



Regular City Council Meeting  
7:00 p.m., Monday, December 21, 2020  
Virtual Meeting via Zoom

**FINAL**

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## REGULAR MEETING MINUTES

A regular meeting of the Farmington City Council was held on December 21, 2020, as a Virtual Meeting via Zoom, an electronic meeting platform. Notice of the meeting was posted in compliance with Public Act 267-1976 and electronically as authorized under the Open Meetings Act, MCL 15.261, et seq., as amended by HB 1108, in order to mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders by limiting in-person contact and the number of people interacting at public gatherings.

The meeting was called to order at 7:01 p.m. by Mayor Bowman.

### 1. ROLL CALL

Attendee Name	Title	Status	Arrived
Sara Bowman	Mayor	Present	
David DeLind	Councilmember	Present	
Joe LaRussa	Mayor Pro Tem	Present	
Steve Schneemann	Councilmember	Present	
Maria Taylor	Councilmember	Present	

#### **City Administration Present**

Director Christiansen  
Director Demers  
Superintendent Eudy  
City Clerk Mullison  
City Manager Murphy  
City Attorney Saarela  
City Attorney Schultz arrived at 8:05 pm  
Director Weber

### 2. PLEDGE OF ALLEGIANCE

**3. APPROVAL OF ITEMS ON CONSENT AGENDA**

- A. Accept City of Farmington Board and Commission Minutes
- B. City of Farmington Minutes
  - a. November 16, 2020 Special
  - b. November 16, 2020 Regular
  - b. December 7, 2020 Regular
  - c. December 14, 2020 Special
- C. Farmington Monthly Payments Report
- D. Farmington Public Safety Monthly Report
- E. Move to appoint slate of candidates to Pathways Committee

Move to approve the consent agenda as presented.\*\*

<b>RESULT:</b>	<b>APPROVED AS PRESENTED [UNANIMOUS]</b>
<b>MOVER:</b>	LaRussa, Mayor Pro Tem
<b>SECONDER:</b>	Schneemann, Councilmember

**4. APPROVAL OF REGULAR AGENDA**

Move to approve the regular agenda as amended, adding a short presentation by Brian Golden directly after the approval of the regular agenda.\*\*

<b>RESULT:</b>	<b>APPROVED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Schneemann, Councilmember
<b>SECONDER:</b>	Taylor, Councilmember

**5. PRESENTATION**

Brian Golden presented the opening video of the virtual Tree Lighting that was held on December 5<sup>th</sup> by the Farmington Jaycees and the Greater Farmington Area Chamber of Commerce at the Governor Warner Mansion. The video is available in its entirety on the websites of the City, the Farmington Jaycees, and the GFACC and is about 30 minutes in length.

**5. PUBLIC COMMENT**

Jeff Scott, 32316 Grand River, a Managing Partner for Park View Lofts, commented on the rating given to their plan for the MTC site and what he felt was not correct.

**6. NEW BUSINESS**

**A. CONSIDERATION TO APPROVE CHANGE ORDER NO.1 AND PAY ESTIMATE NO. 2 (FINAL) WHICH WILL RELEASE THE \$1,000 HELD AS RETAINAGE TO D'ANGELO BROTHERS EXCAVATING FOR THE 9 MILE & FLORAL STREET EMERGENCY WATERMAIN REPLACEMENT**

Superintendent Eudy requested final payment for the 9 Mile and Floral emergency water main replacement.

**Move to approve Change Order No.1 and Pay Estimate No. 2 (Final) which will release the \$1,000 held as retainage to D'Angelo Brothers Excavating for the 9 Mile & Floral Street Emergency watermain replacement.\*\***

<b>RESULT:</b>	<b>APPROVED AS PRESENTED [UNANIMOUS]</b>
<b>MOVER:</b>	Taylor, Councilmember
<b>SECONDER:</b>	LaRussa, Mayor Pro Tem
<b>AYES:</b>	Bowman, DeLind, LaRussa, Schneemann, Taylor

**B. CONSIDERATION TO APPROVE CHANGE ORDER NO. 3 AND CONSTRUCTION ESTIMATE NO. 5 (FINAL) FOR THE BEL-AIRE SANITARY SEWER REHABILITATION PROJECT TO PIPELINE MANAGEMENT COMPANY**

Eudy requested final payment for a sewer lining project in Bel-Aire subdivision. He stated that this project greatly improves the reliability of the sanitary sewer system in the most problematic areas of the Bel-Aire subdivision and advised that sanitary sewer system improvements must continue to be planned as funding is available.

**Move to approve Change Order No.3 & Construction Estimate No.5 (Final) for the Bel-Aire Sanitary Sewer Lining Project in the amount of \$56,818.71 to Pipeline Management Company Inc. of Milford Michigan.\*\***

<b>RESULT:</b>	<b>APPROVED AS PRESENTED [UNANIMOUS]</b>
<b>MOVER:</b>	LaRussa, Mayor Pro Tem
<b>SECONDER:</b>	DeLind, Councilmember
<b>AYES:</b>	DeLind, LaRussa, Schneemann, Taylor, Bowman

**C. CONSIDERATION TO APPROVE PAYMENT TO V.I.L. CONSTRUCTION INCORPORATED FOR CONSTRUCTION ESTIMATE NO. 7 IN THE AMOUNT OF \$8,265.34 FOR THE MAYFIELD STREET RECONSTRUCTION**

Eudy asked for payment to be approved for work completed by V.I.L. Construction for the Mayfield Street reconstruction for work done through December 11, 2020.

**Move to approve payment to V.I.L. Construction Incorporated for Construction Estimate No. 7 in the amount of \$8,265.34 for the Mayfield Street Reconstruction.\*\***

<b>RESULT:</b>	<b>APPROVED AS PRESENTED [UNANIMOUS]</b>
<b>MOVER:</b>	DeLind, Councilmember
<b>SECONDER:</b>	Taylor, Councilmember
<b>AYES:</b>	LaRussa, Schneemann, Taylor, Bowman, DeLind

**D. CONSIDERATION TO APPROVE PAYMENT TO V.I.L. CONSTRUCTION INCORPORATED FOR CHANGE ORDER NO. 4 AND CONSTRUCTION ESTIMATE NO. 6 (FINAL) OF THE OAKLAND STREET RECONSTRUCTION IN THE AMOUNT OF \$164,577.98 AND RELEASE OF EARNED INTEREST OF THE RETAINAGE FUNDS HELD BY THE CITY OF FARMINGTON**

Eudy called for final payment and release of retainage to V.I.L. Construction for the Oakland Street reconstruction project.

**Move to approve payment to V.I.L. Construction Incorporated for Change Order No. 4 and Construction Estimate No. 6 (Final) of the Oakland Street Reconstruction in the amount of \$164,577.98 and release of earned interest of the retainage funds held by the City of Farmington.\*\***

<b>RESULT:</b>	<b>APPROVED AS PRESENTED [UNANIMOUS]</b>
<b>MOVER:</b>	LaRussa, Mayor Pro Tem
<b>SECONDER:</b>	DeLind, Councilmember
<b>AYES:</b>	Schneemann, Taylor, Bowman, DeLind, LaRussa

**E. CONSIDERATION TO APPROVE RESOLUTION REGARDING ANNUAL PERMIT APPLICATION WITH MDOT FOR MISCELLANEOUS OPERATIONS WITHIN STATE TRUNKLINE RIGHT OF WAY, AND TO ADOPT MDOT PERFORMANCE AND INDEMNIFICATION RESOLUTION**

Eudy explained that the City of Farmington has a full maintenance contract for Grand River Avenue from the east intersection of M-5 to Gill Road and is responsible for the winter maintenance only from Gill Road west to Halstead Road. The Michigan Department of Transportation (MDOT) reimburses the City for its actual labor and material expenses for all work done under the contract. The City further secures annual permits from the State to do maintenance work on the road and City utilities as well as install banners within the trunkline right-of-way.

The Department of Transportation requires that the City, by resolution, indemnify the State from any liability which may occur as the result of work that the City is performing or banners that have been hung within the State right-of-way. The City resolution further authorizes the City Manager and the Director of Public Services to make application to the Michigan Department of Transportation for necessary permit work within State of Michigan right-of-way on behalf of the City. The remaining provisions within the resolution are relatively standard.

LaRussa questioned if the names for those who are allowed to submit requests for permitting with MDOT should be amended as Frank Demers' retirement will take effect on December 31, 2020. He was advised that that would be an administrative item that could be amended after approval.

Bowman asked whether COVID losses might affect what we might receive and whether those considerations might delay or eliminate funding.

**Move to approve resolution regarding annual permit application with MDOT for Miscellaneous Operations within State Trunkline Right of Way, and to adopt MDOT Performance and Indemnification Resolution.\*\***

<b>RESULT:</b>	<b>APPROVED AS PRESENTED [UNANIMOUS]</b>
<b>MOVER:</b>	LaRussa, Mayor Pro Tem
<b>SECONDER:</b>	Taylor, Councilmember

**F. CONSIDERATION TO APPROVE PAYMENT TO LUIGI FERDINANDI & SON CEMENT COMPANY, CHANGE ORDER NO.1 CONSTRUCTION ESTIMATE NO.2 IN THE AMOUNT OF \$233,812.00 FOR THE FARMINGTON 2020 SIDEWALK PROGRAM**

Eudy requested approval for payment for work completed on the 2020 Sidewalk Program.

**Move to approve payment to Luigi Ferdinandi & Son Cement Company, Change Order No.1 Construction Estimate No.2 in the amount of \$233,812.00 for the Farmington 2020 Sidewalk Program.\*\***

<b>RESULT:</b>	<b>APPROVED AS PRESENTED [UNANIMOUS]</b>
<b>MOVER:</b>	Taylor, Councilmember
<b>SECONDER:</b>	DeLind, Councilmember
<b>AYES:</b>	Taylor, Bowman, DeLind, LaRussa, Schneemann

**G. CONSIDERATION TO APPROVE AN ORDINANCE TO AMEND THE CITY OF FARMINGTON, CODE OF ORDINANCES, CHAPTER 4, "AMUSEMENTS AND ENTERTAINMENTS," ARTICLE VI, "SPECIAL EVENTS," IN ORDER TO ADD PROVISIONS TO TEMPORARILY ALLOW OUTDOOR ENCLOSURES FOR DINING FOR RESTAURANT AND BAR USES DURING THE COVID-19 PUBLIC HEALTH EMERGENCY**

Director Christiansen brought a second reading of an ordinance intended to allow dining within outdoor enclosure only in accordance with applicable emergency ordinance of the Michigan Department of Health and Human Services with respect to whether indoor dining is permissible.

Responding to a question from LaRussa, Christiansen explained that this amendment was not to the temporary use or temporary structures section but rather to the amusements and entertainments chapter of the City code specific in response to COVID. Discussion ensued

about the difference between outdoor seating and enclosed seating areas. LaRussa also asked whether a rescission clause was needed, and Saarela indicated that this amendment would be specific to the duration of the COVID-19 pandemic.

In response to a question from Taylor about which portions of the ordinance had been changed after the first reading, Saarela clarified that the amended language as indicated on the draft sent to Council was determined not be needed after discussion with the City's insurance carrier. Taylor indicated that she would like to leave in the portion that indicated that it was important to air out these small spaces between uses.

Schneemann asked whether structures will be subject to State Construction Code. Saarela said that the structures are already required to meet certain standards and would be approved on a case by case basis. Discussion followed about specifics of structures to be considered including hypothetical scenarios. Saarela said that this ordinance needs to be approved before any applications for building permits can be submitted and reviewed.

Taylor asked about shoveling snow around these proposed structures and standards for airing them out and Bowman asked who would be responsible for sanitizing standards. Christiansen said that there was already quite a bit of protocol and standards that restaurant businesses need to adhere to through the State Health Department and the Oakland County Health Department.

**Move to adopt Ordinance No. TBD, to amend the City of Farmington, Code of Ordinances, Chapter 4, "Amusements and Entertainments," Article VI, "Special Events," in order to add provisions to temporarily allow outdoor enclosures for dining for restaurant and bar uses during the covid-19 pandemic." SECOND READING, subject to removal of the first sentence of paragraph 4C.\*\***

<b>RESULT:</b>	<b>APPROVED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Taylor, Councilmember
<b>SECONDER:</b>	LaRussa, Mayor Pro Tem
<b>AYES:</b>	Bowman, DeLind, LaRussa, Schneemann, Taylor

## H. DISCUSSION OF RESPONSES TO RFQ FOR MTC

City Manager Murphy introduced Justin Sprague and Carmine Avantini of CIB, along with their associate Eric Helzer of ARS. Sprague gave an overview of the Request For Qualifications (RFQ) process and reviewed criteria along with an analysis of the scoring sheet CIB had previously provided to Council. After a further review of the stated desires of the City on which the RFQ had been based, he summarized the four submissions and compared several aspects of all RFQs submitted. He concluded by requesting direction for a choice of developer so that negotiations could start on the next part of the project

Bowman asked Murphy to clarify what the process and timeline was, and Council had opportunity to make comments and ask questions. Discussion followed about the four dramatically different proposals and included concerns about having more time to study the documents further, the density of each proposal, how well the proposals matched the RFQ, and how to narrow down the field to keep on schedule for the process. Setting up a Council meeting

with each developer, timeline flexibility, and whether Council should redo work already done by the consultants currently hired was discussed. Avantini said they had established parameters per what Council wanted and that the scoring was a guideline for Council's decision. City Attorney Schultz reminded Council that this was their decision and that the consultant's recommendations and analysis were only to inform them for that decision.

Further discussion on speaking with all four developers ensued. Schneemann and DeLind indicated that they would like to continue with all four, and Taylor and LaRussa signaled that they would like to stick to decisions already made for the RFQ process by narrowing the field to those meeting the specific requirements set forth out of the top three scorers. Past projects that had not worked out on the MTC property were cited, as were the reasons for the failure of any to reach acceptance.

Bowman commented on staying with the proposed timeline and indicated that Council had already had a robust conversation the previous week on moving forward with two developers. She indicated that Council should continue with the experts that Council had retained to get to this place in the process.

Discussion arose about expanding the consultants' participation in the next steps of the process and whether their contract needed to be renegotiated for further assistance.

LaRussa stated that Council was swirling because of local developer concerns and personal attachments. He wanted to give applicants their due, but noted that previously established RFQ criteria are not being adhered to. He indicated that he would be willing to narrow it to the top three on the RFQ ratings submitted by the consultants.

**Move to direct the City Administration to meet with River Caddis, PVL Farmington, and Robertson Brothers to begin discussions about the financial aspects of the proposals and receiving additional information about the proposed improvements and to determine if there is an interest on the part of the City to move forward toward purchase and development agreement.**

<b>RESULT:</b>	<b>APPROVED [3-2]</b>
<b>MOVER:</b>	LaRussa, Mayor Pro Tem
<b>SECONDER:</b>	DeLind, Councilmember
<b>AYES:</b>	Bowman, DeLind, LaRussa
<b>NAYES:</b>	Taylor, Schneemann

## 7. PUBLIC SAFETY COMMENT

Director Demers announced his retirement after twenty-five years of service. He publically thanked his family, the world class professionals of the Farmington Public Safety Department, the City Manager, the Mayor and Council, and his fellow Department Heads and co-workers for support and encouragement throughout his career. He acknowledged his full support of Deputy Director Ted Warthman as soon-to-be Acting Director in his stead and said that he was confident that the Public Safety Department will carry on the high standards and professionalism that has been the foundation of the department.

Bowman noted that this was by far the hardest virtual presentation the Council has had to go through and asked Council to respond to Demers' statement. They were emotionally touched and highly commended his work, expressed gratefulness for his professionalism and integrity, and cited how safe the City has been under his watch. They spoke of his legacy and wished Demers well in his next endeavor.

## **8. PUBLIC COMMENT**

No public comment was heard.

## **9. CITY COUNCIL COMMENT**

LaRussa spoke of the year Council has had and noted that tonight's meeting capped it off with a heavy agenda including completed projects, policy-making decisions for the future of Farmington, a big future project, and the Public Safety Director's retirement. He noted that he was pleased with all that Council was able to accomplish this year in spite of all the circumstances and challenges. He thanked his colleagues for their part and wished all Happy Holidays.

Schneemann wanted to explain to Council why he voted no with regard to the MTC next steps. He said that didn't feel the three that Council would be talking to were in any way bad choices, but because he has a personal tendency to gather all information available to look at from all angles. He thinks that it is a great idea to talk to people and see what they have to bring to the table. He was happy to talk to three of them and asked what the next steps were to be. Murphy answered that City Administration would go back to all three developers and get more information. Murphy's understanding was that Administration would inquire about more specific financial information and design information. Schneemann stated that there was no way he could select one developer without talking to all the others.

Taylor wanted to clarify her no vote. She stated that there were two developers that did not meet the criteria specified in the RFQ and that she would have rather gone forward with the two chosen earlier as qualified. She wanted to either go now to all four or move forward to just the two that were previously designated as qualified. She also announced that there was a Parking Committee meeting held recently where three new strategies were identified that will be investigated in the next year.

DeLind said that his interpretation of the previous MTC discussion was that Council was looking to interview developers directly to ask specific questions rather than depending on consultant's assessments. He then wished everyone Happy Holidays and thanked staff and administration for a phenomenal job this year in working long hours through tremendously difficult times to get an election off without a hitch, to manage community relations with the public safety department, and to continue economic development initiatives. He stated that he felt that he couldn't have a better hometown and was looking forward to 2021 being a better year.

Bowman recognized that this has been a year like no other. She was proud of the work that administration and Council have completed under very trying circumstances. She thanked all for being so accommodating during this year. Bowman spoke of the difficult task of being on Council and that they were tasked with making some very large decisions with a lot of different



information. She acknowledged that there are a lot of vested interests in a small town, and noted that decisions need to be made with facts and within guidelines. Council acts as a proxy for the citizens the same way that consultants are a proxy for Council to provide them with that information. This is a difficult process, but she looks forward to having these conversations with five different people with five different viewpoints who can bring those decision-making standards to all the decisions that Council makes. She hoped everyone can stay safe and wished everyone a great week and a Happy New Year.

## 10. ADJOURNMENT

Move to adjourn the meeting.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Taylor, Councilmember
<b>SECONDER:</b>	DeLind, Councilmember

Meeting adjourned 9:32 p.m.

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Sara Bowman, Mayor

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Mary J. Mullison, City Clerk

Approval Date: January 19, 2021

\*\*To view approved documents, please see the Agenda Packet link that is relevant to this meeting at <http://farmgov.com/City-Services/Government/Agendas-and-Minutes/City-Council.aspx> or contact the City Clerk.