

FARMINGTON CITY COUNCIL  
REGULAR MEETING

A regular meeting of the Farmington City Council was held on Monday, April 4, 2005 in Council Chambers, 23600 Liberty Street, Farmington, Michigan. Notice of the meeting was posted in compliance with Public Act 267-1976.

The meeting was called to order at 8:00 p.m. by Mayor Campbell.

PRESENT: Bush, Campbell, Knol, McShane, Mitchell.

ABSENT: None.

CITY ADMINISTRATION: Clerk/Treasurer Cantrell, Director Gushman, Deputy Clerk Halberstadt, Director Nebus, City Manager Pastue, Attorney Roberts.

**APPROVAL OF AGENDA**

**04-05-064** MOTION by Knol, seconded by McShane, to approve the agenda as submitted. MOTION CARRIED UNANIMOUSLY.

**MINUTES OF PREVIOUS MEETING**

**04-05-065** MOTION by Bush, seconded by Mitchell, to approve the special and regular meeting minutes of March 21, 2005. MOTION CARRIED UNANIMOUSLY.

**PRESENTATION/PUBLIC HEARING**

**INTRODUCTION – FARMINGTON/FARMINGTON HILLS MAYORS’ YOUTH COUNCIL MEMBERS**

Members from the Mayors’ Youth Council were present to discuss their past and upcoming activities.

Council thanked the members for their ideas and continued involvement in the community.

**MARY MULLISON/JOAN MCGLINCY, COMMISSION ON CHILDREN, YOUTH & FAMILIES RE: TV TURNOFF WEEK – APRIL 25 – MAY 1, 2005**

Mary Mullison, representing the Commission on Children, Youth & Families, requested Council’s endorsement of an upcoming event, “TV Turnoff Week” scheduled for the week of April 25 – May 1, 2005. She stated that the goal of the event is to raise awareness of the damaging effects of excessive TV watching on families.

Responding to a question, Ms. Mullison stated that this event will be publicized on public TV and advertised through the schools.

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Councilmember Bush recommended informing area Churches of this event.

**04-05-066** MOTION by Bush, seconded by McShane, to support “TV Turnoff Week” scheduled for April 25 – May 1, 2005, an event sponsored by the Commission on Children, Youth and Families. MOTION CARRIED UNANIMOUSLY.

**PUBLIC HEARING – CONSIDER AMENDMENT TO ORDINANCE TO INCREASE DOWNTOWN DEVELOPMENT AUTHORITY (DDA) BOARD MEMBERSHIP AND CONSIDER TERM LIMITS, INTRODUCTION OF ORDINANCE C-702-2005**

Mayor Campbell opened the public hearing with a request for public comment.

Hearing no public comment, Mayor Campbell requested a motion to close the hearing.

**04-05-067** MOTION by Mitchell, seconded by Bush, to close the public hearing. MOTION CARRIED UNANIMOUSLY.

**PETTITIONS AND COMMUNICATIONS**

**REQUEST FOR PROCLAMATION – APRIL 2005 AS NATIONAL CHILD ABUSE PREVENTION AND AWARENESS MONTH**

**04-05-068** MOTION by Knol, seconded by Mitchell, to proclaim the month of April 2005 as National Child Abuse Prevention and Awareness Month in the City of Farmington. MOTION CARRIED UNANIMOUSLY.

**SIGN VARIANCE REQUEST – METROBANK, 33205 GRAND RIVER**

Administration advised that a sign variance request was received from Metrobank to hang a temporary banner on the east and west side of the clock tower for a period of 60 days. Administration further advised that current ordinance prohibits banner signs in the Central Business District, however, temporary signs are allowed in other districts for a 30-day period. Administration noted that under the proposed Downtown Sign Ordinance, temporary banner signs are prohibited unless the sign is promoting a grand opening, special community event or a change in ownership. Administration advised that a grand opening temporary sign would be limited to 14 days.

Cindy Wells, Metrobank Branch Manager, was present to respond to questions.

Councilmember McShane noted that the proposed Downtown Sign Ordinance significantly limits the time period for temporary signs and therefore she could not support a 60-day display, especially in view of the fact that the sign is not for a community event, grand opening or a change in ownership as designated by the proposed ordinance.

Bush recognized that Metrobank has been in the community for over 40 years making it difficult to deny their request, however, she stated the need to comply with City

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ordinance. Concurring with McShane, she stated that she could not support a 60-day display period.

Mitchell cited two sign variances that were granted in the last year, noting that one received a 60-day display period. He acknowledged that the proposed sign ordinance would limit temporary sign displays, however, he noted that Council receives temporary sign requests so that a sign variance can be considered. He stated that to grant a sign variance request would show the City's support of Metrobank, a longstanding and supportive business in the community. He stated his support for the 60-day request.

Knol stated her support for a 30-day display period.

Mitchell noted that a 30-day period is appropriate because it is permitted in other districts, however, he stated a compromise would be a 45-day period.

McShane stated that she could support a 30-day period because it is allowed in other districts, but emphasized that the proposed downtown sign ordinance provides for a 14-day period. She stated that she would like to support businesses and if an ordinance isn't working then it should be changed. She cautioned that care must be taken in the approval of sign variances and that unique or unusual conditions must be demonstrated.

Knol noted that a sign variance allows Council the discretion to approve a request for a prohibited sign under certain circumstances.

**RESOLUTION 04-05-069** Motion by Knol, seconded by Mitchell, to approve a sign variance at Metrobank, 33205 Grand River, to allow display of a temporary banner sign (3'x10') to be placed on the east and west side of the clock tower for a period of forty-five (45) days, based on the proponent's demonstration of a unique or unusual condition affecting the property or surrounding area in order to protect the public health, safety or general welfare. Three ayes, two nays (Bush, McShane). MOTION CARRIED.

**REPORTS FROM CITY MANAGER**

**CONSIDERATION OF AGREEMENT WITH DOCVIEW, LLC FOR PUBLIC SAFETY DEPARTMENT**

Administration recommended that Council approve an agreement with DOCVIEW LLC whereby the City's traffic reports could be obtained electronically through the TRACView system for a fee. Administration advised that the City would receive compensation for each report downloaded and that insurance companies would be the primary customer of this service.

Responding to a question, Director Nebus stated that citizens would still be able to obtain traffic reports from Public Safety Records Department.

**RESOLUTION 04-05-070** Motion by Bush, seconded by Knol, to approve an agreement with DOCVIEW LLC regarding the electronic filing of accident reports, subject to City Attorney review.

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ROLL CALL

Ayes: Campbell, Knol, McShane, Mitchell, Bush  
Nays: None.  
Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO AMEND PUBLIC SAFETY FEE SCHEDULE**

Administration recommended amendment of the Public Safety Fee Schedule to increase the copy fee for the first two pages of the report and retain the current rate for remaining pages. Administration advised that the proposed fee would be in line with the amount that is charged for traffic accident reports with DOCVIEW and that the report copy fee has not been amended for a number of years.

**RESOLUTION 04-05-071** Motion by McShane, seconded by Bush, to amend Chapter 6, Section 1, of the City Fee Schedule, to increase the copy fee for Public Safety reports from \$4.00 to \$5.00 for the first two pages.

ROLL CALL

Ayes: Knol, McShane, Mitchell, Bush, Campbell.  
Nays: None.  
Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION OF PROFESSIONAL SERVICES AGREEMENT WITH ORCHARD, HILTZ & MCCLIMENT FOR THE FOOTING DISCONNECT PROGRAM**

Administration advised that as a requirement of a grant received for the Footing Disconnect Program scheduled for Chatham Hills Subdivision, the City solicited proposals from qualified engineering firms. Administration further advised that Orchard, Hiltz & McCliment (OHM) submitted the only proposal.

Administration recommended approval of an agreement with OHM.

**RESOLUTION 04-05-072** Motion by Mitchell, seconded by Knol, to approve a professional services agreement with Orchard, Hiltz & McCliment (OHM) for the Footing Disconnect Program for a not-to-exceed amount of \$150,000. **[SEE ATTACHED AGREEMENT]**.

ROLL CALL

Ayes: McShane, Mitchell, Bush, Campbell, Knol.  
Nays: None.  
Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION OF 2005 PAVING PROGRAM BIDS AND CONTRACT AWARD**

Administration advised that the City solicited bids for the 2005 Paving Program for paving of Drakeshire and Blanchard Boulevards. Administration further advised that the City's consulting engineers, Orchard, Hiltz & McCliment (OHM) reviewed the bids and recommended award of the contract to Cadillac Asphalt LLC, the third lowest bidder. Administration noted that the low bid contained a mathematical error and the second low bid included an irregularity that excluded them from consideration, however, the amounts of all three bids were close. Administration advised that Public Services Director Gushman reviewed the bids and concurred with OHM's recommendation.

**RESOLUTION 04-05-073** Motion by Knol, seconded by Mitchell, to award the contract for the 2005 Road Paving Program to Cadillac Asphalt LLC in the amount of \$274,518.85 and authorize the City Manager to sign the contract; funds provided in the FY2004-05 Street Funds .

**ROLL CALL**

Ayes: Mitchell, Bush, Campbell, Knol, McShane.  
Nays: None.  
Absent: None.

MOTION CARRIED UNANIMOUSLY.

**INTRODUCTION OF ORDINANCE #C-702-2005 REGARDING DOWNTOWN DEVELOPMENT AUTHORITY (DDA) BOARD MEMBERSHIP INCREASE AND CONSIDER TERM LIMITS**

Responding to a question from McShane, Pastue stated that changes to the ordinance could be made until it is adopted.

McShane expressed concern regarding the length of the proposed 12-year term limit. She suggested a term limit of either six or eight years with a required two years off providing the opportunity for a member to return or the opportunity for the appointment of a new member.

Bush stated that she has given considerable thought to term limits and concurs that twelve years would be too long. She stated that term limits would provide turnover and fresh ideas on the DDA Board.

Mitchell recommended an 8-year term limit, noting that it is the standard for many government offices. He stated that term limits would more appropriately meet the needs of merchants by providing a continuing infusion of new ideas.

Knol also stated her support for an 8-year term limit.

Campbell questioned whether the term limit provision would apply to the City Manager's ex-officio position. City Attorney Roberts responded that the ordinance language could state that the term limit applies to appointed members only.

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McShane questioned whether it would be prudent under term limits to allow a member who has served eight years to return to the Board after two years off. Attorney Roberts responded that the proposed ordinance would require a member to sit out for a four-year term before returning to the Board. He further responded that the number of years required to "sit out" varies among other cities.

Discussion followed regarding how soon a member who has filled a term limit could return to the Board.

Bush questioned whether the proposed term limit would apply to current Board members. Roberts responded that under the current twelve-year limit, anyone currently on the Board who has served two four-year terms would be eligible to serve one more term or any member who has served more than twelve years would not be eligible for reappointment.

Dirk Beamer, DDA Board President, advised that the Board has not considered or taken a position on term limits. He expressed concern regarding the impact of term limits on the current board.

Campbell recommended that Pastue provide both Council's comments and the proposed ordinance to the DDA Board for their review and feedback.

Beamer expressed his support for the expansion of the DDA Board and requested Council action as soon as possible.

Responding to a question, Pastue advised that the term limit provision was an add-on to the original ordinance developed to expand membership. He stated that the ordinance could be modified to specifically address current membership relative to term limits or term limits could be addressed at a later time.

Campbell asked if the current ordinance could be amended to support the DDA Board expansion only.

Knol recommended that Council endorse two four-year terms and suggested excluding current DDA Board members who are in their first term, however, the term limit would apply at their next reappointment.

Beamer responded that there is still the possibility that the majority of the DDA Board members are in their second term. He suggested a two-year grandfather clause whereby current members would not lose their appointment in the next two years.

Attorney Roberts suggested that Council consider the membership expansion part of the ordinance only and give direction that Council will work with the DDA Board and City Manager on drafting a more specific term limitation proposal.

Knol noted that Council has already stated its support for a two four-year term limit, therefore discussion should focus on implementation of that limit.

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Mitchell stated that it would be important to analyze the impact of term limits on the current board. He asked if the two new members would receive staggered terms.

Roberts responded that the statute governing the DDA Board provides for staggered terms. He discussed options for staggering terms.

Pastue noted the terms of current members and stated that a better balance of term expirations needs to be achieved.

**04-05-074** MOTION by Mitchell, seconded by Knol, to introduce Ordinance C-702-2005 to amend Chapter 11, Community Development, of the City Ordinances, in order to revise Section 11-28 of Article II, Downtown Development Authority, to provide an eleven-member board and to limit members to three consecutive four-year terms. [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

McShane stated the importance of establishing a clear, concise policy on the appointments and reappointments of Board and Commission members.

### **INTRODUCE ORDINANCE C-703-2005, DOWNTOWN SIGN ORDINANCE**

Administration advised that the Planning Commission has recommended approval of the Downtown Sign Ordinance C-703-2005.

**04-05-075** MOTION by Bush, seconded by McShane, to introduce Ordinance C-703-2005 to amend Chapter 25, Signs, of the City Code, in order to add provisions specifically relating to signs within the Downtown area, as defined and depicted in the Ordinance, as a new article within the chapter. [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

### **MISCELLANEOUS**

#### **APPROVE MONTHLY PAYMENTS REPORT**

**04-05-076** MOTION by Mitchell, seconded by Bush, to approve the monthly payments report for March 2005. MOTION CARRIED UNANIMOUSLY.

#### **RESOLUTION SUPPORTING LOCAL CONTROL OF LIQUOR LICENSES**

Administration advised that this resolution recognizes the importance of liquor licenses, particularly where they are seen as an economic development tool. Administration further advised that this resolution is consistent with previous discussions regarding the need for local control.

Mitchell stated the need for this resolution, noting that theoretically some communities could lose all their licenses under the current law. He further noted that Farmington would not have the opportunity for additional licenses because of the lack of significant growth in population.

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**RESOLUTION 04-05-077** Motion by McShane, seconded by Knol, to adopt a resolution supporting the principle of local control by local municipalities of quota liquor licenses. **[SEE ATTACHED RESOLUTION]**. MOTION CARRIED UNANIMOUSLY

**PUBLIC COMMENT**

No public comment was heard.

**COUNCIL COMMENT**

Mayor Campbell expressed his sadness at the resignation of two City employees who made a significant contribution to the City over the last couple of years and whose leadership and dedication to the residents of Farmington will not be easily replaced.

The Mayor's comments were as follows:

"Linda Horvath, who served as Executive Director of the Warner Mansion, has dedicated unlimited hours to the preservation and curator of our history artifacts held in the Mansion. Linda had the outstanding credentials which very few cities our size could obtain and she committed herself to the Warner Mansion and all the volunteers. Additionally, with the loss of Linda we lose the talents and dedication of her husband, Jack, who donated so much of his time to the Mansion without compensation other than his love for historical preservation. Linda, you will be sorely missed by our community and I thank you for the years of commitment to our Mansion.

Brent Morgan served as Executive Director of the Downtown Development Authority and whose leadership secured our City in the Oakland Main Street Program and has become a role model for other communities. Through Brent's efforts, the Main Street Program for Farmington serves as a shining example of success in Oakland County. Brent came into our City when we needed assistance and was chosen for his talents that enabled the City's success. He has done an outstanding job of launching the various committees and working with the DDA Board to help represent all the interests of our community.

Farmington has been blessed to have two such individuals who have dedicated their spirit and time to make our City the pride of Oakland County."

**ADJOURNMENT**

**04-05-078** MOTION by Mitchell, seconded by Knol, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 8:58 p.m.



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Arnold T. Campbell, Mayor

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Patsy K. Cantrell, City Clerk/Treasurer

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Susan K. Halberstadt, Deputy Clerk

APPROVED: APRIL 18, 2005