

## COUNCIL PROCEEDINGS

A regular meeting of the Farmington City Council was held on Monday, January 6, 2003 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 Mitchell.

**PRESENT:** Mary L. Bush, Arnold T. Campbell, Michael J. Harrison, JoAnne M. McShane, James K. Mitchell.

**ABSENT:** None.

**OTHERS PRESENT:** Clerk/Treasurer Cantrell, Director Goss, Director Gushman, Assistant City Manager Richards, Attorney Schultz.

### **APPROVAL OF AGENDA**

**01-03-001** MOTION by Bush, seconded by McShane, to approve the agenda as submitted. MOTION CARRIED UNANIMOUSLY.

### **MINUTES OF PREVIOUS MEETING**

**01-03-002** MOTION by Campbell, seconded by Harrison, to approve the regular and study session minutes of December 2 and December 9, 2002; and special meeting minutes of November 20 (incl. closed session), December 7 (incl. closed session), December 13 (incl. closed session), December 21 (incl. closed session) and December 26, 2002. MOTION CARRIED UNANIMOUSLY.

### **MINUTES OF OTHER BOARDS**

**01-03-003** MOTION by Harrison, seconded by McShane, to receive and file the minutes of the following Boards and Commissions:

- Farmington Employees Retirement System Board of Trustees minutes of December 10, 2002.
- Downtown Development Authority minutes of December 3, 2002.
- Planning Commission minutes of December 9, 2002.
- Board of Review minutes of December, 2002.
- Farmington Area Arts Commission minutes of November 21, 2002.
- Traffic and Safety Board minutes of November 19, 2002.

MOTION CARRIED UNANIMOUSLY.

**PETITIONS AND COMMUNICATIONS**

**REQUEST FOR PROCLAMATION: LETTER FROM THE FARMINGTON AREA JAYCEES REQUESTING CITY COUNCIL PROCLAIM THE WEEK OF JANUARY 19-25, 2003 AS FARMINGTON AREA JUNIOR CHAMBER OF COMMERCE WEEK.**

Mayor Mitchell presented a proclamation to Stephanie Bessen, President of the Farmington Area Jaycees. Also present, representing the Jaycees, were Community Development Vice-President Renee McAdams, Director Kristen Stippich, and Director Mike Buatti.

**01-03-004** MOTION by McShane, seconded by Bush, to issue a proclamation declaring the week of January 19-25, 2003 as Farmington Area Junior Chamber of Commerce Week. MOTION CARRIED UNANIMOUSLY.

**REQUEST FOR PORTABLE SIGN AND OUTSIDE SEATING AT ANNA'S CAFÉ & BASKETS, 23622 FARMINGTON ROAD.** Administration advised that Anna Mariani, owner of Anna's Café & Baskets, has made two requests: the use of an outdoor portable sign, 2' tall by 1'6" wide, and the placement of four temporary chairs outside her storefront. Administration advised that if Council wished to grant the request for a portable sign, Council would need to grant an exception to City Code, Section 25-13(4). Administration further advised that the sidewalk in this area is heavily traveled by pedestrians, bicyclists and handicap individuals and seating would further restrict sidewalk width. Administration also advised that the City would likely be liable if an injury or accident was caused by the placement of the chairs and further, Oakland County roadway right-of-way extends to the actual building at this location.

Anna Mariani was present to answer questions.

Responding to a question from Council, Director Gushman stated that the major issues pertaining to the requests are that the sidewalk is adjacent to a major thoroughfare and it is not private property.

Council member Bush recognized the difficulties Ms. Mariani experienced during the road reconstruction and further cited Council's willingness to assist businesses wherever possible, however, in this case she felt it would be difficult to grant the request.

Council member McShane recognized Council's leniency towards businesses on Farmington Road during reconstruction, but advised that City ordinance must be closely followed now that construction is completed.

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Council member Campbell recommended that the Downtown Development Authority Director research other cities where this type of request has been accommodated given similar circumstances.

Council member Harrison expressed his support to accommodate this request in whatever way possible.

Responding to a question from Mr. Mariani, Council confirmed that in both requests there were obstacles to approval. Mayor Mitchell spoke about the Main Street Program and the additional marketing tools it will provide to the Downtown District.

**01-03-005** MOTION by Campbell, seconded by Harrison, to table a request from Anna Mariani to place a portable sign and temporary seating on the sidewalk outside of Anna's Café & Baskets, 23622 Farmington Road, until the regular council meeting on April 22, 2003 in order to allow the Director of the Downtown Development Authority time to conduct further research into how other cities, who have had similar requests, have handled the issues. MOTION CARRIED UNANIMOUSLY.

**CORRESPONDENCE FROM DOWNTOWN DEVELOPMENT AUTHORITY EXECUTIVE DIRECTOR BRENT MORGAN RE: PERMISSION FOR 2003 DOWNTOWN EVENTS.** Director Morgan requested permission to conduct Downtown Development Authority (DDA) events during the 2003 calendar year, providing Council with a listing of proposed events.

Director Morgan spoke briefly regarding the 2003 DDA events.

**01-03-006** MOTION by Bush, seconded by McShane, to authorize the Farmington Downtown Development Authority to conduct events in the downtown area during the 2003 calendar year, in the manner described and during the dates and times listed in the request. [SEE ATTACHED PROPOSED EVENT SCHEDULE]. MOTION CARRIED UNANIMOUSLY.

**REPORTS FROM CITY MANAGER**

**CONSIDERATION TO APPROVE RENEWAL COLLECTIVE BARGAINING AGREEMENT FOR COMMAND OFFICERS.** Administration advised that a tentative agreement had been reached with the Command Officers' group, represented by the Command Officers Association of Michigan (COAM). Administration further advised that this is a fair agreement for both the COAM and the City while providing important benefit improvements to this group.

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Council congratulated both the Administration and Command Officers group for achieving a resolution on this agreement.

**01-03-007** MOTION by McShane, seconded by Campbell, to approve a tentative new three-year collective bargaining agreement, July 1, 2002 through June 30, 2005, with the City of Farmington, Public Safety Officers/Command Officers Association of Michigan; benefit changes defined in the November 26, 2002 Tentative Settlement Agreement. [SEE ATTACHED AGREEMENT].

**ROLL CALL**

AYES: Campbell, Harrison, McShane, Mitchell, Bush.  
NAYS: None.  
ABSENT: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO RENEW MEMBERSHIP IN MICHIGAN MUNICIPAL LEAGUE.**

Administration recommended renewal of membership in the Michigan Municipal League including the Legal Defense Fund.

**01-03-008** MOTION by Harrison, seconded by Bush, to approve renewal of membership in the Michigan Municipal League, including the Legal Defense Fund, for the period February 1, 2003 through January 31, 2004, and authorize payment of the annual dues of \$5,067 and the Legal Defense Fund assessment of \$452; funds provided in the FY 2002-2003 budget.

**ROLL CALL**

AYES: Harrison, McShane, Mitchell, Bush, Campbell.  
NAYS: None.  
ABSENT: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION OF CONSTRUCTION ESTIMATE NO. 3 FOR THE FARMINGTON INTERCEPTOR SEWER REHABILITATION PROJECT.**

Administration advised that Insituform Technologies, USA, Inc. has completed approximately 95% of the cured-in-place sewer lining and has submitted Construction Estimate No. 3 for period ending November 23, 2002. Administration further advised that both the City Engineers and the Public Services Director have reviewed Construction Estimate No. 3 and have recommended payment.

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**01-03-009** MOTION by Campbell, seconded by Harrison, to authorize payment for Construction Estimate No. 3 in the amount of \$199,435.83 to Insituform Technologies, USA, Inc. of Lemont, Illinois, for work completed on the Farmington Interceptor Sewer Rehabilitation Project; funds provided in the FY 2002-2003 Water and Sewer Fund and the Federal Environmental Protection Agency Grant.

**ROLL CALL**

AYES: McShane, Mitchell, Bush, Campbell, Harrison.  
NAYS: None.  
ABSENT: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION OF CONSTRUCTION ESTIMATE NO. 6 (FINAL) AND CHANGE ORDER NO. 2 FOR THE 2002 PAVING PROGRAM.** Administration advised that the 2002 paving program has been completed and current Estimate No. 6 is the final estimate that includes restoration work and retainage in the Woodcroft subdivision and a portion of Oakland Street between Grand River and Wilmarth. Administration further advised that both the City Engineers and Public Services Director have reviewed Construction Estimate No. 6 and recommend payment.

**01-03-010** MOTION by Harrison, seconded by Bush, to approve Construction Estimate No. 6 (Final) and Change Order No. 2 for payment in the amount of \$15,276.11 to Summit Transport, Inc. of Brighton, Michigan for the 2002 Paving Program; funds provided in the FY 2002-03 budget.

**ROLL CALL**

AYES: Mitchell, Bush, Campbell, Harrison, McShane.  
NAYS: None.  
ABSENT: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION OF MICRO BREWER LICENSE AT 23331 ORCHARD LAKE ROAD, EVEREST CATERING COMPANY.** Administration advised that Everest Express Restaurant owners, Pradip Poudel and Nidhal Gorges, have made a request to the Liquor Control Commission for a Micro Brewer license for their location. Administration further advised that the requirements for this type of license are the same as a regular Class "C" license and Council approval is required.

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Administration advised that a Micro Brewer license would allow the restaurant to provide dine-in customers the opportunity to purchase homemade Nepali beer that the owners believe would be an important addition to the menu and result in a more successful business. Finally, Administration advised that it is unlikely the addition of a liquor license will have any ill effects with regards to area businesses or schools.

The owners Pradip Poudel and Nidal Gorges were present to discuss their request. Mr. Poudel stated that a liquor license would enable him to upgrade his restaurant as a "fine dining" establishment.

Responding to a question from Council, Mr. Poudel stated that the Nepali beer would be manufactured on site, but would be bottled elsewhere.

Director Goss confirmed that a micro brewer license requires the beer to be manufactured on site, but allows bottling to be done elsewhere; and also allows for dining in and carryout sales.

Council cautioned Mr. Poudel to serve beer only to customers age 21 and over.

**01-03-011** MOTION by Harrison, seconded by Campbell, to grant local government approval for a Micro Brewer license at 23331 Orchard Lake Road, Everest Catering Company, and forward a resolution of approval to the Liquor Control Commission. [SEE ATTACHED RESOLUTION]. MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION OF BID AWARD, WARNER MUSEUM BATHROOM RENOVATION.** Administration advised that the Public Services Department has reviewed the bids for demolition and rough carpentry on the second floor bathroom at the Warner Museum and recommended award of the bid to the lowest bidder.

**01-03-012** MOTION by Bush, seconded by McShane, to award the bid to perform demolition and rough carpentry on the second floor bathroom at the Warner Museum, per bid specifications, to the lowest bidder, Carpentry by Tony, in the bid amount of \$3,860.00; funds provided in the FY 2002-03 budget.

**ROLL CALL**

AYES: Bush, Campbell, Harrison, McShane, Mitchell.  
NAYS: None.  
ABSENT: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION OF APPOINTMENT OF, AND EMPLOYMENT AGREEMENT WITH, ACTING CITY MANAGER TO SERVE PURSUANT TO SECTION 4.9 OF THE CITY CHARTER UNTIL NEW CITY MANAGER TAKES OFFICE.**

Mayor Mitchell read, for the record, the Consideration of Appointment of, and Employment Agreement With, Acting City Manager to Serve Pursuant to Section 4.9 of the City Charter Until New City Manager Takes Office, as follows:

On December 28, 2002 the City Council met to discuss the appointment of an interim City Manager to serve from the retirement date of City Manager Lauhoff until a new city manager is appointed. A discussion took place concerning various options and the need for an interim manager. A motion was approved to authorize the Mayor to explore and negotiate the terms of an agreement with William Costick to act as city manager for the City of Farmington for a stipulated period of time.

The Mayor met with Mr. Costick on January 2, 2003 to discuss the Council's desire that he be appointed as acting city manager on a part-time basis and only until the appointment of Mr. Vincent Pastue, who has been offered the position of City Manager. At the conclusion of the discussion, it was agreed that Mr. Costick would have designated office hours two or three times per week, in the mornings and would attend the City Council meetings during this period of time.

Mr. Costick has proposed office hours of 9:00 a.m. to 12:00 p.m. for the dates of January 8, 13, 21, 23, 27, 31 and February 3, 5, 10, 12, and 14 and the hours of 11:00 a.m. to 1:00 p.m. on January 10. He will attend the City Council meetings on January 21 and February 3 and also February 17 (if necessary).

At the request of the Mayor, the Acting City Attorney, Tom Schultz, has drafted a Memorandum of Understanding Regarding the Acting City Manager. The Agreement, among other things, sets forth that the Acting City Manager will have the responsibilities, duties, functions, and authority of the City Manager as set forth in Section 4.8 of the Charter. The term of the agreement is expected to run from January 8 to approximately February 15, 2003. The City Council may terminate the agreement at any time; Mr. Costick may terminate the agreement upon seven (7) days written notice to the City Council. Mr. Costick will be paid an hourly fee, payable to Orchard, Hiltz and McCliment, (OHM), of one hundred twenty eight dollars (\$128.00) which represents the entire compensation for all

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services provided. During the time of this Agreement, Mr. Costick will remain an employee and/or principal of OHM.

The Mayor believes the Memorandum of Understanding encompasses the intentions and needs that the City Council outlined in discussions on December 26, 2002 in regard to an Acting City Manager and is in the best interest of the City.

The Mayor would recommend that the City Council authorize the Mayor to sign the Memorandum of Understanding Regarding the Acting City Manager on behalf of the City of Farmington.

Mayor Mitchell confirmed that in addition to the proposed office hours, Mr. Costick would be available on an emergency basis and could also be reached at Orchard, Hiltz and McCliment where he is employed.

**01-03-013** MOTION by Campbell, seconded by McShane, to authorize the Mayor to sign the Memorandum of Understanding Regarding the appointment of an Acting City Manager on behalf of the City. [SEE ATTACHED AGREEMENT].

**ROLL CALL**

AYES: Campbell, Harrison, McShane, Mitchell, Bush.  
NAYS: None.  
ABSENT: None.

MOTION CARRIED UNANIMOUSLY.

**MISCELLANEOUS**

**PUBLIC COMMENT.**

No public comments were heard.

**COUNCIL COMMENTS AND ANNOUNCEMENTS.**

Mayor Mitchell requested a volunteer to attend a meeting of the Commission on Children, Youth and Families on January 16, 2003 at 8:00 a.m. at the Farmington Hills Library regarding "family night".

**CONSIDERATION TO ESTABLISH MEETING SCHEDULE WITH CITY BOARDS AND COMMISSIONS.** Administration presented Council with a proposed meeting schedule for City Boards and Commissions for 2003.



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**01-03-014** MOTION by McShane, seconded by Bush, to establish a meeting schedule with Boards and Commissions for 2003. [SEE ATTACHED SCHEDULE]. MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO SET DATE FOR SPECIAL JOINT MEETING WITH THE FARMINGTON PUBLIC SCHOOL BOARD AND FARMINGTON HILLS CITY COUNCIL.**

**01-03-015** MOTION by Bush, seconded by Harrison, to schedule an annual joint meeting of Farmington and Farmington Hills City Councils and the Farmington Public School Board on February 18, 2003 at 7:30 p.m. at the Farmington Training Center. MOTION CARRIED UNANIMOUSLY.

**APPROVE MONTHLY PAYMENTS REPORT**

**01-03-016** MOTION by Campbell, seconded by McShane, to approve the Monthly Payments Report for December, 2003. MOTION CARRIED UNANIMOUSLY.

**ADJOURNMENT**

**01-03-017** MOTION by McShane, seconded by Bush, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

Meeting adjourned at 8:47 p.m.

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JAMES K. MITCHELL, MAYOR

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PATSY K. CANTRELL, CITY CLERK/TREASURER