oak Point, stated that he is opposed to the opening of Forest Ridge into his subdivision. He is concerned with safety and spoiling the peace and serenity due to the increased traffic this would cause. He submitted petitions containing 154 signatures of residents opposed to connecting the subdivisions to the City Clerk. He stated that they are not against development but feel that opening the street into their subdivision will cause problems for them as well as the new development and he urged Council to allow for a variance so that streets would not have to be connected.

Tiffany Viotor, Oak Point, stated that she has four children who are very active in the subdivision and she would be concerned for their safety if the streets and subdivisions were connected creating additional traffic. She discussed the history of the property being developed and the fact that the property was not connected to their subdivision when there was a school on the property. She questioned why it had to be connected now. Mrs. Viotor pointed out that the Planning Commission had denied the connection of stub streets in the past (1980) due to increased traffic concerns. She also expressed concern that the offer to bid on the property once the school was sold was only offered to developers and no residents.

Jim Saleh, Hunters Pointe, discussed the challenging attributes of the neighborhood that included winding narrow roads, no sidewalks and elevation changes. He also noted that the subdivision was heavily wooded so snow and ice remain longer on the streets. He stated that they have two bus stops internally in the subdivision with approximately 50-75 kids taking the bus daily and he would be concerned with the increased traffic. He suggested that additional signage might be needed in the neighborhood and also questioned why a traffic study was not performed to determine the impact of connecting the two subdivisions. Mr. Saleh mentioned that there was a meeting with the subdivision about the condition of their roads and it was estimated that it would cost \$2million to replace the roads. He feels allowing a cut through to Colony Park would only further accelerate the deterioration of the roads asked who would be paying for the roads then as it would not seem appropriate for only Colony Park residents to be burdened with the total cost of the new roads. He asked that Council not allow a cut through from the proposed development to Colony Park.

Brian Whisenhunt, Oak Point, reiterated that the school had operated for 50+ years without a connection between that property and Forest Ridge. He asked if the ordinance requires stub streets to be connected why then were other stub streets in the city never connected. If city emergency services was the main reason to uphold the ordinance, he does not feel it would double the response time of Police or Fire. He referenced a section of the ordinance that indicated that subdivision streets shall be laid out so that they discourage through traffic and he does not feel that has been done with the proposed plan.

Deborah Colbert, Oak Forest-Colony Park West, stated that she lives 2 houses from the proposed entrance to the new subdivision. She feels there should be more than one entrance into the new subdivision on Oak Forest otherwise Colony Park West would experience double the traffic and they also have children in their neighborhood and would be concerned with safety.

Paul Goldsmith, Willow Creek, stated that he is a new resident of Farmington Hills and his new home will be in the new subdivision. He stated that as an architect and someone also concerned with safety, he does not feel there would be a major increase in traffic due to the winding roads and natural elements of

the subdivision mentioned. He feels it would be easier for residents to go out onto the main roads than through the subdivisions.

Bill Kennedy, Colony Park Drive, thanked Mayor Massey for visiting the area today. He stated that he feels a precedent was set in 1980 when the city at that time denied a connection of stub streets. He commented that there was only one entrance for years when the property was a school and questioned why that had to be changed now. He added that all of the lots in Colony Park are at least 100 feet and the new development is proposing 90-95 feet in order to include more open space, which he feels is inconsistent with the area; and the open space proposed is mostly swamp land and not usable by most residents.

Steve Selinsky, Oak Point, stated that the reason they live in the subdivision is due to the wooded areas and serenity. He stated that they already experience some cur-through traffic by those wanting to avoid the traffic onto 13 Mile Road and they routinely have to tell people to slow down. He would hate to see that situation get any worse.

Frank O'Neil, Colony Park Drive, commented that he moved here from Ferndale and did not want to at first but was swayed by this neighborhood. He stated that the streets are winding and dangerous and he is concerned with safety if there is an increase in traffic. He stated that he loves the people in the neighborhood and the way it is today and hopes that Council can make a decision to preserve what they have today.

Barbara DeGrazia, New Bradford, invited Council to come to try and get onto 13 Mile Road from her street and expressed concern if there was even more traffic. She stated that she would appreciate some consideration by Council regarding this issue.

John Houston, Oak Point, stated that his house backs to the proposed development. He pointed out that Colony Park West currently has a traffic light onto 13 Mile Road that makes the flow of traffic orderly, but there are no lights for Colony Park Subdivision. He added that most of Colony Park West residents purchased their homes knowing of the school and is now benefiting from the fact that the school traffic is gone. He asked that Council not allow for a connection and cut through to their subdivision and would prefer access to the new development from Colony Park West.

Alan Fisk, Colony Park, asked Council, when making their decision, to consider if the character of Colony Park Subdivision would be maintained with this new development or are they in danger of destroying.

Marianne Keach, Colony Park, questioned ownership of a parcel of property in Kendallwood and the possibility of moving the entrance to that area in order to save trees.

Mark Farnham, Oak Point, stated that when he moved to this area he decided to live in Farmington Hills and particularly Colony Park Subdivision due to the peace and serenity of the area. He commented that he is a Police Officer with a fully marked patrol car parked in his driveway and he still sees people speeding and rolling stop signs throughout the subdivision. He commented on the number of kids in the subdivision and stated that the last thing the residents want is increased traffic or additional traffic speeding through the subdivision in order to avoid the lights on Farmington or 13 Mile Roads. He encouraged Council to avoid this connection to Colony Park.

Mike Deegan, Colony Park Drive, stated that he would also like Council to approve a variance for all of the reasons mentioned. He commented that there was a side-bar conversation at a Planning Commission

meeting by the developer regarding a cul-de-sac design and he would like to hear more about that possibility.

John Lee, New Bradford, spoke to the community feeling of the Colony Park Subdivision and the fact that his street would be the prime cut-through street if a connection is required. He added that he walks every day and the streets are very busy with families and people walking their dogs and he is concerned about the safety with additional traffic.

Barbara Galinsky, Colony Park Sub, pointed out that the residents are not the only ones who enjoy their subdivision as they often have students from Farmington High School sports team running through their subdivision and they want it to stay safe for everyone.

Tim Sullivan, Oak Point, supported all of the previous statements and suggested that perhaps there are other options such as re-designing the project to have 3 cul-de-sacs with open space in the middle.

Glenn Whitelaw, Oak Point, stated that it seems a simple thing for Council to grant this variance to allow for only 1 entrance to the new development and he would appreciate Council's consideration.

Michael Banks, Oak Point, supported the other comments made but also expressed concern with the idea of street lights in the new development as they seemed inconsistent with the character of the other area subdivisions

Lynn Ward, Oak Point, stated that she was in favor of a variance and supports the comments made. She pointed out that Council mentioned they appreciated MDOT for listening to their concerns and asked Council to give them the same consideration.

Jeff Thede, Oak Point, commented that there will be less density with the new development than there was when it was a school so he does not feel safety could be an issue.

Steve Pacynski, Oak Point, stated that the serenity and people sold him on this neighborhood and he fears they will lose that for his generation and his kids.

Jacob Noethstine, Willow Creek, expressed concern that Oak Forest will become a drag strip and they need some means to slow traffic on that street. He agreed that street lights would be out of character for the area as would the proposed fountain and that the proposed sidewalks would be sidewalks to nowhere.

Mike Cremering, Oak Point, expressed concern with the traffic at rush hour creating more cut-through traffic from Farmington Road to 13 Mile Road. He stated that he sees this happening now and they are not residents and have no sense of the neighborhood. He also feels that Colony Park West would experience more traffic with the connected subdivisions and cut-through traffic as opposed to only having the one entrance.

Mark Colbert, Oak Forest-Colony Park West, stated that one of his main concerns is with loss of property value for existing residents.

Julie Larsen, Oak Point, stated that she walks her dogs a couple times a day and sees people cutting through to 13 Mile Road and speeding who she knows are not residents of the subdivision. She stated that safety is important to the existing residents.

There being no further comments, Mayor Massey closed the public hearing. A 5 minute recess was taken at this time.

Mayor Massey thanked the residents for the attending the meeting and for their input on this issue. He assured that the City Council is listening to their concerns and take the issues very seriously and are sensitive to the issues as they too are all residents of the City.

Mayor Pro-Tem Knol stated that one resident mentioned the discussion of another option that included cul-de-sacs and asked the developer to speak to that issue.

Mr. Michaelson responded that they could look at that option, but it would require them to start the process all over. He added that the proposed development was designed in order to address city ordinance requirements.

George Major clarified that they had discussed various concepts for the development, including cul-de-sacs; but it was clear that the Planning Commission and Engineering Division wanted the stub streets connected. He added that the cul-de-sac concept designs have not gone through the approval process.

Councilmember Bridges questioned if the Planning Commission direction was for Council to consider a variance.

Director Gardiner responded that the Planning Commission recommended approval of the proposed plan with certain conditions of the plan before Council based on the fact it met ordinance requirements; and they also recommended that Council consider looking at a variance to not connect the new subdivision to Forest Ridge. He confirmed the vote was 8-0 with one member absent.

Councilmember Rich stated that as she read the Planning Commission minutes, there was discussion about sending it to Council for consideration but no study had been done regarding Council's ability to grant the variance.

Director Gardiner stated that the Planning Commission received legal counsel from the City Attorney regarding the variance procedure and were advised that since Council has asked that all subdivision open space plans are approved through their action that only City Council would have the authority to grant the variance.

Councilmember Lerner asked staff to address why two previous stub streets mentioned were never connected.

Mr. Gardiner explained that Colony Park was developed in the mid 1960's and provided 3 stub streets to the south and west. Colony Park West was then developed in the 1970's with a stub street to the east. He noted that the reason those streets were not connected at that time was because in both cases there was a parcel that existed between them and they were not adjacent. The stub streets existed in anticipation of future connections.

Councilmember Lerner read the conditions that must be met in order for Council to grant a variance and asked the City Attorney if all 3 conditions must be met. He stated that it was also his understanding that the developer has not requested a variance.

Attorney Joppich confirmed that all 3 conditions must be met and City Council must make a finding on each. He also confirmed that no formal request has been made by the developer for a variance although there is no requirement for an application. He recommended that Council not grant any variance unless agreed to by the developer and it meets all 3 conditions.

Mr. Lerner questioned if it would be appropriate to leave the gate in place and if that would require a variance. He also inquired if the proposed development meets all ordinance requirements would Council be obligated to approve the plan. Attorney Joppich stated that if the intent is to make the connection, the gate could remain if deemed appropriate by Council and would be in the public right-of-way and the variance standard would not apply. If made part of the site plan, the plan would require an amendment. He confirmed if the plan meets all ordinance requirements, Council shall approve the plan.

Councilmember Rich spoke to the comments of residents about a precedent being set in the 1980's to not connect stub streets and questioned if there was an ordinance change since that time. She also questioned why not consider another entrance to the development off of Peppermill.

Attorney Joppich stated that it appears that is the case. Director Gardiner confirmed that the ordinance changed in 1987.

Mr. Major stated that Peppermill ends and another road then runs north and south and the right-of-way improvements have been removed from that road to the center of the community where the school once was and many of the neighbors had made landscape improvements in the area and walkways. He stated that they heard loud and clear not to touch Peppermill or the improvements made.

Councilmember Bruce asked the developers if they wanted a variance. Mr. Major responded they do not want a variance and time is of the essence for their development.

Dr. Bruce commented that if the developer does not want a variance, the Council cannot impose one upon him. Attorney Joppich confirmed that would be his advice.

Mayor Pro-Tem Knol inquired if the developer was open to the idea of a gate at Forest Ridge Drive to deter cut-through traffic as she feels this would address the neighbors' concerns.

Mr. Major stated that this will be a dedicated public road so he is not sure they would have a say what the City puts in its right-of-way. He added they would prefer a cul-de-sac plan over having a gate; but they also have no assurance that Council would approve a revised plan and would prefer to proceed with their project as proposed.

Mayor Massey explained that if a developer comes before Council and meets all ordinance requirements, Council must approve the request. He added that he heard a lot of comments and concerns over safety and he feels that is a separate issue. He advised the residents of the city's Safe-T3 program that may help them with their safety concerns. Mayor Massey added that he walked the area and he would prefer no street lighting in the new development and also for the developer to maintain the trees and/or replace those that need to be removed.

Mr. Major confirmed that the development would not include street lighting per the preference of Council and added that their objectives included preserving as many trees as possible.

Councilmember Bruce commented that the residents argued their points well; however, Council could not enforce a variance upon the developer if he did not want it and it would be dangerous for Council to not uphold city ordinances as that is part of the oath that they take when sworn into office and could open the city up to litigation. Dr. Bruce concurred with Mayor Massey regarding the safety issues. He stated that he did not like the idea of a gate and added that he does not feel the plan would meet all 3 conditions for a variance.

Councilmember Rich stated that she lives in a neighboring subdivision and would like nothing more than to give the residents what they want, but she does not see how that can be done as the developer submitted a plan that meets ordinance requirements.

Councilmember Lerner commented that the Safe-T3 program is designed to address speeding and cut-through traffic and he feels this program could benefit this subdivision. He stated that he will talk to the Police Chief about this issue and encouraged the Association to look into the program. He stated that Council could consider a gate, but is not sure how Council feels about that possibility.

Mayor Pro-Tem Knol stated that she feels there are some unique circumstances with this proposal in that the property in question was formerly a school and this is in-fill development; and because of that she feels that Council should be flexible and that a gate would be a good compromise. She questioned if this could be made a condition of the site plan and stated that she would need that assurance before voting in favor of the plan.

Councilmember Bridges commented that the Mayor and Council are sensitive to the comments made but they cannot impose a variance upon the developer. He stated that it is a tough decision because Council wants to maintain the quality of life for the residents but the criteria for a variance cannot be met and the proposed plan meets ordinance requirements. He feels Council needs to approve the plan as submitted.

Mayor Massey asked that staff review the comments made about additional signage in the subdivision.

MOTION by Bruce, support by Knol, to grant final approval of the preliminary plan for Subdivision Open Space Plan 1, 2015 (Forest at Wooddale) dated January 4, 2016, with the addition of a gate as a compromise at Forest Ridge Drive and to include renderings to Council at the time of final site plan approval that should include a gate.

Discussion was held on the type of gate and if that could or should be dictated by Council.

Mr. Major commented that he they have no objection to possible traffic controls and would be willing to look at options. He expressed concern with the gate and stated that they do not want this to be a gated community. He questioned how a gate would be used and if residents could come into the community from Forest Ridge or would it be for emergency access only.

Mr. Lerner agreed with the proponent and suggested that the City could work with him on that issue. He pointed out that the proponent submitted a plan that meets ordinance requirements and he doesn't believe Council can put a condition upon that approval.

Attorney Joppich pointed out that an open space agreement would be prepared by his office that could include a gate or other conditions and that would come back to Council for final approval. This is similar to a PUD agreement and the more specific the better.

City Manager Boyer stated that staff could work with the developer on the type of gate, but some direction by Council would be needed as to the type of gate and how that is to be used.

Attorney Joppich pointed out that it sounds as if the developer does not approve of the proposed gate and if that is the case, Council is then amending their site plan that already complies with ordinance requirements without agreement from the developer. He added that any motion should also include the additional recommended language in the report to Council.

Council member Bruce stated that he wished to withdraw his motion. Mayor Pro-Tem Knol concurred.

MOTION by Bruce, support by Rich, that the City Council of Farmington Hills hereby grants final approval of preliminary plan for Subdivision Open Space Plan 1, 2015 (Forest at Wooddale) dated January 4, 2016; and

FURTHER RESOLVED, that Open Space Plan 1, 2015 dated January 4, 2016 be approved;

IT IS FURTHER RESOLVED, that an open space escrow deposit of \$114,540.00 be submitted to ensure the completion of the open space plan; and

IT IS FURTHER RESOLVED, that the City Attorney prepare a contract setting forth the conditions of approval for City Council consideration and approval.

MOTION CARRIED 5-1-1-0 (Knol opposed, Steckloff absent)

**NEW BUSINESS:**

**CONSIDERATION OF FREEDOM OF INFORMATION ACT (FOIA) APPEAL FROM JOHN SHEPHERD.**

City Clerk Smith explained that she had received an appeal to a FOIA request that was originally submitted and responded to by the Police Department. The Police Department had denied the request indicating that the document was exempt from disclosure per state statute and the FOIA Act. Clerk Smith stated that she followed up with the Police Chief and FOIA Coordinator for the Police Department and confirmed that the document was exempt from disclosure and she relayed this information, including a copy of the state statute to the requestor. Upon receipt, the requestor determined that he wanted to proceed with the appeal. Clerk Smith stated that she contacted the City Attorney's office with the information to request their opinion, which has been provided to Council this evening.

Attorney Joppich explained the appeal procedures and discussed the statutes under which the document would be exempt and the opinion provided by his office recommending that Council uphold that decision based on the statutes cited and the fact that the improper disclosure of a report involving a juvenile victim can result in the disclosing party being charged with a misdemeanor crime.

Attorney Joppich further explained that per the Freedom of Information Act and appeal procedures, City Council may reverse the disclosure denial, uphold the disclosure denial or reverse in part and uphold in part the disclosure denial. He added that the City Clerk should also be directed to respond in writing on behalf of City Council.

MOTION by Lerner, support by Bridges, that the City Council hereby upholds the denial of Mr. John Shepherd's August 20, 2015 request for records under the Freedom of Information Act, for the reason that, per Section 1(d) of the FOIA, the requested records are specifically described and exempted from disclosure by statute, particularly MCL 722.120 and MCL 28.247, which prohibits the disclosure of police reports regarding juvenile victims of sex crimes except to certain specifically authorized persons, does not provide for the disclosure of redacted versions of such reports, and indicated that disclosure of such reports in violation of the statute constitutes a misdemeanor punishable by up to 1 year in jail and up to a \$500.00 fine.

IT IS FURTHER RESOLVED, that the City Clerk is hereby directed to provide a written notice to Mr. Shepard of the above decision and his right to seek judicial review of this denial pursuant to MCL 15.240, including the right to receive attorney fees and damages as provided in MCL

15.240 if, after judicial review, the circuit court determines that the City has not complied with MCL 15.235 and orders disclosure of all or a portion of a public record.

MOTION CARRIED 6-0.

**CONSIDERATION OF APPOINTMENTS TO VARIOUS BOARD AND COMMISSIONS.**

MOTION by Knol, support by Bruce, to approve the following appointments to board and commissions:

**Board of Review**

	<b>Length of Term:</b>	<b>Term ending:</b>
Michael Crew	3 years	February 1, 2019
Barbara Megerian	3 years	February 1, 2019

**Brownfield Redevelopment Authority**

	<b>Length of Term:</b>	<b>Term ending:</b>
David Boyer	1 year	February 1, 2017
Kurt Brauer	3 years	February 1, 2019
Barry Brickner	3 year	February 1, 2019
David Gajda	2 years	February 1, 2018
Ed Gardiner	3 years	February 1, 2019
Lori McDaniel	2 years	February 1, 2018

**Commission for Energy and Environmental Sustainability**

	<b>Length of Term:</b>	<b>Term ending:</b>
Vincent Dow	3 years	February 1, 2019
Mark Zachos	2 years	February 1, 2018

**Commission on Children, Youth & Families**

	<b>Length of Term:</b>	<b>Term ending:</b>
Dr. Anwar Mahmood	3 years	February 1, 2019
Sharon Snodgrass	3 years	February 1, 2019
Mitch Seeyle	3 years	February 1, 2019

**Committee to Increase Voter Participation**

	<b>Length of Term:</b>	<b>Term ending:</b>
Gail Haynes	3 years	February 1, 2019
Rose Christoph	3 years	February 1, 2019

**Corridor Improvement Authority**

	<b>Length of Term:</b>	<b>Term ending:</b>
Teresa Brazzle	3 years	February 1, 2019
Michael Gendjar	3 years	February 1, 2019

**Economic Development Corporation**

Norman Johnson	<b>Length of Term:</b> 6 years	<b>Term ending:</b> February 1, 2022
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**Emergency Preparedness Commission**

Steven Faine	<b>Length of Term:</b> 3 years	<b>Term ending:</b> February 1, 2019
Dan Wecker	3 years	February 1, 2019
Tim Tutak	3 years	February 1, 2019

**Farmington Area Arts Commission**

Cindy Carleton	<b>Length of Term:</b> 3 years	<b>Term ending:</b> February 1, 2019
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**Farmington Area Commission on Aging**

Carl Christoph	<b>Length of Term:</b> 3 years	<b>Term ending:</b> February 1, 2019
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**Farmington Hills Beautification Commission**

Katherine Massey	<b>Length of Term:</b> 3 years	<b>Term ending:</b> February 1, 2019
Elsie McKeown	3 years	February 1, 2019
Betti Pool	3 years	February 1, 2017
Rita Roberts	3 years	February 1, 2017
Jeff Stewart	3 years	February 1, 2017

**Historical Commission**

Pam Correll	<b>Length of Term:</b> 3 years	<b>Term ending:</b> February 1, 2019
John Willyard	3 years	February 1, 2019

**Historic District Commission**

David McCall Johnston	<b>Length of Term:</b> 3 years	<b>Term ending:</b> February 1, 2019
Ken Klemmer	3 years	February 1, 2019
Steve Olson	3 years	February 1, 2019

**Housing Rehabilitation Loan Board**

Spencer Brown	<b>Length of Term:</b> 2 years	<b>Term ending:</b> February 1, 2018
Dara Gaucher	1 year	February 1, 2017

**Parks and Recreation Commission**

Carl Christoph	<b>Length of Term:</b> 3 years	<b>Term ending:</b> February 1, 2019
William Miller III	3 years	February 1, 2019
Diane Zalapi	3 years	February 1, 2019

MOTION CARRIED 6-0.

**CONSENT AGENDA:**

**RECOMMENDED APPROVAL OF REQUEST FOR EMPLOYMENT UNDER SECTION 10.01A OF THE CITY CODE.**

MOTION by Lerner, support by Bridges, that the City Council of Farmington Hills hereby approves the request for employment under Section 10.01A of the City Code for Jack Callahan as a Basketball Referee in the Special Services Department. Jack Callahan is the brother of Courtney Callahan, Basketball Referee in the Special Services Department.

Roll Call Vote:

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

MOTION CARRIED 6-0.

**RECOMMENDED APPROVAL OF A SPECIAL EVENT PERMIT FOR THE 2016 KONA CHEESECAKE RUN TO BE HELD AT THE FARMINGTON HILLS YMCA ON SUNDAY, APRIL 17, 2016.**

MOTION by Lerner, support by Bridges, that the City Council of Farmington Hills hereby approves a Special Event Permit for the 2016 Kona Cheesecake Run to be held on Sunday, April 17, 2016 from 8am – 10am, subject to the following terms and conditions:

- The route is mainly in residential areas of the city
- There will be no road closures for this event
- There will be 1500 to 2000 runners/walkers
- There will be approximately 150 race volunteers
- There will be 45 race marshals throughout the course wearing reflective safety vests, directing runners, stopping the runners at intersections and driveway when needed.
- Cones and telemeters to direct the runners will be set up along the route, but not in the roadway and will not interfere with traffic.
- Traffic in the subdivision will not be impeded
- The tent at the site will be in a grassy area
- Attendees will be shuttled to the event from Oakland Community College and/or Wayne State University
- There will be medical staff on scene at two different first aid stations on the course
- The applicant has agreed to the cost of four Police Officers on overtime at the rate of \$50.51 for a period of 2 hours
- The applicant advised that the DJ system will be used to start the runners and to play music at a low enough volume neighbors will not be disturbed
- An approved electrical permit and inspection is required prior to the event
- Fire lanes shall be properly maintained
- Egress from the facility shall not be blocked or restricted
- The event shall comply with the minimum Fire Prevention Code requirements
- An inspection shall be scheduled for the site and tent prior to the beginning of the event

Roll Call Vote:

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

MOTION CARRIED 6-0.

**RECOMMENDED APPROVAL OF THE CITY COUNCIL GOALS SESSION MEETING MINUTES OF JANUARY 23, 2016.**

MOTION by Lerner, support by Bridges, that the City Council of Farmington Hills hereby approves the goals session meeting minutes of January 23, 2016 as submitted.

Roll Call Vote:

Yeas: BRIDGES, BRUCE, KNOL, LERNER, MASSEY AND RICH

Nays: NONE

Absent: STECKLOFF

Abstentions: NONE

MOTION CARRIED 6-0.

**RECOMMENDED APPROVAL OF THE CITY COUNCIL REGULAR MEETING MINUTES OF JANUARY 25, 2016.**

MOTION by Lerner, support by Bridges, that the City Council of Farmington Hills hereby approves the regular meeting minutes of January 25, 2016 as submitted.

Roll Call Vote:

Yeas: BRIDGES, BRUCE, KNOL, LERNER, MASSEY AND RICH

Nays: NONE

Absent: STECKLOFF

Abstentions: NONE

MOTION CARRIED 6-0.

**ATTORNEY'S REPORT:**

The City Attorney's report was received by Council and there were no questions.

**ADJOURNMENT:**

There being no further business, Mayor Massey adjourned the regular City Council meeting at 10:48p.m.

Respectfully submitted,



Pamela B. Smith, City Clerk