

FARMINGTON CITY COUNCIL
REGULAR MEETING

A regular meeting of the Farmington City Council was held on Tuesday, September 7, 2004 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,
City Manager Pastue, Assistant City Manager
Richards, City Attorney Schultz,
Interim Director Wiggins.

APPROVAL OF AGENDA

09-04-186 MOTION by Knol, seconded by Mitchell, to approve the agenda as submitted. MOTION CARRIED UNANIMOUSLY.

MINUTES OF PREVIOUS MEETING

09-04-187 MOTION by Bush, seconded by McShane, to approve the special meeting minutes of July 13, 2004 and July 26, 2004; and special and regular meeting minutes as revised as of August 2, 2004. MOTION CARRIED UNANIMOUSLY.

PETITIONS AND COMMUNICATIONS

**REQUEST FOR PROCLAMATION – “PATRIOT DAY, A DAY TO REMEMBER,
SEPTEMBER 11, 2004”**

Council issued a proclamation to memorialize those who lost their lives in the September 11, 2001 terrorist attack and to publicize the memorial service to be held in Memorial Park on September 11, 2004.

**REQUEST FOR PROCLAMATION FROM THE 32ND DEGREE MASONS: MONTH OF
OCTOBER – DYSLEXIA AWARENESS MONTH**

Council presented a proclamation to representatives of the 32nd Degree Masons in recognition of October as “Dyslexia Awareness Month” and to acknowledge the learning centers for dyslexic children established by the Masons.

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Ms. Isamay Osborne, representing the Masons, expressed her appreciation for the proclamation and invited community members to participate in the "5K Walk to Help Dyslexic Children", scheduled for Sunday, October 17, 2004.

HERITAGE FESTIVAL BANNER REQUEST

Administration advised that an annual request was received from the 2004 Heritage Festival Chairperson to hang a banner across Grand River Avenue from September 13 through September 27, 2004.

Discussion followed regarding the number of banners requested. City Manager Pastue noted that, historically, the Heritage Festival Committee has requested two banners.

Discussion continued regarding a possible conflict with the Farmington Funny Film Festival for display of banners. Councilmember Knol asked if a compromise could be worked out between the two events. Discussion followed regarding options for displaying banners for both events.

Council concurred to shorten the length of time requested by the Heritage Festival in order to accommodate the Farmington Funny Film Festival banner display.

RESOLUTION 09-04-188 Motion by Knol, seconded by McShane, to approve a request from the Heritage Festival Chairperson to hang two banners across Grand River; one between School and Mayfield Streets and the other near the Warner Museum, from September 13 through September 24, 2004, to promote "Our Community's Heritage Celebration". MOTION CARRIED UNANIMOUSLY.

REQUEST FOR BANNERS FOR FARMINGTON FUNNY FILM FESTIVAL (F4)

Administration advised that the F4 Committee has requested approval to display two banners over Grand River Avenue to promote the Funny Film Festival.

RESOLUTION 09-04-189 Motion by McShane, seconded by Bush, to approve a request from the Farmington Funny Film Festival Committee to display two 5' x 30' banners across Grand River; one between School and Mayfield Streets and the other near the Warner Museum, from September 24 until October 11, 2004. MOTION CARRIED UNANIMOUSLY.

**REQUEST FOR SPECIAL EVENT IN CENTRAL BUSINESS DISTRICT –
CROMWELL FAMILY CHIROPRACTIC**

Administration advised that a request was received from Cromwell Family Chiropractic to hold a special event celebrating their ten years of business in Downtown Farmington. Administration further advised that the applicant has requested permission to place signs throughout the downtown area. Administration recommended limiting the signage to the site where the activity will take place.

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Administration advised that both the Public Safety and Public Services Departments have reviewed the event request and the only concern noted was the off-site signage.

Dr. Cromwell was present to discuss the event and answer questions.

Councilmember Knol expressed the need for the City to administer the sign ordinance in a consistent manner, especially as it relates to ground signs placed in the right-of-ways. Director Gushman responded that his department makes every attempt to remove any and all signs in the right-of-ways.

RESOLUTION 09-04-190 Motion by Mitchell, seconded by Bush, to approve a special event request from Cromwell Family Chiropractic, 33211 Grand River Avenue, allowing a "Family Fun Festival" to take place on the private property on which they are located, September 25, 2004 from 11:00 a.m. to 4:00 p.m.; and limiting advertising to the site of the event. MOTION CARRIED UNANIMOUSLY.

SIGN VARIANCE REQUEST, MUTUAL FINANCIAL SERVICES, 33004 GRAND RIVER

Administration advised that a sign variance request was received from Mutual Financial Services to place a ground sign in the Central Business District where such signs are normally prohibited.

Administration noted that the proposed sign has elements of a projecting sign since it is not attached to a pole, is perpendicular to the building and relatively small in size. Administration further noted that the proponent would remove the awning canopy sign.

Administration advised Council of the conditions under which a variance could be granted.

Councilmember McShane stated that the sign, as shown in the picture, does not appear to be a projecting sign. She expressed reservation about granting the request because of the impending review of the sign ordinance and that it does not appear to meet the conditions for a variance approval.

Councilmember Mitchell stated that the applicant does not demonstrate unique or unusual circumstances that would justify a variance approval. He stated that variance requests should be delayed until the Main Street Design Committee has had the opportunity to develop and recommend signage standards.

Cary Dupont, representing Aver Sign Company, was present to discuss the sign variance request.

Knol expressed concern regarding the internal illumination of the proposed sign and the desire for signage that is in keeping with an historic downtown.

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RESOLUTION 09-04-191 Motion by Mitchell, seconded by Bush, to deny a sign variance request from Mutual Financial Services, 33004 Grand River, for a ground sign due to the applicant's inability to demonstrate unique or unusual conditions as set forth in the Sign Ordinance. MOTION CARRIED UNANIMOUSLY.

SIGN VARIANCE REQUEST – CENTER HOLDING PROPERTY, 33001-49 GRAND RIVER

Administration advised that at the August 2, 2004 Council meeting, Frank Clappison, representing Center Holding Property, had requested a sign variance for property at 33001-49 Grand River; that Council had tabled the request to allow the applicant to explore other options and alternatives. Administration further advised that Mr. Clappison, after meeting with tenants and partners, has indicated that if a variance is not granted he would take the necessary measures for improvement and maintenance of the existing sign.

Knol suggested that it is in Mr. Clappison's best interest to proceed with the repair and maintenance of the sign, however, as part of the reconfiguration of Grove Street under the new Master Plan, the City would work with him on a possible location for a new sign that would meet the requirements of a new sign ordinance.

Council concurred to take no action.

REQUEST FOR PROCLAMATION – “PATRIOT DAY, A DAY TO REMEMBER, SEPTEMBER 11, 2004”

Mayor Campbell revisited this earlier agenda item due to the arrival of Wally Christensen, Co-Chairperson of the 9/11 Memorial Service and other members of the Groves-Walker Post 346 of the American Legion.

Mr. Christensen spoke about the events planned for the 9/11 Memorial Service scheduled for Saturday, September 11, 2004 in Memorial Park.

BOARDS AND COMMISSIONS

RESIGNATIONS FROM BOARDS AND COMMISSIONS

09-04-192 MOTION by Bush, seconded by McShane, to accept the resignations of Nancy Donohue from the Commission on Children, Youth and Families and Kristine Franko from the Civic Theatre Committee, both effective immediately. MOTION CARRIED UNANIMOUSLY.

Responding to a question, Pastue stated he would provide Council with a listing of open positions on Boards and Commissions. Pastue agreed to publicize the openings on cable.

APPOINTMENTS TO RECREATION MASTER PLAN COMMITTEE

Administration advised that Council recently adopted a resolution providing for appointment of an ad hoc committee to update the City's Recreation Master Plan.

09-04-193 MOTION by McShane, seconded by Knol, to appoint the following candidates to an ad hoc committee for the purpose of updating the City's Recreation Plan, acknowledging that a seventh position remains available:

- Andy Lange, Recreation Superintendent, Farmington Hills
- Chip Bridges, Teacher, Farmington Public Schools
- Bill Burke, Farmington Planning Commission
- Gary Bartle, Mayor's Youth Commission
- Jeff Scott, Brian Casterline and Nancy Tashman (alternate), Farmington residents

MOTION CARRIED UNANIMOUSLY.

REPORTS FROM CITY MANAGER

FLSA IMPROPER DEDUCTION POLICY, "SAFE HARBOR" PROVISION

Administration advised that in order to comply with the new "safe harbor" provision of the new regulations under the Fair Labor Standards Act, the City has developed an "Improper Deduction Policy".

RESOLUTION 09-04-194 Motion by Knol, seconded by Mitchell, to establish an "Improper Deduction Policy" under the Fair Labor Standards Act to prohibit improper deductions from City employees. **[SEE ATTACHED POLICY]**. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE A LOT SPLIT, 23280 FARMINGTON ROAD, PARCEL NUMBER 23-27-301-002

Administration advised that the Mr. and Mrs. Lowen, owners of the property at 23280 Farmington Road, recently sold a small portion of the rear of their property to the Farmington Development Group, the developers of the Orchard Condominiums. Administration further advised that in order to add this parcel to the Farmington Development Group parcel, it is necessary that the Council approve a split for the Lowen property. Administration also advised that the City Assessor has indicated that the proposed split complies with the Michigan Land Division Act.

Responding to a question concerning a possible conflict of interest relative to Councilmember Bush's participation in the motion, Attorney Schultz advised that since all real estate transactions have been closed, this motion is an administrative action and presents no conflict of interest.

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RESOLUTION 09-04-195 Motion by Bush, seconded by Knol, to approve a lot split from 23280 Farmington Road, Parcel Number 23-27-301-002, as proposed, and add to the Farmington Development Group parcel as part of the Orchard Condominium Project. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE A LOT SPLIT, 22815 POWER ROAD, PARCEL NUMBER 23-27-451-063

Administration advised that Mr. & Mrs. Chalom, owners of residential property at 22815 Power Road, have requested that the westerly portion of their property be split off in order to sell to the adjoining property owner. Administration further advised that the City Assessor has indicated that the proposed lot split complies with the Michigan Land Division Act.

RESOLUTION 09-04-196 Motion by McShane, seconded by Mitchell, to approve a split of the west 75 feet of property at 22815 Power Road, parcel number 23-27-451-063, as proposed. MOTON CARRIED UNANIMOUSLY.

CONSIDERATION TO RENEW OAKLAND COUNTY PERSONAL PROPERTY ASSESSMENT AGREEMENT

Administration advised that the City has contracted with the Oakland County Equalization Department to provide personal property assessing services, an agreement that has been in place since 1987. Administration further advised that the proposed renewal is for a two-year period for the 2005 and 2006 tax years with the rate remaining at \$12.04 per parcel.

RESOLUTION 09-04-197 Motion by Bush, seconded by Knol, to approve a two-year renewal of the Oakland County Personal Property Assessment Agreement for the 2005 and 2006 assessment rolls and authorize the City Manager to sign the agreement on behalf of the City. **[SEE ATTACHED AGREEMENT]**.

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSTRUCTION ESTIMATE NO. 3 – 2004 SIDEWALK REPLACEMENT PROGRAM

Administration advised that Hard Rock Concrete, Inc. has completed approximately 65% of the Sidewalk Replacement Program. Administration further advised that Director Gushman has reviewed and approved the construction estimate for payment.

RESOLUTION 09-04-198 Motion by Knol, seconded by Mitchell, to approve construction estimate no. 3 for the 2004 Sidewalk Replacement Program and authorize payment in the amount of \$72,222.17 to Hard Rock Concrete, Inc.; funds provided in the FY 2003-04 budget.

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ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSTRUCTION ESTIMATE NO. 4 – 2004 PAVING PROGRAM

Administration advised that construction estimate no. 4 for the 2004 Paving Program covers work along State Street and throughout the Chatham Hills Subdivision.

Administration further advised that the City's consulting engineers and Director Gushman have reviewed and approved the construction estimate for payment.

RESOLUTION 09-04-199 Motion by Bush, seconded by McShane, to approve construction estimate no. 4 for the 2004 Paving Program and authorize payment in the amount of \$19,656.94 to Tiseo Brothers Inc.; funds provided in the FY 2003-04 budget.

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

BOND REIMBURSEMENT RESOLUTION – DOWNTOWN DEVELOPMENT PROJECT

Manager Pastue advised that construction of the Farmers Market Pavilion is the first step in the implementation of the soon-to-be-adopted Downtown Master Plan, followed by the conversion of the drive lanes in the Downtown Farmington Center to municipal streets, development of a central park, reconstruction of Grove Street, and water and sewer utility relocations.

Pastue further advised that part of the financing of these improvements involves the issuance of tax-exempt bonds; that the Internal Revenue Code allows for municipalities to incur expenses that are reimbursable at the time bonds are issued providing that the municipality adopt a reimbursement resolution; and that the proposed resolution is for a not-to-exceed amount of \$3,000,000.

Pastue indicated that the City is able to adopt this resolution even though the scope of the project and financing for individual components have not been finalized. He further indicated that the resolution allows City staff to file with the Michigan Department of Treasury the necessary documents to secure authorization to issue bonds.

RESOLUTION 09-04-200 Motion by McShane, seconded by Mitchell, to adopt a resolution, as presented, declaring the City's intent to reimburse and authorizing

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preliminary actions related to proposed issuance of tax-exempt bonds associated with the Downtown Development Project. [\[SEE ATTACHED RESOLUTION\]](#).

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE A TRAFFIC STUDY FOR GRAND RIVER AVENUE AND FARMINGTON ROAD WITHIN DOWNTOWN AREA

Administration recommended that Council approve a proposal from Orchard, Hiltz and McCliment to conduct a traffic study to determine the viability of proposed changes for Grand River in the Downtown Master Plan.

Responding to a question from McShane, City Manager Pastue stated additional funds requested, exceeding the \$15,000 study fee, might be needed for additional MDOT meetings or follow-up with the Traffic and Safety Board. He stressed the importance of this study as it relates to the scope of the Downtown redevelopment.

McShane expressed concern regarding the amount of money that has been spent over the last year to conduct searches, reviews, studies and evaluations. Pastue responded that the City is embarking on a significant change in the Community requiring thorough review and study.

Knol publicly thanked County Commissioner Rogers for alerting Farmington to road funds available through the Tri-Party Program and for assisting in arranging a meeting with MDOT. She asked that Commissioner Rogers be included in a future meeting where the results of the traffic study will be reviewed.

Mitchell noted that the funds provided by the City to facilitate the redevelopment of the Downtown is small in comparison to the return on the investment that will be realized in the Community. He supported the need to address the Grand River traffic issues as they relate to pedestrians, public safety and public services.

RESOLUTION 09-04-201 Motion by Mitchell, seconded by McShane, to accept a proposal from Orchard, Hiltz and McCliment to conduct a traffic evaluation of Grand River and Farmington Road within the Downtown Area for a not-to-exceed amount of \$20,000 and authorize the City Manager to sign the proposal on behalf of the City. [\[SEE ATTACHED PROPOSAL\]](#).

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE PROFESSIONAL SERVICES PROPOSAL TO DEVELOP DOWNTOWN SIGN ORDINANCE

Administration recommended that Council approve a proposal from City planning consultants, Langworthy, Strader and LeBlanc, to facilitate the review and development of a sign ordinance and outdoor seating standards in the Downtown Area in conjunction with the Main Street Design Committee.

Responding to a question, Pastue stated that he prefers not to expand the sign ordinance review beyond the Downtown Area at this time because it would delay the process and Downtown signage is a more complex issue. He further stated that the establishment of a Downtown Sign Ordinance would make it much easier to address other signage requirements.

RESOLUTION 09-04-202 Motion by Knol, seconded by Mitchell, to accept a proposal from Langworthy, Strader and LeBlanc, to work with the Main Street Design Committee to develop recommendations regarding a Downtown Sign Ordinance and outdoor seating and display standards, in an amount not-to-exceed \$14,000. [SEE ATTACHED PROPOSAL].

ROLL CALL

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

CONSIDERATION OF RESOLUTION APPOINTING CITY MANAGER AS ENFORCEMENT OFFICIAL FOR BUSINESS REGISTRATION REQUIREMENTS

Administration recommended that the City Council adopt a resolution to name the City Manager as the Enforcement Official for business registration requirements. Administration advised that this resolution would allow the City Manager or designee the ability to cite business owners for not registering.

RESOLUTION 09-04-203 Motion by Bush, seconded by Knol, to adopt a resolution naming the City Manager as the enforcement official for business registration and licenses. [SEE ATTACHED RESOLUTION]. MOTION CARRIED UNANIMOUSLY.

RESOLUTION ESTABLISHING A FEE SCHEDULE TO REIMBURSE THE CITY FOR PROFESSIONAL AND LEGAL EXPENSES WITH DEVELOPMENT PROJECTS

Administration advised that the Planning Commission has requested that the City Planning consultant review special land use applications, planned unit development proposals, rezoning requests and complex site plans. Administration further advised that in order to implement this review process, Council would need to adopt a resolution establishing a fee schedule for reimbursement to the City of professional and legal expenses related to development projects.

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RESOLUTION 09-04-204 Motion by Bush, seconded by McShane, to adopt a resolution to establish a fee schedule for reimbursement to the City of professional and legal expenses related to development projects. [SEE ATTACHED RESOLUTION].

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION OF TERMS ASSOCIATED WITH PURCHASING CITY OF FARMINGTON HILLS' INTEREST IN THE OLD 47TH DISTRICT COURTHOUSE

Administration recommended Council approve a request to submit a proposal to the City of Farmington Hills to purchase their interest in the old 47th District Courthouse. Administration stated that the intent of the proposal is to expedite the process for the disposal of that property and address any conflicts that could potentially exist.

RESOLUTION 09-04-205 Motion by Mitchell, seconded by Knol, to authorize the City Manager to submit a draft proposal to the City Farmington Hills regarding terms to purchase their interest in the old 47th District Courthouse.

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

MISCELLANEOUS

PUBLIC COMMENT

Ken Chiara, a City resident and member of the Traffic & Safety Board, requested that the Department of Public Works replace burned out street lights in front of his house. He referred to a meeting of the Traffic & Safety Board in which a motion was made regarding the Board's recommendation to alleviate parking problems on the north side of Grand River. At Mr. Chiara's request, Mayor Campbell read the following motion into the record from that meeting:

"This board recommends that the City Council, the DDA and the appropriate Main Street committee, arrange a meeting with the four private business owners (Dimitri's, Salon Nouveau, United Jewelers and the Village Shoe Inn), within ninety days, to consider Mr. DeCorte's parking proposal made at the May 15, 2003 Traffic and Safety board meeting."

Mr. Chiara asked Council to make a decision regarding this request for a meeting. McShane asked if the Council had concerns about arranging such a meeting. Pastue

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advised that this issue was specifically addressed at a recent special meeting and that the City had met with the business owners. He stated his intent to attend the next Traffic and Safety Board meeting to discuss the parking situation in the context of the Downtown Master Plan. He noted that the recommendation by the Traffic and Safety Board conflicts with the long term Master Plan. He recognized the merit of Mr.

DeCorte's proposal for addressing that specific parking issue. He stated that he has no objection to arranging a meeting, but cautions that it may send a conflicting message to business owners as to what the City wants.

Mayor Campbell noted that the City has had discussions with the business owners. He emphasized that the parking in the Downtown must be addressed as part of an overall plan.

McShane noted that it was discussed at an earlier meeting that the implementation of the Master Plan as it relates to parking could take several years and that the Traffic and Safety Board's recommendation could be an effective short term solution.

Knol concurred with McShane, stating that a short term parking solution is needed. She recommended arranging a meeting as requested by the Traffic & Safety Board.

Pastue agreed to schedule a meeting with the business owners in order to review with them the recommendation and to discuss the long term Master Plan.

COUNCIL COMMENT

Councilmember Bush recognized the 25th anniversary of Interim Director Wiggins. She reminded everyone of the upcoming Farmington/Farmington Hills Home Tour on September 18th & 19th.

PUBLIC SAFETY DEPARTMENT QUARTERLY OPERATIONS REPORT – APRIL-JUNE 2004

09-04-206 MOTION by Knol, seconded by Mitchell, to receive and file the Public Safety Department Quarterly Operations Report for period ending June 30, 2004. MOTION CARRIED UNANIMOUSLY.

DEPARTMENT OF PUBLIC WORKS AND WATER & SEWER DEPARTMENT QUARTERLY REPORT – APRIL 1, 2004 THROUGH JUNE 30, 2004

09-04-207 MOTION by Mitchell, seconded by McShane, to receive and file the Department of Public Works and Water & Sewer Department Quarterly Report for period ending June 30, 2004. MOTION CARRIED UNANIMOUSLY.

APPROVE MONTHLY PAYMENTS REPORT

09-04-208 MOTION by McShane, seconded by Mitchell, to approve the monthly payments report for August 2004. MOTION CARRIED UNANIMOUSLY.

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ADJOURNMENT

09-04-209 MOTION by Bush, seconded by Knol, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 9:36 p.m.

ARNOLD T. CAMPBELL, Mayor

PATSY K. CANTRELL, City Clerk/Treasurer