

MINUTES
CITY OF FARMINGTON HILLS
CITY COUNCIL MEETING
OCTOBER 11, 2021 – 7:30 PM

The regular session meeting of the Farmington Hills City Council was called to order by Mayor Barnett at 7:34pm.

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

Council Members Absent: None

Others Present: City Clerk Smith, Assistant City Manager Valentine, Director Monico, Fire Chief Unruh and City Attorney Joppich

PLEDGE OF ALLEGIANCE

Mayor Barnett led the pledge of allegiance.

APPROVAL OF REGULAR SESSION MEETING AGENDA

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

MOTION CARRIED 7-0.

PROCLAMATION RECOGNIZING OCTOBER 2021 AS BREAST CANCER AWARENESS MONTH

The following Proclamation was read by Council Member Newlin and accepted by Fire Chief Unruh:

**PROCLAMATION
Breast Cancer Awareness Month
October 2021**

WHEREAS, since approximately 1 in 8 U.S. women (about 13%) will develop invasive breast cancer over the course of their lifetime, National Breast Cancer Awareness Month is dedicated to increasing public knowledge about the importance of early detection; and

WHEREAS, breast cancer is the most common cancer in women in the U.S., except for skin cancer, and breast cancer death rates are higher than those for any other cancer except for lung cancer; and

WHEREAS, in 2020, over 281,000 new cases of invasive breast cancer and over 49,000 new cases of non-invasive (in situ) breast cancer were diagnosed, and over 43,000 women in the U.S. died in 2020 from breast cancer; and

WHEREAS, the overall death rate from breast cancer decreased by 1% per year from 2013 to 2018 due to increased awareness, treatment advances, and earlier detection through screening with mammography, which is recognized as the single most effective method of detecting breast changes that may be cancerous long before physical symptoms become apparent; and

WHEREAS, there are over 3.8 million women with a history of breast cancer in the U.S. today including women currently being treated and those who have finished undergoing treatment.

NOW, THEREFORE, BE IT RESOLVED that I, Vicki Barnett, Mayor of the City of Farmington Hills, on behalf of the City Council, do hereby proclaim October 2021 as **Breast Cancer Awareness Month** and encourage everyone to become aware of their risk for breast cancer, undergo regular screenings for early detection, and if diagnosed, talk to their health care providers about treatment options that are available.

Battalion Chief Steve Biebel presented the 2021 Fire Department Breast Cancer Awareness shirts to Council and spoke about the fundraising efforts of the Department to promote awareness.

CORRESPONDENCE

The following correspondence was received regarding:

- Concerns over certain Library books and their content and those being available to minors
- Letter from Mr. Sundquist, resident, regarding residential tree trimming and the city's ordinance. This letter was asked to be included in the record and has been inserted below in full.

FULL LETTER CAN BE FOUND AT THE END OF THE MINUTES

City Attorney Joppich stated that he has received the letter and has reviewed the ordinance as it relates to residential tree trimming and will follow up with city staff on the permit issued to discuss the merits for the permit. He stated that there are reasons, as stated in the permit issued, for allowing trees to be removed including tree health as determined by criteria in the ordinance and causing potential danger to a structure or building. Mr. Joppich added that he would provide a memo to Council following the meeting with staff regarding the status of the matter.

Some members of council expressed concern with clear cutting trees and having proper replacement tree guidelines in place. While a permit had been issued, they were hoping that no trees would be removed until staff first looked into the concerns raised by Mr. Sundquist.

It was suggested that the tree trimming ordinance is reviewed at a future City Council study session.

CONSENT AGENDA

MOTION by Massey, support by Strickfaden, to approve consent agenda as read.

Roll Call Vote:

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

Nays: NONE

Absent: NONE

Abstentions: NONE

MOTION CARRIED 7-0

PUBLIC QUESTIONS AND COMMENTS

There were no public questions or comments.

COUNCIL MEMBERS COMMENTS AND ANNOUNCEMENTS

The following council member comments and announcements were made:

- DTE has started tree trimming in areas of the city and was responsive to an outage caused by a fallen tree
- Mayor Barnett is participated in Michigan Public Service Commission educational session representing municipalities on October 22nd

CITY MANAGER UPDATE

Assistant City Manager Valentine provided an update on:

- 11 Mile Road project
- Obtaining an absentee ballot through the Clerk's Office
- MI Makers Market
- DTE ongoing efforts and completion timelines

NEW BUSINESS

CONSIDERATION OF ADOPTION OF A RESOLUTION ESTABLISHING THE FARMINGTON HILLS INNOVATION, ENERGY AND ENVIRONMENTAL SUSTAINABILITY COMMITTEE.

City Attorney Joppich explained that the City Council discussed the resolution to establish this committee at their last study session at which they provided feedback and suggestions for some changes. Those changes have been incorporated into the resolution as provided in a tracked version provided to City Council for this meeting.

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF FARMINGTON HILLS

RESOLUTION ESTABLISHING THE FARMINGTON HILLS INNOVATION, ENERGY AND ENVIRONMENTAL SUSTAINABILITY COMMITTEE

RESOLUTION NO. R-182-21

At a regular meeting of the City Council of the City of Farmington Hills, County of Oakland, State of Michigan, held on October 11, 2021, at 7:30 o'clock p.m., Eastern Daylight Savings Time, with those present and absent being,

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

ABSENT: NONE

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

WHEREAS, in 2008, the City of Farmington Hills established the Green Efforts Committee as a temporary committee to study issues pertaining to the environment and explore efforts the City may be able to undertake in order to help sustain and protect the environment;

WHEREAS, in 2011, City Council adopted an ordinance establishing the Commission for Energy and Environmental Sustainability ("CEES") as a standing committee based on the work, reporting, and recommendations of the Green Efforts Committee;

WHEREAS, in 2017, City Council completed an extensive review of all the standing boards and commissions throughout the City and decided that it would be best, at that time, to discontinue the CEES and have the Parks and Recreation Commission undertake its work;

WHEREAS, in 2021, City Council received an update on the status of the City's efforts and achievements toward environmental sustainability and decided that it would like to enhance its support for and build upon those efforts through the establishment of a temporary committee to explore such matters and to also include innovation in its work and undertake such other objectives as are set forth in this Resolution; and

WHEREAS, City Council wishes to extend an offer to the City of Farmington to participate in and establish this as a joint committee for the benefit of the entire Farmington Hills-Farmington community.

NOW, THEREFORE, BE IT IS HEREBY RESOLVED by the City Council of the City of Farmington Hills as follows:

- 1) The Innovation, Energy and Environmental Sustainability Committee ("IEESC") is hereby established. The IEESC is established for the purpose and with the objective of researching, studying, and reporting to City Council on the following:
 - (a) The past efforts, undertakings, and achievements of the City — through the work of City Council, the City Administration, the CEES, and the Parks and Recreation Commission — with innovation, energy and environmental sustainability;
 - (b) Potential opportunities, resources, programs, projects, practices, educational efforts, and actions that will enhance, advance, and further develop innovation, energy and environmental sustainability within the community; and
 - (c) Possible sources of funding or financing and potential public-private partnerships and interlocal partnerships for innovation energy, and environmental sustainability.
- 2) Four months after its first meeting, the IEESC shall issue a preliminary report to City Council containing its initial findings and 2-3 attainable goals based on the above-stated purpose and objectives of the committee.
- 3) The IEESC shall consist of up to eleven (11) persons appointed as regular members, including, to the extent possible, Farmington Hills residents, representatives of businesses located in the City of Farmington Hills, an environmentalist (e.g., in the areas of green energy, recycling, or other similar areas), a representative from DTE or another utility company providing energy services in the City, a member of the City's Broadband Task Force, a member of the City's Economic Development Corporation, a student who is engaged in high school or higher-level coursework, technical/subject matter experts, and up to two individuals from the City of Farmington. In addition to the regular members, there shall also be up to three alternate members appointed to serve on the IEESC pursuant to City Code Section 2-131, including two alternates appointed by Farmington Hills (at least one of which should be from a business in Farmington or Farmington Hills, if possible) and up to one alternate appointed by Farmington. With the exception of the City of Farmington members, all persons on the IEESC shall be appointed by the Mayor of Farmington Hills, subject to approval by a majority vote of City Council. The Mayor and/or City Manager of Farmington Hills is directed to communicate an offer to the Mayor and/or City Manager of the City of Farmington for it to appoint individuals from the City of Farmington to participate on the IEESC as indicated above.

- 4) The IEESC shall, at its first meeting, choose a chairperson and secretary from among its members. The IEESC shall hold its first meeting promptly after at least five members have been appointed and approved. The IEESC shall meet regularly thereafter as necessary to complete its tasks within the time frame established under this resolution. The IEESC shall, with the assistance of the City Administration, keep a record of its meetings, information, findings, and determinations.
- 5) The provisions of City Code, Chapter 2, Article IV, Division 1 shall apply to the IEESC, except to the extent the City Code may conflict with the provisions of this Resolution and except for the following sections and subsections of said Code: 2-130(b), 2-134, and 2-141.
- 6) The IEESC shall expire two years from the date of adoption of this Resolution, unless its term is extended by City Council, or if the IEESC includes members appointed by both City Councils then both City Councils must agree to extend the term.
- 7) Given the temporary duration, membership, nature, purposes, and objectives of this special committee, City Council hereby finds and declares that the IEESC does not fall into the category of a board or commission contemplated under or for purposes of Section of 3.12 of the City Charter.

AYES: BARNETT, BOLEWARE, BRIDGES, KNOL, MASSEY, NEWLIN AND
STRICKFADEN

NAYES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

RESOLUTION DECLARED ADOPTED OCTOBER 11, 2021.

**CONSIDERATION OF ESTABLISHING A JOINT AD HOC SUBCOMMITTEE TO DISCUSS
MASTER PLANNING AND VISIONING PROCESS.**

Mayor Barnett explained that at a recent joint meeting of the City Council and Planning Commission discussion was held on forming a joint ad hoc committee to continue discussions on master planning and visioning process.

MOTION by Bridges, support by Boleware, that the City Council of Farmington Hills hereby establishes a joint ad hoc subcommittee consisting of three Council Members and three Planning Commission members for purposes of continuing the joint discussions that have taken place between the City Council and Planning Commission on the topic of developing and coordinating a master planning and visioning process with the City Administration, and to appoint Mayor Vicki Barnett, Council Member Matt Strickfaden and Council Member Valerie Knol to the joint committee; and

IT IS FURTHER RESOLVED, that the City Council authorizes the Chair of the Planning Commission to appoint three of its members at its next meeting with approval of the appointments by the Planning Commission, and for said subcommittee to dissolve upon commencement and implementation of the master planning process.

MOTION CARRIED 7-0

CONSENT AGENDA

RECOMMENDED APPROVAL OF AWARD OF PROPOSAL FOR TYPE I AMBULANCES, RELATED EQUIPMENT AND SERVICES TO MERCY SALES FOR TYPE I AMBULANCES, RELATED EQUIPMENT & SERVICES FOR A PERIOD OF THREE YEARS; WITH POSSIBLE EXTENSIONS. CMR 10-21-94

MOTION by Massey, support by Strickfaden, that the City Council of Farmington Hills hereby authorizes the City Manager to enter in agreement with Mercy Sales representing Horton & Excellence for Type I Ambulances, Related Equipment & Services for a period of (3) years with optional renewal for three (3) additional one (1) year periods through mutual consent under the same terms & conditions.

Roll Call Vote:

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

MOTION CARRIED 7-0

RECOMMENDED APPROVAL OF AWARD OF BID FOR UTILITY CART WITH PLOW TO CARLETON EQUIPMENT CO, INC. IN THE AMOUNT OF \$23,330.34. CMR 10-21-95

MOTION by Massey, support by Strickfaden, that the City Council of Farmington Hills hereby authorizes the City Manager to issue a purchase order for a 2022 Kubota RTV-X1100C with Boss 6'6" V-Blade to Carleton Equipment Co, Inc. in the amount of \$23,330.34.

Roll Call Vote:

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

MOTION CARRIED 7-0

RECOMMENDED APPROVAL OF AWARD OF BID FOR HVAC, GEOTHERMAL AND BUILDING AUTOMATION SYSTEMS INSTALLATION, MAINTENANCE & REPAIR TO W.J. O'NEIL IN THE AMOUNT OF \$69,931.00 PER YEAR FOR TWO YEARS; AND PURCHASE ORDERS TO W.J. O-NEIL FOR ALL BUDGETED NEW HVAC, GEOTHERMAL AND BUILDING AUTOMATION SYSTEMS AS NEEDED FOR TWO YEARS; WITH POSSIBLE EXTENSION. CMR 10-21-96

MOTION by Massey, support by Strickfaden, that the City Council of Farmington Hills hereby authorizes the City Manager to issue a purchase order to W.J. O'Neil in the amount of \$69,931.00 per year, for two (2) years, for HVAC, Geothermal and Building Automation Systems (BAS) Maintenance & Repair and for an additional three (3) years under the same terms and conditions, utilizing their contract price escalator, by mutual consent between the City of Farmington Hills and W.J. O'Neil; and

IT IS FURTHER RESOLVED, that the City Council authorize the City Manager to issue purchase orders to WJ O'Neil for all budgeted new HVAC, Geothermal and Building Automation

Systems (BAS) as needed, for two (2) years and for an additional three (3) years following under the same terms and conditions, utilizing their contract price escalator, by mutual consent between the City of Farmington Hills and W.J. O'Neil.

Roll Call Vote:

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

MOTION CARRIED 7-0

RECOMMENDED APPROVAL OF THE CITY COUNCIL SPECIAL JOINT STUDY SESSION MEETING MINUTES OF SEPTEMBER 20, 2021.

MOTION by Massey, support by Strickfaden, that the City Council of Farmington Hills hereby approves the City Council special joint study session meeting minutes of September 20, 2021.

Roll Call Vote:

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

MOTION CARRIED 7-0

RECOMMENDED APPROVAL OF THE CITY COUNCIL STUDY SESSION MEETING MINUTES OF SEPTEMBER 27, 2021.

MOTION by Massey, support by Strickfaden, that the City Council of Farmington Hills hereby approves the City Council study session meeting minutes of September 27, 2021.

Roll Call Vote:

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

MOTION CARRIED 7-0

RECOMMENDED APPROVAL OF THE CITY COUNCIL REGULAR SESSION MEETING MINUTES OF SEPTEMBER 27, 2021.

MOTION by Massey, support by Strickfaden, that the City Council of Farmington Hills hereby approves the City Council regular session meeting minutes of September 27, 2021.

Roll Call Vote:

Yeas: BARNETT, BOLEWARE, BRIDGES, KNOL, MASSEY, NEWLIN AND STRICKFADEN
Nays: NONE

Absent: NONE
Abstentions: NONE

MOTION CARRIED 7-0

ADDITIONS TO AGENDA

None.

ATTORNEY REPORT

The attorney report was received by Council.

ADJOURNMENT

MOTION by Bridges, support by Massey, to adjourn the regular session City Council meeting at 8:09pm.

MOTION CARRIED 7-0.

Respectfully submitted,



Pamela B. Smith, City Clerk



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VIA EMAIL AND HAND-DELIVERED

City of Farmington Hills City Council
c/o Pam Smith, City Clerk
31555 W. Eleven Mile Road
Farmington Hills, Michigan 48336
psmith@fhgov.com

Re: **City of Farmington Hills Tree Ordinance – Interpretation and Deficiencies**

Dear City Council Members:

Introduction/ Issue Summary

I am writing on behalf of myself and my wife Karen Bolsen. We reside at 36333 Paddleford in Old Homestead West. We are requesting that the City issue a temporary hold on Tree Permit No. PTR210052 and any similarly issued permits until such time as our city council, city attorney and any appropriate city departments conduct a review of the facts and circumstances pertaining to the issuance of this permit and any similar permits. We appreciate the concern and cooperation we have seen by city officials and members of various city departments that have responded to our inquiries to date. We are trying to protect the intent and integrity of the existing tree ordinance. If it needs to be amended, then let's amend the ordinance, perhaps as part of the Innovation, Energy and Environmental Sustainability Committee process.

2020 Tree City USA Recognition (in 2021)

The city was recently recognized by the Arbor Day Foundation as a 2020 Tree City USA community. As stated in a recent article, the city works hard to preserve that recognition and to maintain the aesthetic of the community. In addition, the article noted that a lot of people come to the city for the "aesthetics trees augment." <https://www.candgnews.com/news/farmington-hills-honored-as-tree-city-usa-community-120323>, Certainly, that was true for Karen and me.

As stated in the Tree City USA website:

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- Trees help absorb the sounds of traffic in urban areas by 40%.
- Neighborhoods with trees are seven to nine degrees cooler than those without.
- Trees reduce energy costs up to 25% by shading buildings and protecting them from winter winds.
- Homes with trees have higher property values.
- Green space plays a major role in improving mental and physical health.
- Planting and maintaining trees absorb carbon dioxide in the atmosphere, mitigating the effects of climate change.

Our concern is more than personal and more expansive than this one permit. There is an apparent misconception in our community that the existing tree ordinance limits the number of trees that can be clear cut on a residential lot to only two (non-landmark) trees per year. Zoning Ordinance Sec. 34-5.18.5.B. If the "safety hazard to building" exception under the ordinance (Sec. 34-5.18.4.B) is interpreted as any tree (regardless of condition) that might fall on a house, then virtually any tree can be removed on any typical subdivision lot.

Ordinance Deficiencies

Is every tree an inherent danger to a house? Is there an unwritten presumption by the planning department that any tree located such that a house is within a fall zone can and must be removed if the owner simply wants to clear cut their yard and plant grass? If so, then virtually every mature or maturing tree in my subdivision and elsewhere in the city is subject to removal if any owner requests the removal and simply claims that a "safety hazard" exists. If the "safety hazard" is the mere fact that a tree is tall and *could* fall, then the exception becomes the rule. The ordinance should either be eliminated because it creates only the appearance of tree protection or, instead, amended or reinterpreted to actually protect trees and limit yearly removal to the two non-landmark trees currently permitted in Sec. 34-5.18.

There are no standards in the existing ordinance to define what a tree safety hazard is. So, is there a fall zone exception being applied to PTR 210052 that is not expressly in the ordinance?

There are no certified arborists on the planning staff (to my knowledge) to verify statements regarding tree condition. There is no requirement that an applicant provide any proof. Certainly, this additional requirement for landmark trees should be added to the ordinance.

Unlike numerous other portions of the zoning ordinance, there is no notice requirement to affected neighbors or associations for tree removal. But for a tree contractor who doesn't want to get sued, we would not have known that a permit had been issued. A notice requirement and an appeal process should be added to the existing ordinance. A city tree board with seven appointed members would make sense.

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Personal Background

We purchased our home on October 29, 1989. We purchased the home for three reasons. The first was its proximity to the then planned Hillside Elementary. Our second reason was the lot, adjoining lots and the entire subdivision were blessed with mature trees. The third is that the subdivision looked like a good place to raise our children. Until now, the trees have been protected.

Our home is adjacent to 36309 Paddleford which was purchased earlier this year. The home needs work and the new owner is working very hard to update the home. It is the tree removal with which we take issue.

Background to Permit PTR210052

I was approached a couple of months ago by an individual I thought was the remodeling contractor. He indicated that the owner wanted to cut down trees in the heavily wooded front yard in order to grow grass and to clear trees away from the house. I told him we loved the trees, that they should not be taken down, that grass would not grow in that location, that the city regulated tree removal and a permit would be required. Knowing that the city's tree ordinance severely restricted the removal of large trees, I was confident the planned clear cutting would not be condoned and that no permit would be granted. I was wrong.

Last week we were approached by the new owner's tree removal contractor. He wanted to know where the lot line was so he could start removing shrubs and trees between our yards. He then revealed that the city had granted a permit and that a large number of trees would soon be removed. We then confirmed, to our surprise, that a tree permit had been issued on September 8, 2021 to remove not two trees but nine trees. Pursuant to an FOIA request, I learned that these nine trees consisted of four massive landmark trees and five large protected trees. See Permit PTR210052 attached. We then consulted a long-time resident in our subdivision who assured us that only two trees per year could be destroyed and certainly no landmark trees. My review of the city tree ordinance confirmed this. Or, so I thought. There is growing concern by my neighbors that the tree removal floodgate is now open to anyone that asks.

Permit PTR210052

Unless otherwise exempt, a tree permit is required for the removal or destruction of any tree in the city (Sec. 34-5.18-1). A permit application must be filed with the City Department of Planning and Community Development. A tree survey must be submitted with the tree permit application (Sec. 34-5.18.2 and .3). (It appears that this requirement was waived.) A tree permit may be issued for a variety of reasons. In this case, the planning department chose Sec. 34-5.18.4C that the trees pose a safety hazard to buildings or structures. In issuing the permit and approving the removal of nine trees, the city is allowing the clearcutting of a swath of trees so that the homeowner may plant grass in her front yard. This is contrary to the existing tree

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ordinance. If it is not, then the tree ordinance should be amended to close this giant loophole.

The tree permit application stated that the trees are a danger to the existing house. Separately, the owner stated that "other trees are in bad shape or close to dead condition." While the applicant entirely failed to identify any of the very large trees as landmark trees on the application, the city planning department apparently corrected the error by identifying four oak trees as landmark trees under the ordinance. Still, the permit was granted.

The permit, as approved by the city, fails to require that replacement trees be planted, apparently in violation of Sec. 34-5.18.6 and .7. (If this is not a requirement, then the ordinance should be amended.) There are specific replacement requirements for landmark trees (Sec. 34-5.18.7.A). While the owner may have mentioned replacement trees, there is no requirement in the permit and, therefore, no way to enforce replacement. The permit controls. No replacement trees are required. This omission should be corrected.

Landmark trees cannot be removed unless an exception applies. Even if an exception applies, for landmark tree removal, reasonable alternatives that would allow preservation of the tree must be considered. Sec. 34-5.18.F There is no evidence that reasonable alternatives (such as trimming branches actually hanging over the house) were considered. Why not?

Conclusion

Is there a tree fall zone exception to the city tree ordinance? In other words, is any tree of a certain height that could conceivably fall on a house, sidewalk, overhead electrical line, driveway or road a "danger"? It appears so based upon the ordinance interpretation used to grant this permit. This exception is being liberally applied by our planning department. We think this practice should stop. Why? With this interpretation there is nothing to prevent the clearcutting of the rest of the trees on this or any other lot in this subdivision.

We are asking city council to issue a brief moratorium on the issuance of tree permits until a review of the existing tree ordinance and how it is being applied may be conducted. We are asking that permit PTR210052 be rescinded or, instead, amended to permit only two non-landmark trees to be removed. I would be happy to serve on a committee to review and recommend amendments to the tree ordinance.

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Thank you for your attention to this important matter. We hope you share our concerns.

Very truly yours,

CLARK HILL PLC



Richard A. Sundquist

RAS/gs

Enclosure

cc: Mayor Vicki Barnett
Council Members Michael Bridges and Ken Massey
City Manager Gary Mekjian
Karen L. Bolsen