



Regular Meeting
7:00 p.m., Monday, Oct. 4, 2021
Farmington City Hall
23600 Liberty Street
Farmington, MI 48335

REGULAR MEETING AGENDA

- 1. Roll Call**
- 2. Approval of Agenda**
- 3. Public Comment**
- 4. RRRASOC update – General Manager Mike Csapo**
- 5. Miss Oakland County Presentation**
- 6. Discuss Zoning Ordinance Text Amendment – permanent outdoor seating enclosures**
- 7. Reappoint Sarah Davies and Linda Chiara to the Beautification Committee**
- 8. Renewal of Farmington Road Maintenance Agreement with the Road Commission for Oakland County**
- 9. Other Business**
- 10. Public Comment**
- 11. Council Comment**
- 12. Adjournment**

The City will follow its normal procedures for accommodation of persons with disabilities. Those individuals needing accommodations for effective participation in this meeting should contact the City Clerk (248) 474-5500, ext. 2218 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

Farmington City Council Staff Report	Council Meeting Date: October 4, 2021	Reference Number 6	
Submitted by: Kevin Christiansen, Economic and Community Development Director			
<p>Description Consideration to Approve an Ordinance to amend Chapter 35, Zoning, of the City of Farmington Code of Ordinances, in order to amend article 7 "CBD Central Business District, C2 Community Commercial District, C3 General Commercial District, and RO Redevelopment Overlay District," Section 35-102, "Table of Uses," to amend the requirements of the Accessory Outdoor Seating provision to allow weather-resistant outdoor seating enclosures.</p>			
<p>Requested Discussion of Ordinance __-____-2021 relating to the authorization to apply for special land use approval for weather resistant outdoor seating enclosures as a special land use, Chapter 35, Section 35-102, "Table of Uses". REQUESTED DISCUSSION PRIOR TO SECOND READING</p>			
<p>Background This item is a consideration of a proposed Zoning Ordinance Text Amendment regarding Outdoor Seating Enclosures. This item is proposed pursuant to a request from a local business owner. The proposed amendment would amend Chapter 35, Zoning, Article 7, CBD Central Business District, C2 Community Commercial District, C3 General Commercial District, and RO Redevelopment Overlay District, Section 35-102, Table of Uses, and the requirements of the accessory outdoor seating provisions to allow weather-resistant outdoor seating enclosures pursuant to special land use approval during time period of October 31st through April 15th, and during inclement weather occurring between April 15th and October 31st.</p> <p>At their April 22, 2021 meeting, the Downtown Development Authority (DDA) Design Committee reviewed the proposed Zoning Ordinance Text Amendment and forwarded their comments to the Planning Commission (see attached meeting minutes). At the May, 10 2021 Planning Commission meeting, the Commission reviewed the proposed Zoning Ordinance Text Amendment and scheduled the required public hearing for 6/14/21. At the June, 14 2021 Planning Commission meeting, the Commission rescheduled the required public hearing for 7/12/21 as requested. At the July 12, 2021 Planning Commission meeting, the Commission held the required public hearing and tabled action on the proposed Zoning Ordinance Text Amendment in order for the City Attorney to make revisions to the Amendment requested by the Planning Commission (see attached meeting minutes). At the September 13, 2021 Planning Commission meeting, the Commission recommended approval of the Amendment and forwarded it to City Council for review and consideration (see attached draft/unapproved meeting minutes). At the September 20, 2021 City Council meeting, City Council approved the First Reading of the Amendment. The requested changes are consistent with recommendation from the DDA Design Committee and include limiting the time period for used to the October 31st to April 15th, and only permitting use of the enclosures during inclement weather from April 15th to October 31st. Air conditioning units would not be permitted in the enclosures. Additionally, all enclosures must be to the rear of the building, specifically excluding enclosures along the building front, or along or within any public right-of-way. Consideration of approval for a weather resistant outdoor enclosure would require special land use approval.</p> <p>Attachments</p>			
Agenda Review			
Department Head	Finance/Treasurer	City Attorney	City Manager

6. Outdoor seating areas shall be maintained in a clean and sanitary condition. Waste receptacles shall be provided in instances where wait staff does not clear all tables.

7. Outdoor service areas shall be well-defined, with clearly marked access points, making it obvious to patrons whether they are within or outside of the designated dining area. Except in accordance with a Resolution Designating a Social District in accordance with Public Act 124 of 2020, as set forth in MCL 436.1551, as amended, the on-premises licensee shall not sell, or allow the consumption of, alcoholic liquor outdoors, except in the defined area. Outdoor seating areas shall be delineated by outlining the periphery in some manner as to distinguish the public walkway from seating dining area. This may be accomplished by the use of planters, railings, or walls reviewed and approved by the Planning Commission.

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8. For outdoor seating areas located within the public-right-of-way, approval by the corresponding jurisdiction (i.e. Farmington DPW, MDOT, or Road Commission for Oakland County) is required. Proof of Insurance naming the City as an additional insured, in a form and amount deemed acceptable by the City Attorney's office, shall be required. A license agreement in a form deemed acceptable to the City Attorney's office shall also be required.

9. If there is not adequate space to allow for outdoor seating dining on the sidewalk adjacent to the site, an elevated, ADA compliant, platform may be erected in a parking lot to create an outdoor seating dining area, but only if the City Engineer determines there is sufficient space available for this purpose given parking and traffic conditions. Specially designated parking spaces (ADA accessible, loading zones etc.) shall only be considered for use if the spaces can be temporarily replaced within a close proximity. Use of a public parking lot for such purpose shall require city council approval.

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10. Additional outdoor lighting and/or amplification is prohibited without approval of the City.

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11. Applicants may be asked to demonstrate that additional parking demand can be met before approval.

12. The City retains the right to revoke outdoor seating permits if all sections of this ordinance have not been met, or if the operation of such areas is found by the City to be dangerous or otherwise detrimental to surrounding uses or pedestrian or vehicular traffic.

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13. Applicants may seek a special land use approval for a weather-resistant enclosed accessory outdoor seating area in the side or rear of the building not adjacent to the public right-of-way, to be used between October 31st and April 15th, and for use during rain and/or cold weather occurring between April 15th and October 31st. Such special land use permits if granted shall be renewed annually.

i. Removable architectural elements such as awnings, canopies, marquees shall be approved by the Planning Commission with a recommendation from the DDA Design Committee.

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- ii. Encroachments that create usable space such as cantilevered rooms, dormers, elevated walkways, balconies, bridges and similar projections may be approved by the Planning Commission with recommendation from the DDA Design Committee provided they comply with the design review standards set forth in Section 35-152.

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Section 2. Chapter 35, Zoning, of the Farmington City Code, Article 12, "Special Land Uses," Section 35-158, "Special Land Use Specific Requirements" is hereby amended to add subsection BB as follows:

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BB. Outdoor Dining. Weather-resistant and removable architectural features and/or encroachments shall be subject to the following design standards in addition to the special land use standards set forth in Section 35-152:

- i. Building materials shall possess durability and aesthetic appeal.
- ii. The building design shall include architectural features on the building facade that provide texture, rhythm, and ornament to a wall.
- iii. Colors shall be natural and neutral colors that are harmonious with both the natural and man-made environment. Stronger colors may be used as accents to provide visual interest to the facade, and shall be consistent with and complementary to surrounding architectural design.
- iv. These architectural elements shall be arranged in a harmonious and balanced manner.
- v. All enclosures must comply with applicable Building Code requirements.

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(c) – (h) [Unchanged]

Section 32. Repealer

All ordinances or parts of ordinances in conflict herewith are repealed.

Section 3. Severability

Should any section, subsection, paragraph, sentence, clause, or word of this ordinance be held invalid for any reason, such decisions shall not affect the validity of the remaining portions of the ordinance.

Section 4. Savings

This amendatory ordinance shall not affect violations of this ordinance or any other ordinance existing prior to the effective date of this ordinance and such violation shall be governed and shall continue to be separately punishable to the full extent of the law under the provisions of such ordinance at the time the violation was committed.

Section 5. Effective Date

Public hearing having been held hereon pursuant to the provisions of Section 1 03 of Act 11 0 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within twenty (20) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Farmington stating the

date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00A.M. to 5:00P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

Section 6. Enactment

This Ordinance is declared to have been enacted by the City Council of the City of Farmington at a meeting called and held on the ____ day of _____, 2021 and ordered to be given publication in the manner prescribed by law.

Ayes:

Nays:

Abstentions:

Absent:

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

I, the undersigned, the qualified and acting City Clerk of the City of Farmington, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance adopted by the City Council of the City of Farmington at a meeting held on the ____ day of _____, 2021, the original of which is on file in my office.

Mary Mullison, City Clerk
City of Farmington

Adopted:
Published:
Effective:



DDA Design Committee Meeting

7:30 AM, Thursday, Apr 22, 2021

Zoom Meeting ID: 817 4944 4062

Passcode: 300695

Present: Claire Perko, Brian Golden, Steve Schneemann, Kenneth Crutcher, Ben Ridderbos, Kevin Christiansen, Kate Knight, Jess Westendorf

Minutes approved

Review of Zoning and Text Amendment for Outdoor Seating Ordinance to allow for Structural elements.

Overview by Christiansen. The Planning Commission and City Council will soon consider Proposed Zoning and Text Amendment for Outdoor Seating Ordinance to Allow for Structural Elements. The increased awareness and desire for flexibility in outdoor dining as a direct impact of COVID-19 has driven interest by property owners and restaurateurs, to invest in solutions that enable this. Proposed projects within the DDA/CBD will come before the DDA Design Committee for review and recommendations. There are guidelines for structural elements on private property, and for additional scrutiny within the public ROW, not excluding MDOT review.

Discussion by committee-

- Concerns of what this could look like if all businesses added tents in our public right of way and corridors after working hard over the years to create a street life. The loss of human connection between passersby and patrons is a concern. The more we create separation, it disrupts the connectivity would change the character of our Downtown.
- Consider lifespan of these structures when they become discolored and frayed in 3-5 years.
- Consider snow removal along the sidewalks and around these structures ensuring pedestrians are still able to walk safely.
- Committee is still in support of awning as long as it isn't a vertical separation.

In summary, the Design Committee recommends to limit this ordinance to temporary seasonal seating during inclement weather seasons only. Allow structures on parking lot side, but not on main thoroughfares, and maintain a level of transparency.

Overview of the Sign Ordinance Review and Recommendations for a completely new Chapter 25 ordinance by the city attorney.

Committee discussed writing Design Committee review into the ordinance but want to ensure that they are not holding up the process. The goal is to strike the balance between having a robust ordinance for the downtown and including the design committee on projects that are necessary to review.

Committee will review and make recommendations in May meeting.

FARMINGTON PLANNING COMMISSION PROCEEDINGS
23600 Liberty Street
Farmington, Michigan
July 12, 2021

Chairperson Majoros called the Meeting to order in Council Chambers, 23600 Liberty Street, Farmington, Michigan, at 7:00 p.m. on Monday, July 12, 2021.

ROLL CALL

Present: Crutcher, Kmetzo, Majoros, Mantey, Perrot, Waun, Westendorf
Absent: None
A quorum of the Commission was present.

OTHER OFFICIALS PRESENT: Director Christiansen, Recording Secretary Murphy; Beth Saarela, City Attorney; Brian Golden, Director of Media Services.

APPROVAL OF AGENDA

MOTION by Kmetzo, seconded by Crutcher, to approve the agenda.
Motion carried, all ayes.

APPROVAL OF ITEMS ON CONSENT AGENDA

A. June 14, 2021 Minutes

Director Christiansen stated that the June 14, 2021 minutes have the correct date on the heading but the subsequent pages reflect the May meeting date and that the motion to approve can reflect the amendment to those minutes.

MOTION by Crutcher, seconded by Waun, to approve the amended item on the Consent Agenda.
Motion carried, all ayes.

**PUBLIC HEARING – PROPOSED ZONING ORDINANCE TEXT AMENDMENT:
PERMANENT OUTDOOR SEATING**

Chairperson Majoros introduced this item and turned it over to staff.

Director Christiansen stated this item is a Public Hearing on a proposed Zoning Ordinance Text Amendment regarding permanent outdoor seating enclosures. This item came before you on several different occasions, the proposed amendment as drafted and prepared by the City Attorney and with us this evening is Beth Saarela, our City Attorney, and the amendment that Beth prepared is to Chapter 35, Zoning, Article 7, Central Business District, C-2 Community Commercial District, C-3 General Commercial District, and RO, Redevelopment Overlay District. The commercial section of the Zoning Ordinance has a table of uses, Section 35-102, the requirements for outdoor seating: ae

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part of that table of uses, it's actually in the details that are at the end of that. So, we're looking at an amendment to this section to allow permanent outdoor seating enclosures. And you may recall this was introduced to you, you scheduled a Public Hearing for your June meeting, there was a request to move that to the July meeting and that's why it's before you this evening. The Downtown Development Authority has reviewed this proposed Zoning Ordinance Text Amendment and they forwarded their comments to you in a copy from that meeting and their comments are attached with your staff report. And again, on two different occasions the Commission has looked at this, back on May 10th and on June 14th. Again, the Public Hearing is this evening. The Public Hearing has been Noticed as required and so your responsibility this evening is to consider the proposed Zoning Ordinance Text Amendment and to hold the required Public Hearing seeking public comment and then consider the amendment as presented.

Chairperson Majoros asked staff if at the conclusion of the Public Hearing so we're clear, the required action of the Commission tonight is simply to hold the Public Hearing or is there any motion or next step or movement that we will be considering?

Christiansen replied the required action is to hold the Public Hearing and then it's up to the Planning Commission with respect to what your action is, if any. That's something that you will determine. You can certainly take action, if it was to support the amendment, that would then be recorded in motion and it would move forward and the next step then is to the City Council. If you decided to have some additional deliberation or were not to act on it tonight for whatever reason, and have a motion to that effect, it may still be here with you. Certainly you could also act not supporting the amendment and forward that to the Council as well. So, that's up to you. Again, the City Attorney is here for any clarification and also to the City Attorney, working with staff in preparing the Text Amendment certainly can answer any questions regarding the amendment itself if you have those and you can certainly entertain that before you open the Public Hearing.

Majoros then asked for an overview from the staff attorney of the language in the ordinance so we're clear as we're hearing comment and moving forward.

Saarela said the way that I set this up for consideration is so in the event that an applicant comes in with a proposal for a permanent outdoor closure it would be considered under Subsection 13 under this section, which would require you to look at not only the additional standards set forth in that section, there will also be a Special Land Use needed also. So, we'd be looking at any proposal for a permanent outdoor enclosure as a Special Land Use. So, you have the standard Special Land Use conditions on the Zoning Ordinance and then there are some additional, architectural type conditions that are set forth here under Subsection 13. Now, those are just suggested. If you have additional concerns about architectural issues, then I would certainly take note of those, we can consider them for addition, deletion of any of these standards that are put in here. These

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were just initial starting points and we welcome to hear input from the Planning Commission about different things you might like to see and hopefully have City Council consider. So, these are basically just the starting point, they were based on some other local ordinances that had outdoor seating considerations and you may have some things that you think are needed or are more appropriate for downtown here that you want to see here. Any questions in addition to that?

Director Christiansen stated that Beth certainly has taken the existing ordinance and again, working with what was requested of Council, shaped this amended ordinance as proposed. But just so everybody is on the same page it might help really quick. Outdoor seating has been permitted in Farmington for quite a while and it's permitted for our commercial uses and you see that throughout the community. And it's permitted and that's what's here in this ordinance, what you don't see in a red or underline is the current law or ordinance. It's permitted upon submittal and approval of the site plan by the Planning Commission. And it's permitted for a time period from April 15th to October 31st, it's permitted with an area that's defined adjacent to the use that it's looking to support and typically it has included either fencing or some plantings or other things to define the area and tables and chairs and umbrellas. Really that's been the extent of it. What's being requested here is more than that and that would then be the allowance for permanent enclosures; whether it would be tents with sides and coverings; whether it would be igloo-type structures, whether it would be other sorts of enclosures, and that's in this ordinance amendment, that then could be used in a more seasonal time period. So, that's really the gist of how this has all come about. It was requested that Council consider this by one of our commercial property owners who is actually in attendance here today and one of our food and beverage businesses, in light of Covid, everything else, patios being closed, everything that was allowed to happen temporarily, the interest here is to allow this on a more permanent basis. And so the City Council was approached, Council gave direction to the City Manager and Administration, working with the City Attorney, to prepare this amendment that's before you this evening.

Chairperson Majoros stated one other thing that may be appropriate as well, is perhaps a quick overview about the submission by the DDA as well, just so we have that as context because I think we had this discussion a bit when we had the MiMosa discussion and there was lots of things about front of house and back of house and right-of-ways and broader parking lots, etc. I know there were some things from the DDA that seemed to echo some of the comments and things we were having that evening, but if it's appropriate, please just a quick overview of that and I think that will dispense of the overview and we'll turn it over to public.

Christiansen replied I'll be happy to do that and I think that's a good idea, Mr. Chairman, thank you very much. What is attached with your staff packet and I reference that in the staff report is the minutes and the comments from the Downtown Development Authority's

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Design Committee, the DDA Design Committee meeting, and that was the April 22nd meeting. This was then forwarded to you along with their recommendation. And what they had indicated after discussion is that their concerns included several items. One, they were concerned with what this might look like if all businesses added tents in their public right-of-way and corridors after working hard over the years to create a character, a street life, in the community. Again, as they indicated here, they were concerned about a few things and the change of character in the downtown. They were concerned about the lifespan of these structures, maintenance, and how that would take place, that in a short duration they would not look the pristine look that they would look from when they might come on line a few years down the road. They were concerned about the elements. They were concerned about in the wintertime if these enclosures are used, access, snow removal, things you might expect with using this kind of area and how all of that would function. And they were in support of awnings as long as there was not --- they didn't want to have this wall looking down the street, that was kind of what their comment was and I was in attendance at that meeting and it's reflected here. So, in summary the Design Committee recommended to limit the ordinance to temporary seasonal seating during inclement weather seasons only; allow structures on the parking lot side but not on main thoroughfares, that was their concern. And to maintain a level of transparency, again, allowing this for everybody but their main concern was allowing it but having some level of limitation so that you're not changing the character of the City's thoroughfares, major thoroughfares, Grand River, Farmington Road, etc., again, in the downtown and that's where their focus is, but certainly this is applicable throughout the community as a whole as it's drafted. So, they recommended this to you, again with these comments and I'm providing them to you for your consideration this evening.

Majoros opened the floor for questions or comments from the Commission.

Commissioner Kmetzo asked at the end of the minutes from the DDA it says we would review and make additional recommendations in their May meeting and Christiansen replied they did not make anything else and that's why the Planning Commission has it as/is right here. They noted that but there was nothing else they submitted to you.

Motion by Perrot, seconded by Waun, to open the Public Hearing.

(Public Hearing opened at 7:16 p.m.)

PUBLIC HEARING

Jason Schlaff, 608 Meadowdale, Ferndale, 49220 came to the podium and stated I am the owner of the Farmington Brewing Company and sort of the reason why this item is on the Agenda apparently. I wanted this last year badly because we couldn't have people inside, I put money in place and everything was hunky-dory, I thought we were going to

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go through and the company that we contracted out, Marygrove Awning, a local company, they were kind of put off on how hard it was to get stuff done and it's frustrating because we just wanted to stay in business. This year it's a little bit different, we're finally seeing some signs of life. First, I agree, it would probably look weird if we had eight tents on each side of the street. I think that's a really valid point and I don't know how you mitigate that except to say I agree with you. I don't think many people are going to do this because it's very expensive and I guess the quick and dirty is we have a patio; we've had a patio all winter. The difference is we're just going to have side walls on it to protect from drafts; what's the difference from your perspective and how can I address that in a way that makes it look part of our downtown, you know. We've submitted drawings, schematics, architectural, and we went through Jeff Bowdell who signed off on the structural components of it just from a basic standpoint of safety and of course it's ever changing and I didn't know any of this stuff about back plating and how far you have to put footings in and what a footing was. So, I'd like you to consider this, I think it would be a great thing to add twelve, sixteen seats in the winter, heated, with sidewalls down in the summer it would look basically the same way it does now during the warm months, there would be two extra bars but I don't know if that really matters. Of course we'd maintain it. As far as snow removal goes, we shovel our own sidewalks, literally I shovel our sidewalks every time it snows, usually by 7:00 a.m., if anything it would make it easier. So, please ask away, what can I do to address any concerns you have or what are you thinking so I can at least feel what the Commission is thinking.

Majoros stated it's interesting, in the instance that you just described with what we're considering here seems permanent structures and what you're describing as some degree of permanence to it from the sounds of it but in the summertime or in the applicable months, the sides are down, what have you, and it becomes largely as you described, not having the benefit of seeing exactly those plans, etc., but when we read things like permanent structure, we think permanent structures, we think things that look the same 365 days a year and I think that's the item that we're considering, so it's an interesting discussion and question for us is to make sure we are assessing not your particular instance but you are kind of representative of what is before us today which is language for structure permanence.

Schlaff said I can say that the next door neighbor wants to put up brick into the right-of-way, I have no way to even address that issue. Our is not, its frames, quarter steel, and basically it just turns it into what it looks like in the summer for most of the year when the season is gone, you know, when weather is upon us.

Majoros said going back probably three or so meetings ago we had a similar discussion about Los Tres Amigos, and Los Tres is in a similar situation as you because they're a forward facing Grand River business at a kind of a motional corner of the City by the

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pavilion, and we approved, but we approved a permanent structure, it was footings, it was walls, it was windows, etc., an addition, so that sort of thing plays into it as well.

Schlaff said I know it would be easier to put it out back but it costs twice as much and that's a real factor right now.

Majoros opened the floor for questions/comments from the Commissioners.

Hearing none, he thanked Schlaff and hearing no further public comment he called for a motion to close the Public Hearing.

MOTION by Waun, seconded by Perrot, to close the Public Hearing.

Motion carried, all ayes.

(Public Hearing closed at 7:21 p.m.)

Majoros opened the floor to Commissioners for discussion.

Commissioner Crutcher asked for a clarification stating reading through this and discussion back and forth, we're talking about allowing permanent outdoor seating and there's an allowance in here for enclosures to the outdoor seating, some were permanent and we're having also removable features. I guess the clarification for me at least is this, currently we have outdoor seating seasonally; we're going to allow this ordinance amendment is to allow outdoor seating year round. As it written is it limiting the enclosure to seasonal, i.e. is it saying you can have outdoor seating year round but can only have it fully enclosed during inclement times in the winter time or is it you can have outdoor seating but then have it fully enclosed year round; is that something that would be allowed?

Saarela replied the way it's written the authorization to have it 365 days a year, whether you choose to take that down in the summer would be your choice, it would be a matter of what the site plan is, looking at the standards there and reviewing it. If one applicant may come in and say like this, I just want to put side walls that I can take down any time and the next door neighbor may come in with a different application saying I want these bricks sides that would stay up all the time. So, as written, you can consider either one of those and then it just depends on what their proposal is and how they want to manipulate it throughout the seasons. But right now as proposed, it would allow it 365.

Crutcher said then it makes for discussion, then should we consider making it somehow in the language --- I agree and support having outdoor seating available year round; is whether it should be enclosed year round, and I think there's a distinction between the outdoor seating and making an enclosure, something that is permanent which really

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makes it now an addition to the building and now a permanent interior space. As opposed to you allow outdoor seating and during the nice weather in the summer it's open with maybe a roof covering, but the in the wintertime when it's cold, allow vertical sides to be put to keep the weather out during the inclement weather periods. And I'm saying that's kind of more our intent rather than just have you be able to put outdoor seating up and put a tent around it and leave the tent up year round.

Majoros said I think that's a really nice way of summing that up and a good way to think about it. And the way I quite often, what you were saying is you think that you would want the flexibility to graduate and let people move forward that have a standard that has that 365 seating and 365 structure and then not have the ability to dial businesses back down if that turns negatively. But you'd rather have it be a situational use moving forward and do just enough to allow for what businesses like the Brewery are looking for which is to maximize business 365 days a year, capitalize on inclement weather business conditions but not put the City in a position where an ordinance is written that doesn't respect perhaps some of the things that --- and I agree with the DDA's comment about what we intend to do in the downtown, etc. It feels like ordinance wise you would want to have something that would do enough to protect the businesses in that regard but give us the flexibility and the City flexibility for future applications that will come up over the next number of years.

Commissioner Perrot said if you look across town the applications could be wildly different; that's you leaving it up to the Applicant's interpretation, not necessarily a fixed set of criteria.

Majoros stated it probably makes it more difficult then to deny applications or modify applications if the ordinance says you can do this and that, you lost some ability to maintain the things that are the spirit of what I think the businesses in the community and the DDA is looking for.

Crutcher said and we don't want to basically give someone an opportunity to put an addition on their building without putting an addition on the building.

Kmetzo said continuing in that thought, Section 2 (BB), Outdoor Dining, permanent and removable; maybe the word permanent should be deleted and just removable architectural features. It gives the flexibility for anybody to put in a structure and then remove when it's not necessary. I think that's what's causing the issue here about the permanency of anything.

Crutcher said somehow we need to make a distinction between elements that are --- in order to define outdoor seating, is there something that has to be there permanently, but

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in order to enclose it from the weather, those things do not have to be there permanently and I don't think the language we have makes that distinction.

Commissioner Mantey said she has partly question, partly comment, but it sort of stands out to me the way Kevin was describing things about the things that kind of popped during Covid versus adapting an existing patio space that had been used for business before like MiMosa did; I wonder if those two things need to be differentiated at all.

Crutcher replied MiMosa is a different situation in that they're in the back, in the parking lot. Just thinking of a comment from Steve Schneeman during one of the DDA discussions, is that the character of the street in Farmington is that walk down the sidewalk and see people and with sidewalk seating there's not a lot between you and the person sitting down to have a conversation to see who's in the street. Now, if outdoor seating becomes permanent and this tent is now in place; it eliminates the character of the street which in the summertime we don't want that to happen but, in the wintertime, it probably would be necessary to be there. So maybe, like I say I don't know in terms what the language should say, but maybe it's something in terms of like we have from April to October for outdoor seating, we have a specified period where you can enclose it during these periods of time. But during the other time it has to be outdoor seating that's not fully enclosed, so you can't have permanent sides if it's that kind of seating. I think what MiMosa has proposed is to actually have a tent up all the time.

Christiansen said and if I might to Mr. Crutcher just to clarify, what you had before you with MiMosa had come before for was a permanent building, it was just of different material with a permanent support structure and footings, foundation for those footings, adherence and materials that were Code compliant, Building Code compliant to treat it as a permanent structure. So, it was a site plan approval for a building addition. Short of that, that's kind of where you're at with this particular discussion. And I think you're making some very good points. Traditional outdoor seating is open air, right, we've dealt with that since the inception of providing for outdoor seating. Outside, open air, defined area, connected to a building with tables and chairs and umbrellas and that's pretty much been the extent. Now, there's an evolution that has been put in place. We used some different elements this past year with the Covid pandemic in providing area all year round, so beyond the October 31. And now the interest is in making that a more permanent type situation in those outdoor seating areas, whatever the structure might be, you know, sometimes they're igloos and tents and other elements and other sorts of things. But they might be up during the summertime but you know they're going to be there if an ordinance was set up to do that. So that's really kind of where you're at and I think your comments here about the appropriateness of timing and the appropriateness of location, the same things the DDA Design Committee had talked about, too, and forwarded to you.

City of Farmington Planning Commission

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Majoros said I think we would all agree here maybe, many businesses and many patrons, you know, we defined the outdoor seating area as whatever the timeframe was, but there are certain instances where if it were not a permanent structure and it's one of those beautiful November days or it's a beautiful March day, many people say I want to get one more great fall day in, and I don't want to be enclosed. I think that's what Jason was talking about, having the flexibility to do that, right, and again, that permanent language maybe precludes things like that from happening, right, versus situations that might have more flexibility to them. And Kevin, we clearly have some language questions and you know it's appropriate to try and wordsmith this live or is there an action that we could ask the City Legal to take a stab at revised language that meets the spirit of this?

Saarela said sure. Right now we have a temporary policy in place because it was a temporary resolution that allowed the outdoor enclosures in the winter during the Covid pandemic. That has the language that was really just pertaining to seasonal; are you looking for something more like or are you looking to add some language just to our Zoning Ordinance that would look at some different types of enclosures just for the winter as opposed to what we allow for summer now? So, is this just looking for a different type of thing that we have the summer for the winter, is that what we're looking for, seasonal limited?

Crutcher said I'm not sure how the language of the ordinance would be but the intent would be that in the wintertime you're allowed to have something enclosed, but in the summertime you're not allowed to have something enclosed, it's got to be open air during the summertime periods.

Saarela said so I'm looking for it to be a proposal to be any location on the property or are you looking to stay towards the back or just on a case by case basis you'll look at it.

Majoros said I would say case by case but at a minimum it's as staff noted, it's central to the visual identity of the downtown Grand River/Farmington Road, etc., I would say it's a mandatory for that space in a situation like that, to give us flexibility.

Saarela said so you still want to have a set of standards that are proposed here in Subsection 2 (BB) with respect to any proposal for the front of the building?

Crutcher replied just looking to cover the gray area, sitting on the other side of the stage I'm looking at these gray areas all the time, how to potentially add on to the building without having to add on to the building. So, by providing an enclosure, an enclosed seating area that's enclosed year round, adds on, makes an addition to the building. And if that has to follow all the requirements of doing an addition to the building, that has to be clear like what MiMosa did, they're putting an addition on the building. If they want to put an addition into the right-of-way, you can try and go through the process of trying to do

City of Farmington Planning Commission

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that but we don't want to make it easy to do that by saying it's a temporary seating thing that you're going to put a temporary tent up four months out of the year into the sidewalk.

Christiansen stated with MiMosa what you have to be mindful of is as prepared and presented, this amendment required that these kind of enclosures be considered as Special Land Use. So, Special Land Uses require a Special Land Use application, a site plan and a Public Hearing before the Planning Commission and there are standards that have to be addressed and complied with and you have to make those findings. So, it's a case by case basis. Current outdoor seating has a site plan and it's permitted by right, as long as you can meet all of the criteria which is pretty straightforward. Right-of-Way location is different. If it's City right-of-way, the City has jurisdiction and it's also the City giving approval as well as the site plan that would come before you to locate in the right-of-way. Anything on Grand River falls under the jurisdiction of the Michigan Department of Transportation. And Mr. Schlaff can attest to is the yearly application, and all the materials and insurances and everything else he has to provide to MDOT to announce its inception of his outdoor seating, he has to continue to do and he's done it again this year. So he continues to do that as do the other businesses that have this. The same thing would happen, Special Land Use, site plan, Public Hearing, if it was approved into the Right-of-Way on Grand River it would have to go to MDOT, they would have to approve that. Even if the City put standards in place, it would still be something in the end that they would have the final say in, structures, in this case. Other rights-of-way, Farmington Road is Road Commission for Oakland County. Right-of-way, as the Farmington Road Streetscape and again, I'm thinking a little longer term here now because this would be applicable throughout the City if this were to come on line as proposed that would be your jurisdiction and so on and so forth. So, what I'm saying to you is if you kept this approach with Special Land Use, it would be something you'd be considering on a case by case basis and to make findings on. So there might be a time when you would be supportive, because criteria was met, standards were met and you supported that. There might be times when it doesn't meet what you're looking for, whatever that might be and you wouldn't support it and it could be denied, and that's all speculative but that's how that kind of functions and I would defer back to Beth if she had any comment in addition to that. When you're looking at everything on a case by case basis under how this is proposed right now.

Saarela said and in the Special Land Use you're really looking at is a proposal in the best interest of the public health, safety and welfare for the surrounding areas. Those are the type of --- you know you've got the additional standards, is it going to cause hazardous situations to surrounding property owners and that. So in addition to looking at does it look nice, does it meet these building materials, harmonious colors, you're looking also at is it in the best interest of the public under those Special Land Uses.

Christiansen said one thing I might add really quickly, Mr. Chair, so everybody might reflect on this, too, Mr. Schlaff mentioned this earlier, the Brewery Company has an awning that comes out and so that is a covering that can be used; it's there, it's approved, it's been there for a long period of time, that's something that continues to be used. you might note that you recently approved new retractable awnings for Cowley's. so, they're not going to continue to use umbrellas that were approved for the outdoor seating, they're going to use the awnings now as approved. So, structures that are coverings in the right-of-way that have been approved that can continue to be used. It's if sides were put on those, and I know that in talking with Mr. Schloff his concern is in summertime sometimes we get some bad storms in summertime, we all know that. In any event when that happens, he had interest in our dialogue of maybe having something that could protect patrons and it would be able to be rolled down and it could protect them from rain and wind. That would have to follow to some of what you're talking about right now because currently that's not permitted. And that's another thing he was interested in when I know he approached Council, we've had a lot of discussion about this, so I still think that remains an interest of his if I'm correct. So, you mentioned something about not having anything in the summertime, I just want you to know that that's a concern that's been expressed and it's part of the items that have been brought up for discussions, so just keep that in mind as well.

Crutcher stated that was part of the concern for that reason, understanding here our climate, summertime you'll get some bad weather where you have to put the sides down for a rainstorm, wind, makes a lot of sense. Likewise in the summertime, being able to open up in January when it's 60 degrees makes a lot of sense. But I think in general we want the Streetscape to be open and the outdoor seating to be outdoor as a general way that it's used. And when it's enclosed it's a special case because it's due to the weather. I think what we don't want to see is the sides up in July with air conditioners running inside of the tent. As pleasant as that may be in some places.

Schlaff asked am I allowed to make a comment at this point, but I agree with you, I don't want enclosure. I don't want it enclosed unless it's absolutely necessary, it will never be closed even if there's a hint of a nice day, but that awning can't handle rain or wind, it's basically a sunblock. Just to go back, I already have MDOT's approval for this, I've had it since either November or December. I would have to resubmit it of course for this year but I don't have a problem with that from their perspective, I just have to lease the land from them on a twenty-year contract. That's a whole 'nother battle, not this meeting.

Majoros asked if there were any other comments or questions; hearing none he said we have to move forward, we can clearly try to move something forward that we amend ourselves, we could probably ask City staff to take another crack at it. We certainly don't want to be daunting to businesses and process an application and timing, etc., but we have to be prudent to future implications, etc., so, we're July and I'm sure you're up

City of Farmington Planning Commission

July 12, 2021

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against the time here like many others are but we've got to get this right, so I'll open up to see if anybody has any suggestions for action.

MOTION by Kmetzo, seconded by Crutcher, to move to delay the decision for any additional revisions that need to be made to the language of the Ordinance amending Chapter 35 Zoning of the City of Farmington; and revisions requested include differentiation between outdoor seating and consideration for temporary rather than permanent outdoor enclosures.

Director Christiansen stated that typically rather than use the word delay we would move to table the action on the amendment as proposed in order to allow the City Attorney to prepare modifications to include, and then list the options that you just mentioned, if that's okay.

Majoros stated that I think certainly we could be looking at that language in our August meeting, table it to the August meeting. The question then would be for staff, will we go through the cycle again of another Public Hearing, we can just table that, and if we're comfortable with the language in August, then the required action would be to forward that to City Council which would be perhaps at the September meeting.

Christiansen said that is accurate, you will be requesting to table to the August Planning Commission meeting to allow the City Attorney to make those changes and then your list, at which time the Planning Commission will then consider that Zoning Ordinance Amendment with the changes as requested. You do not have to hold another Public Hearing unless there is a significant change to the amendment which I don't anticipate from what we're talking about here this evening. And then the next step after that at the August meeting would be to forward any action to Council. Council is required to have two meetings. They would have an introduction meeting and then they would have an action meeting and that could be September, that might be October, that would be up to them.

So, to consider Commissioner Kmetzo's motion amended as noted by staff to ask for staff legal Counsel to draft revised language based on the conversations today about permanent versus temporary structures, etc. , we would entertain that language at the August meeting.

Following discussion by the Commissioners, a roll call vote was taken on the foregoing motion by Kmetzo, seconded by Crutcher, incorporating the Friendly Amendments into the resolution, with the following result:

AYES: Crutcher, Kmetzo, Majoros, Mantey, Perrot, Waun and Westendorf

NAYS: None

Farmington City Council Staff Report	Council Meeting Date: Oct. 4, 2021	Item Number 7
Submitted by: Melissa Andrade, Assistant to the City Manager		
Agenda Topic: Beautification Committee reappointments		
Proposed Motion: Move to reappoint Sarah Davies and Linda Chiara to the Farmington Beautification Committee for a 3-year term to end June 30, 2024.		
Background:		
Materials:		

Farmington City Council Staff Report	Council Meeting Date: October 4, 2021	Item Number 8
Submitted by: Charles Eudy, Superintendent		
Agenda Topic: Consideration to Renew Farmington Road Maintenance Agreement with the Road Commission for Oakland County		
Proposed Motion: Move to renew Farmington Road Maintenance Agreement with the Road Commission for Oakland County and allow City Administration to execute the contract documents reimbursing the City of Farmington up to \$23,916.78 for the maintenance.		
Background: <p>City Administration is recommending that the City Council approve the renewal of the Farmington Road Maintenance Agreement with the Road Commission for Oakland County. Under the agreement, which covers a one-year period beginning October 1, 2021, the City of Farmington Department of Public Works provides routine maintenance on Farmington Road between Eight Mile and Grand River.</p> <p>This maintenance includes Road Surface Patching, Joint and Crack Filling, Sweeping, Grass & Weed Cutting (twice yearly), Tree Trimming and Emergency Removals Roadside Clean-up, Snow and Ice Removal and other general maintenance.</p> <p>Historically the City of Farmington has not conducted Crack & Joint Filling, or Structure Repairs on Farmington Road within the RCOC jurisdiction. Public Works has been able to request RCOC to fulfill those Routine Maintenance Duties. City Administration is committed to provide services which exceed the RCOC Maintenance Schedule. Providing the increased level of services could result exceeding the RCOC allowances.</p> <p>This 2021-22 agreement has an increase of 2.0 percent which increases the amount from \$23,447.84 to \$23,916.78.</p>		
Materials: 2021-22 Maintenance Agreement RCOC Letter to Clerk		

2021-20221 MAINTENANCE AGREEMENT
CITY OF FARMINGTON

Under 1951 PA 51, As Amended

This Maintenance Agreement (“Agreement”) is made this ____ day of _____, 2021, between the Board of County Road Commissioners of the County of Oakland, State of Michigan, a public body corporate, hereinafter referred to as the “Board,” and the City of Farmington, Oakland County Michigan, a Michigan municipal corporation hereinafter referred to as the “City.”

WHEREAS, certain county primary and local roads more specifically set forth in Exhibit A, attached hereto, are under the jurisdiction and control of the Board and are located within or adjacent to the City; and

WHEREAS, The City desires to be responsible for certain maintenance of said roads under the terms of this Agreement, and the Board is willing to participate in the cost thereof as provided in Section III of this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants set forth herein as provided, it is hereby agreed as follows:

I

The City will perform Maintenance of certain roads under the terms of this Agreement, and the Board will participate in the cost thereof as provided in Section III of this Agreement. “Maintenance,” herein required to be performed by the City, shall mean routine roadway surface operations, care and maintenance of shoulders and approaches, drainage and roadside maintenance and snow removal and ice control, which shall include the following minimum requirements:

ROUTINE ROADWAY SURFACE OPERATIONS

- Patching, including Base repairs
- Blading
- Joint and Crack Filling
- Sweeping

CARE AND MAINTENANCE OF SHOULDERS AND SIDE APPROACHES

- Patching, Blading, etc.
- Gravel
- Seeding and Sodding

DRAINAGE AND ROADSIDE MAINTENANCE

- Erosion Control and Repair
 - Repairing Drainage Ditches and Structures (includes Ditch Clean-out)
 - Grass and Weed Cutting (Twice Yearly)
- Tree Trimming and Emergency Tree Removal (Normal Tree Removal to be done by Road Commission)
- Repairing Retaining Walls, etc.
- Roadside Clean-up

SNOW REMOVAL AND ICE CONTROL

Snow Removal by blading, plowing and other methods necessary to make the road reasonably safe for public travel.

Ice Control by salting, sanding, scraping and other methods necessary to make the road reasonably safe for public travel.

Maintenance shall also include other methods necessary to make the roads reasonably safe for public travel in accordance with MCL 224.21; and such other work and services, such as recordkeeping and maintenance of insurance, required by this Agreement. The city shall perform Maintenance on the roads listed in Exhibit A. All Maintenance work and services performed by the City shall be in accordance with the Board's maintenance guidelines, including but not limited to, the Board adopted Winter Maintenance Guidelines, the Board's standard practices and this Agreement. Should any dispute arise as to the character or extent of Maintenance or as to the City's performance hereunder, the controversy may be referred to an arbitration board consisting of the Road Commission for Oakland County Director of Highway Maintenance, the City of Farmington Engineer and a third person to be chosen by them for settlement thereof.

II

The City agrees to keep said road in such condition as to be reasonably safe and convenient for public travel, in accordance with MCL 224.21, and to promptly notify the Board as soon as possible, but not longer than 5 days, should it become aware of defects or maintenance requirements in the roads set forth in Exhibit A, if said defects are not Maintenance subject to this Agreement.

The City shall keep accurate and uniform records of all Maintenance work performed pursuant to this Agreement. The Board shall have the right to audit City accounts and records insofar as such documents concern this Agreement and the work and services performed and to be performed hereunder.

III

In consideration of the assumption of Maintenance of Farmington Road, between Eight Mile and Grand River by the City, the Board agrees to pay the City the sum of \$23,916.78 as set forth in Exhibit A, attached hereto and made a part hereof. Such amount is to be used by the City for Maintenance.

Payments are to be made by the Board to the City as follows:

25% in December 2021
25% in March 2022
25% in June 2022
25% in September 2022

The making of said payments shall constitute Board's entire obligation in reference to said Maintenance.

IV

The City hereby agrees to hold harmless, represent, defend and indemnify the Board, the Road Commission for Oakland County, its officers, and employees the County of Oakland; the Office of the

Oakland County Water Resources Commissioner and applicable drainage districts(s); the Michigan State Department of Transportation and the Transportation Commission; and any and all local units(s) of government within which the roads subject to this Agreement are located, against any and all claims, charges, complaints, damages, or causes of action for (a) public or private property damage, (b) injuries to persons (including death), or (c) other claims, charges, complaints, damages or causes of action arising out of the performance or non-performance of the activities which are the subject matter of this Agreement, specifically those activities set out in Section I, both known and unknown, whether during the progress or after the completion thereof. However, this hold harmless provision does not apply in so far as any claim or suit is alleged to be, or demonstrated to be, the result of a defect in highway design or condition and not related to the Maintenance activities set out in Section I. Further, since the Board has the statutory responsibility for maintenance of the roads under this Agreement, it is the intent of the parties that the delegation by this Agreement of those maintenance responsibilities to the City provides immunity to the City as an agent of the County. Therefore, the City falls within the governmental immunity protection of the County.

V

The City shall acquire and maintain, during the term of the Agreement, statutory worker's compensation insurance, employer's liability insurance, automobile and comprehensive general liability insurance coverages, as more fully described in Exhibit B attached hereto, covering the Board's liability for any and all claims arising out of the City's performance or non-performance of the activities which are the subject matter of this Agreement.

VI

The City further agrees to comply with all applicable laws and regulations, including without limitation, laws and regulations of the State of Michigan for safeguarding the air and waters of the State. In particular, City facilities and operations must meet the provisions of Part 5 (Spillage of Oil and Polluting Materials) rules promulgated pursuant to Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. (Rules R324.2001 through R324.2009 address release prevention planning, secondary containment, surveillance, and release reporting requirements). Further, the City must obtain DEQ permission to perform culvert replacements, when same involves a stream or lake. The City will be responsible for the proper disposal of the solid waste and other debris related to the maintenance described in Section I, and the costs associated therewith.

VII

In accordance with Michigan 1976 Public Acts No. 220 and 453, being MCLA §§37.1209 and 37.2209, as the same may be amended, the City and its subcontractors shall not discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status; or because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position.. A breach of this covenant may be regarded as a material breach of this Agreement.

VIII

It is the intention of the parties hereto that this Agreement is not made for the benefit of any third party.

It is anticipated that subsequent agreements regarding Maintenance activities will be executed annually by the Parties hereto.

The terms and conditions of this Agreement shall become effective on October 1, 2021 and shall continue in full force and effect until a subsequent Maintenance agreement has been executed by the parties hereto or until this Agreement is terminated, as set forth below.

In the event that a subsequent Maintenance agreement has not been executed by the parties hereto on or before September 1, 2022, either party may terminate this Agreement by providing the other party hereto with written notice of intent to terminate, at least thirty (30) days prior to the date of termination.

This Agreement is executed by the Board at its meeting of _____, and by the City by authority of a resolution of its governing body, adopted _____, (copy attached as Exhibit C).

Witnesses:

CITY OF FARMINGTON
A Municipal Corporation

_____ By: _____

Its: _____

_____ By: _____

Its: _____

Witnesses:

BOARD OF COUNTY ROAD COMMISSIONERS
OF THE COUNTY OF OAKLAND,
A Public Body Corporate

_____ By: _____

Its: _____

_____ By: _____

Its: _____

MAINTENANCE
2021-2022

CITY OF FARMINGTON

EXHIBIT A

Farmington Road

Extending from Eight Mile Road to Grand River Avenue

(\$14,068.70 per mile)

Miles

1.70

Cost Per Mile

\$14,068.70

\$ 23,916.78

Total Miles

1.70

TOTAL \$ 23,916.78

25% in December of 2021	\$ 5,979.20
25% in March of 2022	\$ 5,979.20
25% of June of 2022	\$ 5,979.20
25% in September of 2022	\$ 5,979.20
TOTAL	\$ 23,916.78

EXHIBIT B

2021-2022 MAINTENANCE AGREEMENT

ROAD COMMISSION FOR OAKLAND COUNTY

INSURANCE PROVISION

(CITY)

Insurance Coverage:

The City, prior to execution of the maintenance agreement, shall file with the Road Commission for Oakland County, copies of completed certificates of insurance as evidence that he carries adequate insurance satisfactory to the Board. Insurance coverage shall be provided in accordance with the following:

- a. Worker’s Compensation and Employer’s Liability Insurance: The insurance shall provide worker’s compensation protection for the City’s employees, to the statutory limits of the State of Michigan, and provide Part B Employers Liability as follows:

Each Accident	\$1,000,000
Disease – Each Employee	\$1,000,000
Disease – Policy Limit	\$1,000,000

The indemnification obligation under this section shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the City under worker’s disability compensation coverage established by law.

- b. Bodily Injury and Property Damage: The insurance shall provide protection against all claims for damages to public or private property, and injuries to persons arising out of and during the progress and to the completion of the work, and with respect to product and completed operation for one year, after completion of the work.

- 1. Bodily Injury and Property Damage Other Than Automobile: The minimum limits of property damage and bodily injury liability covering each contract shall be:

Bodily Injury and Property Damage Liability: Each Person \$1,000,000 Each Occurrence \$1,000,000 Aggregate \$2,000,000	or: Combined Single Limit: Aggregate \$2,000,000
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Such insurance shall include: 1) explosion, collapse, and underground damage hazards (x,c,u), which shall include, but not be limited to coverage for (a) underground damage to facilities due to drilling and excavating with mechanical equipment; and (b) collapse or structural injury to structures due to blasting or explosion, excavation, tunneling, pile driving, cofferdam work, or building moving or demolition; (2) products and completed operations and (3) contractual liability. In the event that the City hires independent contractors, its required insurance shall also include independent contractors’ coverages.

2. Bodily Injury Liability and Property Damage Automobiles: The minimum limits of bodily injury liability and property damage liability shall be:

Bodily Injury and Property Damage Liability: Each Person \$1,000,000 Each Occurrence \$1,000,000	or: Combined Single Limit: Each Occurrence: \$1,000,000
--	---

Such insurance shall include coverage for all owned, hired, and non-owned vehicles.

- c. Excess and Umbrellas Insurance – The City may substitute corresponding excess and/or umbrella liability insurance for a portion of the above listed requirements in order to meet the specified minimum limits of liability.
- d. The City shall provide for and in behalf of the Road Commission for Oakland County and all agencies specified by the Road Commission, as their interest may appear, Owner’s Protective Public Liability Insurance. Such insurance shall provide coverage and limits the same as the City’s General Liability Insurance. Alternatively, the City may meet the requirements of this paragraph “d” by maintaining insurance with a liability limit of \$15,000,000.00 with no aggregate.
- e. Notice – The City shall not cancel, renew, or non-renew the coverage of any insurance required by this Section without providing 30-day prior written notice to the Road Commission for Oakland County. All such insurance shall include an endorsement whereby the insurer shall agree to notify the Road Commission for Oakland County immediately of any reduction by the City. The City shall cease operations on the occurrence of any such cancellation or reduction and shall not resume operations until new insurance is in force. If the City cannot secure the required insurance within 30 days, the Board reserves the right to terminate the Contract.
- f. Reports: The City or its insurance carrier shall promptly report to the Road Commission all of the following events each time as they occur: Claims received, claims investigations made, and disposition of claims.

See provisions of the maintenance agreement to which this Exhibit B is attached.



QUALITY LIFE THROUGH GOOD ROADS:
ROAD COMMISSION FOR OAKLAND COUNTY
"WE CARE."

Board of Road Commissioners

Ronald J. Fowkes
Commissioner

Andrea LaLonde
Commissioner

Nancy Quarles
Commissioner

Dennis G. Kolar, P.E.
Managing Director

Gary Piotrowicz, P.E., P.T.O.E.
Deputy Managing Director
County Highway Engineer

Highway Maintenance
Department

2420 Pontiac Lake Road
Waterford, MI 48328

248-858-4881

FAX
248-858-7607

www.rcocweb.org

September 20, 2021

Mary Mullison
City Clerk
City of Farmington
23600 Liberty Street
Farmington, Michigan 48335

RE: 2021-2022 Maintenance Agreement

Dear Ms. Mullison:

Attached are two copies of a Maintenance Agreement between the Road Commission for Oakland County and the City of Farmington.

This 2021-2022 agreement has an increase of 2%, which increases the amount from \$23,447.84 to \$23,916.78.

If this agreement is satisfactory, please return the two-signed copies and the resolution of approval by your City Council. One fully signed copy will be returned to you upon approval by the Board of Road Commissioners.

Please furnish proof that your liability insurance covers this agreement, and particularly covers your personnel and equipment working on county roads under the jurisdiction of the Board of Road Commissioners. If there are any changes in this coverage during the term of this agreement, we must be notified of these changes. We will also need a current certificate of membership in the Michigan Municipal Workers Compensation Fund.

The Board of Road Commissioners and I extend our appreciation to you, the City Council, and your personnel for the fine work that has been done. We will continue to cooperate in any way to provide our citizens with the best road system possible.

We request that your signed agreement be returned to us no later than the end of November, so that we may present the agreement to our Board prior to the end of the year, which will allow RCOC to make payments per the agreement.

Sincerely,

Darryl M. Heid, P.E.
Director of Highway Maintenance

/gg
Attachment