

COUNCIL PROCEEDINGS

A regular meeting of the Farmington City Council was held on Monday, September 15, 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 8:08 p.m. by Mayor Mitchell.

PRESENT: Bush, McShane, Mitchell.

ABSENT: Campbell, Harrison.

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

Mayor Mitchell asked City Manager Pastue to comment on the patriotic wreath on display in the Council Chambers. Pastue stated that the wreath was presented to the Cities of Farmington and Farmington Hills by the American Legion in tribute to those lost in the 9-11 terrorist attack. He further stated that the wreath would be on display in City Hall for an unspecified time and would then be transferred to the Farmington Hills City Hall.

APPROVAL OF AGENDA

09-03-223 MOTION by Bush, seconded by McShane, to approve the agenda as submitted. MOTION CARRIED UNANIMOUSLY.

MINUTES OF PREVIOUS MEETING

09-03-224 MOTION by McShane, seconded by Bush, to approve the regular and special meeting minutes of September 2, 2003. MOTION CARRIED UNANIMOUSLY.

MINUTES OF OTHER BOARDS

09-03-225 MOTION by Bush, seconded by McShane, to receive and file the minutes of the following boards and commissions:

- Farmington Employees' Retirement System Board of Trustees minutes of August 14, 2003.
- Civic Theatre Committee minutes of September 4, 2003.

MOTION CARRIED UNANIMOUSLY.

PRESENTATION: CARLEIGH FLAHARTY, COMMISSION ON THE ENVIRONMENT MEMBER RE: 2003 BEAUTIFICATION AND COMMUNITY AWARDS CEREMONY

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Carleigh Flaharty announced that the Environmental Awards Ceremony would be held on October 22, 2003 from 5:00 p.m. to 6:30 p.m. on the grounds of the Warner Mansion. She stated that the Commission is currently soliciting nominations for both residential and business properties. She further stated that one residential property from each of the six voter precincts would receive an award. She discussed the criteria on which the awards would be based. Flaharty stated that up to five business properties would receive an award with the top vote getter receiving the Mayor's trophy. She discussed the possibility of the Downtown Development Authority giving out an award to a business in the Downtown District.

Flaharty stated that the Commission is continuing the Community Awards and would involve the Council, as done in the past, to help identify those residents who have served in the community. She further stated that the Commission is seeking nominations for this award from the community.

Responding to a question, Flaharty stated that the Council would make the selections for the Community Awards.

PETITIONS AND COMMUNICATIONS

PETITION – DOWNTOWN HALLOWEEN FUN FESTIVAL

City Administration advised that the Downtown Farmington Merchants Association (DFMA) has requested permission to place scarecrows on streetlights, trees and buildings in the Downtown Business District as part of their Halloween Fun Festival. Administration further advised that each scarecrow would be sponsored by a downtown business. Administration noted that this event would be similar to what was authorized last year and has received approval by the Downtown Development Authority (DDA).

Brent Morgan, Director of the DDA, was present to discuss other activities planned by the DFMA during the Halloween Fun Festival. He stated that trick-or-treating would take place in the downtown on October 25, 2003 from 11:00 a.m. to 1:00 p.m.

Mitchell noted that during the evening of October 24, 2003 the Warner Mansion would be sponsoring a new event related to Halloween. He asked if the DFMA activities could be coordinated with that event.

Discussion followed regarding the specifics of the Halloween event at the Mansion. Pastue stated that the Main Street Promotion Committee has been in contact with the Mansion Director to work cooperatively and integrate programs.

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Responding to a question, Pastue stated that the condition of the scarecrows would be monitored throughout the display period to ensure they stay in good shape.

Responding to a question, Morgan stated that he was unsure whether scarecrow judging was planned.

09-03-226 RESOLUTION Motion by McShane, seconded Bush, to approve a request from the Downtown Farmington Merchants Association to display scarecrows on streetlights, trees and buildings in the Downtown Business District as part of the Halloween Fun Festival, from October 15, 2003 through November 5, 2003.

Motion Carried Unanimously.
RESOLUTION DECLARED ADOPTED.

BOARDS AND COMMISSIONS

RESIGNATION FROM BOARD OF ZONING APPEALS

09-03-227 MOTION by Bush, seconded by McShane, to accept the resignation of Coreen Paul from the Zoning Board of Appeals effective immediately. MOTION CARRIED UNANIMOUSLY.

REPORTS FROM CITY MANAGER

CONSIDERATION OF LOT SPLIT FOR WENDY'S RESTAURANT

City Administration advised that Mr. Anthony Kashat, partner and representative of Orchard Lake Road, LLC and owner of the two-story office building (occupied by AKT Peerless) and associated land at 22725 Orchard Lake Road, has requested a lot split for that property. Administration further advised that this lot split is necessary in order for Wendy's Restaurant construction to proceed. Administration advised that the City Assessor has confirmed that sufficient parking exists on both proposed parcels based on current use. Administration noted, however, that the proposed lot split would create a deficiency for the AKT Peerless parcel if the lot split were approved. Administration advised that it would be necessary for the two parties to approve a parking agreement and have it recorded with the Oakland County Register of Deeds.

Administration stated that the Planning Commission has approved a site plan for Wendy's Restaurant contingent upon approval of the lot split and landscaping and lighting plan.

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Discussion followed regarding the lot split and the drive-through, between Mooney and Orchard roads, that would be created as a result. Responding to a question, Director Gushman stated that in his opinion a traffic problem would not result from this drive-through and noted there are other similar drive-throughs in that same block. He also stated that the proposed drive-through does not connect directly to a residential area which is always a concern.

Responding to a question, Pastue stated that parking for the two lots would not be posted separately. He stated his concern that parking for the AKT Peerless parcel might not be adequate in the long term if there is a change of use in the building.

Mitchell also expressed his concern regarding change of use for the AKT Peerless parcel, noting that if the basement of the building were used it would necessitate additional parking. Gushman stated that AKT Peerless has no plans to use the basement other than for storage. Mitchell noted that if AKT Peerless agrees to a fourteen parking space easement they would be excluding themselves from improving the basement. Gushman noted that the number of proposed parking spaces was calculated based on a blended use of the basement and the two stories of the building.

Pastue stated that the number of parking spaces proposed for AKT Peerless is more than adequate for their current needs and allows flexibility for more intense use of the building in the future. As a side note, he stated that a change is under consideration that would address the need to conduct more extensive reviews of proposed changes submitted to the Planning Commission and Zoning Board.

09-03-228 RESOLUTION Motion by McShane, seconded by Bush, to approve the lot split as proposed at 22725 Orchard Lake Road, on condition that a permanent parking easement be drafted, acceptable by both City Administration and the City Attorney, and recorded with the Oakland County Register of Deeds, providing for the unrestricted use of at least fourteen parking spaces on the Wendy's Restaurant site.

Motion carried unanimously.
RESOLUTION DECLARED ADOPTED.

INTRODUCTION TO AMEND GRASS AND NOXIOUS WEED ORDINANCE, C-696-2003

City Administration advised that this proposed amendment to Chapter 19, "Nuisances" of the City Code is a result of the need to further address problems associated with high grass and noxious weeds. Administration noted that the amended ordinance complies with the state statute granting municipalities the authority to regulate these nuisances.

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Responding to a question, Pastue stated that a variety of noxious weeds are described in the ordinance, but that the proposed ordinance also allows the City Manager to define other noxious weeds.

McShane requested that the amended ordinance be published in the City newsletter and included in programming for cable. Responding to a question, Pastue stated the City will use discretion in requiring the removal of noxious weeds, but noted that high grass and noxious weeds associated with public health concerns would be addressed. He stated that it would be difficult to address noxious weeds that simply are not aesthetically pleasing.

09-03-229 RESOLUTION Motion by McShane, seconded by Bush, to introduce Ordinance No. C-696-2003, to amend Chapter 19, "Nuisances" of the City Code of the City of Farmington, in order to revise certain terminology, to provide additional regulations, and to clarify procedures with regard to grass and noxious weeds. [SEE ATTACHED ORDINANCE].

Motion carried Unanimously.
RESOLUTION DECLARED ADOPTED.

CONSIDER APPROVAL OF CIVIC THEATRE COMMITTEE 2003-04 GOALS

Assistant City Manager Richards stated that the Civic Theatre Committee had conducted a planning and goal setting session that resulted in proposed 2003-04 goals.

McShane expressed concern regarding the proposed goal that would incorporate advertisements and announcements in pre-movie presentations. Richards stated that the pre-movie presentations would not only include advertisements, but public service announcement and "fun facts" about the City as well.

Responding to an additional question, Richards stated that announcements from charitable organizations would also be included, but onsite solicitation would not be allowed.

Discussion followed regarding proposed upcoming events.

09-03-230 RESOLUTION Motion by Bush, seconded by McShane, to approve the 2003-04 goals as proposed by the Civic Theatre Committee. [SEE ATTACHED STATEMENT].

Motion carried unanimously.
RESOLUTION DECLARED ADOPTED.

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MISCELLANEOUS

PUBLIC COMMENT

No public comment was heard.

COUNCIL COMMENT

Council member Bush announced that in September, 2004 there will be a combined Farmington/Farmington Hills historical home tour. She stated that the committee in charge of this tour would be seeking to include additional homes.

Council member Bush also noted that she would be serving on a committee, organized through the schools, that would promote informed and responsible citizenship. She stated the goal of the committee is to serve as a forum to discuss, explore and facilitate increased awareness and involvement in the process of government and to encourage students to define their role as citizens.

Mayor Mitchell noted the ceremonies and tour that took place earlier that evening in recognition of the recent opening of the new 47th District Court with a keynote address given by Chief Justice Corrigan.

ADJOURNMENT

09-03-231 MOTION by McShane, seconded by Bush, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

Meeting adjourned at 8:51 p.m.

JAMES K. MITCHELL, MAYOR

PATSY K. CANTRELL, CITY CLERK/TREASURER