

MINUTES  
CITY OF FARMINGTON HILLS  
CITY COUNCIL STUDY SESSION MEETING  
CITY HALL – COMMUNITY ROOM  
AUGUST 10, 2015 – 6:00PM

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

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

Council Members Absent: Knol and Steckloff

Others Present: Acting City Manager Boyer, City Clerk Smith, Directors Gajda and Gardiner, City Attorneys Joppich and Dovre and Planning Consultant Arroyo

**GEORGETOWN UNIVERSITY PRIZE UPDATE**

Assistant to the City Manager Geinzer announced that he has received preliminary data from the Georgetown Energy Prize Program and Farmington Hills is currently in 5<sup>th</sup> place out of 50 communities involved in the program. He explained that the figures and standings are based on the overall energy score and he explained how that is calculated. Mr. Geinzer stated that they have had strong support from their sponsors including DTE and Consumers Power and are off to a strong start. He discussed other metrics being tracked as part of the overall program and updated Council on the STEM programs offered, which are supported by the Bosch Community Fund and Xemplar Club.

Mr. Geinzer stated that the goal is to be in the top 10 out of the 50 communities in order to move on to the final round and DTE is committed to offering their continued support to help keep Farmington Hills in the top 10. He noted that the final results should be known by the first quarter of 2017. He thanked City Council for their continued support and stated that they will be passing this information on to the City of Farmington and Farmington Public Schools and will be preparing a press release to further promote the program.

**BOTSFORD HOSPITAL (BEAUMONT HEALTH) UPDATE**

Ed Gardiner, Director of Planning and Community Development, provided an update on the proposed redevelopment plan for the Botsford Hospital campus. He stated that Beaumont is planning a major expansion (approximately \$162,000,000) and have processed this request as a Planned Unit Development Plan. He noted that the Planning Commission has approved the proposed plan for PUD qualification and have set the Public Hearing for the PUD Plan for August 20, 2015. The plan was also reviewed by the Planning Commission in a study session meeting on August 6, 2015; and from that study session, revised plans are being submitted for the public hearing meeting. He added that following the public hearing, the Planning Commission will make a recommendation to City Council. If the plan is approved by City Council, the developer would submit final engineering and buildings plans and a PUD Agreement would be drafted and would come back to City Council for approval.

Councilmember Bridges inquired about the public benefits of the project. Planning Consultant Rod Arroyo responded that some of the public benefits noted include health benefits through modernization of equipment and technology, aesthetic enhancements and promoting the City's Master Plan, adding more trees than required, enhanced pedestrian connections and wayfinding, more efficient irrigation and

parking improvements and providing for a substantial drainage reservoir under the proposed parking structure that would help to eliminate flooding in the area.

Mayor Brickner also pointed out that the hospital is an anchor for the south end of the Corridor Improvement area and it is hoped that all of these improvements will spur development in the area and attract other businesses along that corridor.

Discussion was held on expansion of road access for emergency vehicles. Mr. Gardiner reviewed their proposed plans, which provides for a main access off Grand River and one emergency access off of Oxford. He mentioned that Beaumont held a public forum to which they invited over 1500 residents that resided within 300 feet of the development and public input will also be received at the Planning Commission meeting on August 20, 2015.

Councilmember Lerner inquired about inspections and the need for outside contractors. Mr. Gardiner responded that the city should be able to handle most of the inspections but would use outside services if needed.

Further discussion was held with regard to emergency access to the site. Mayor Pro-Tem Massey stated that he feels a 2<sup>nd</sup> access for emergency services was important.

Director Gardiner clarified that the developer is viewing the Oxford access as their secondary access and to serve as the emergency access.

#### **DISCUSSION ON NEW FCC REGULATIONS AND ORDINANCE AMENDMENTS**

Director Gardiner explained that City Council adopted the current wireless communications ordinance on July 14, 1997. Since that time, there have been legislative changes at both the Federal and State levels as well as technology and public perception changes that may warrant amendments to the existing ordinance. He mentioned that staff is looking for some direction from City Council and both Planning Consultant Rod Arroyo and Attorney Gary Dove have provided additional information on this issue and are here to answer any questions.

Mr. Arroyo provided a brief overview of the legislative changes noting that the Federal law changed in 2012 that established limitations on what local government could do and also that same year established the Zoning Enabling Act. He noted that the FCC has now established some rules and has indicated that if the request is for co-location on an existing eligible facility, the local government has 60 days to act upon that request or it is automatically approved. He added that these requests would fall under administrative approval. Mr. Arroyo added that someone could potentially increase the size of the base to some extent and still fall under the guidelines for administrative approval.

Attorney Dove clarified the neither the federal or state laws mandate a change in local ordinances, but he feels it would provide the staff the tools and accurate information to properly deal with requests if the ordinances were amended.

Director Gardiner stated that the City has not had a new tower built since 1997 and the time frames being discussed in the new legislation could be difficult to meet if the process required a public hearing at both the Planning Commission and City Council level as the ordinance now states.

Mr. Arroyo addressed the use of DAS (Directional Antenna Systems) on utility poles and commented that it could be a benefit to allow for DAS so that larger towers were not needed.

Attorney Dovre explained that the proposed time frames set forth in the new FCC legislation are not conducive to the time frames set forth within the Zoning Ordinance. He stated that currently all site plans go before the Planning Commission for a public hearing, which could delay action on a request. He stated that an alternative would be to have administrative review of the site plan rather than have them go before the Planning Commission as a special land use that requires a public hearing.

Council concurred with streamlining the process.

Councilmember Lerner suggested addressing the size of the DAS that would be allowed.

Mayor Brickner felt that there should be some restrictions with regard to locating them in residential neighborhoods.

Councilmember Bridges agreed with complying with federal and state regulations but felt there should still be input from the Planning Commission.

After further discussion, City Council concurred with proposing changes to the current ordinance that would allow for administrative approval of co-location of antennas on existing towers and requests for new towers would continue to be reviewed by the Planning Commission but there would only be a public hearing held at the City Council level. It was also agreed that DAS should be regulated through a use permit and any exceptions would come before City Council.

Attorney Dovre stated that requirements for a use permit could include height limitations and further regulations on how many and where they could be located, aesthetics, etc. He recommended that these are regulated separately through a use permit.

Councilmember Bridges inquired about the benefit of allowing DAS. Mr. Arroyo stated that it operates much like a tower with no need for a new tower.

It was determined that City Attorney's Office would draft the necessary ordinance amendments per the direction of City Council this evening for review by the Planning Commission.

#### **DISCUSSION ON RETIREMENT ORDINANCE AMENDMENTS**

Councilmember Lerner stated that these ordinance amendments were discussed in a previous study session and then at a regular meeting action was taken to move forward with the Introduction of the amendments; but he didn't feel that anything was in place to make sure that this type of oversight (not including a specific employee group in benefit changes) did not happen again. He proposed including some specific language in Section 2-530(b).

City Attorney Joppich reviewed the current language in that section of the proposed ordinance amendment. He stated that he would need to refer to the Pension Board Attorney, Mike VanOverbeke, to address the proposed language to make sure that it was appropriate. He explained that this is a very complex area of the law in which Attorney VanOverbeke practices and is the expert.

Finance Director Gajda explained that the law has changed and he is now required to provide for two separate reports, a financial report and annual report; and he feels the annual report would contain the language and information that Councilmember Lerner was suggesting. He added that this annual report is required to be posted to the City website.

The consensus was to not make any changes to the ordinance amendments as proposed as it appears the annual report already contains sufficient language.

**DISCUSSION ON SETTING A SPECIAL MEETING FOR AUGUST 17, 2015 AND CANCELING THE SEPTEMBER 14, 2015 REGULAR MEETING**

Mayor Brickner called for a special meeting to be held on August 17, 2015 at 6:30pm in the Community Room to review employment applications submitted for the City Manager position. He also mentioned that he had requested canceling the September 14, 2015 meeting in honor of Rosh Hashanah, and this item was also on the regular meeting agenda this evening for consideration. He stated that a special meeting could be added for September 21, 2015, if needed.

**ADJOURNMENT:**

There being no further discussion, the meeting adjourned at 7:29pm.

Respectfully submitted,



Pamela B. Smith, City Clerk