

FARMINGTON CITY COUNCIL
REGULAR MEETING

A regular meeting of the Farmington City Council was held on Monday, August 2, 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

08-04-160 MOTION by Knol, seconded by McShane, to approve the agenda as submitted. MOTION CARRIED UNANIMOUSLY.

MINUTES OF PREVIOUS MEETING

08-04-161 MOTION by Bush, seconded by Mitchell, to approve the special and regular meeting minutes of July 6, 2004. MOTION CARRIED UNANIMOUSLY.

PETITIONS AND COMMUNICATIONS

REQUEST FOR OUTDOOR SPECIAL EVENT (BREAST CANCER 3-DAY FUNDRAISING WALK)

Administration advised that a special event application was received from Christina Mihalek, representing the Michigan Breast Cancer Three-Day Walk-A-Thon, to include Farmington as part of the event on August 22, 2004. Administration further advised that the event organizers have signed an indemnification agreement and provided the City with a certificate of insurance naming the City as an additional insured.

Councilmember Knol recommended that City Administration advise churches located along the route of this event.

RESOLUTION 08-04-162 Motion by Bush, seconded by McShane, to approve a request from NPT Breast Cancer 3-day LLC, to include Farmington as part of the Michigan Breast Cancer 3-Day Walk-A-Thon; along the route as designated, on August 22, 2004 from 7:30 a.m. to 10:00 a.m.; signs to alert drivers and protect walkers will be placed throughout the route on Saturday, August 21 and removed on Sunday, August

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22, 2004; provided that a signed indemnification agreement and certificate of insurance naming the City as an additional insured is provided by event organizers. MOTION CARRIED UNANIMOUSLY.

REQUEST FOR “TAG DAYS” – FUNDRAISING EVENT

RESOLUTION 08-04-163 Motion by McShane, seconded by Knol, to grant permission to the Farmington High Schools’ Band and Orchestra Boosters to hold a “Tag Days” fundraising event Friday, September 10, 2004 from 3:00 p.m. to 9:00 p.m. and Saturday, September 11, 2004 from 9:00 a.m. to 6:00 p.m. at the entrances of local merchants with their permission. MOTION CARRIED UNANIMOUSLY.

COMMUNITY LIVING CENTERS, INC. – REQUEST FOR BANNER

Administration advised that a sign variance request was received from Christine Compton, representing The Community Living Centers, Inc., to hang a banner on their office building to publicize the 3rd Annual Celebrity Charity Softball Game benefiting adults with developmental disabilities.

Christine Compton was present to discuss her request and respond to questions.

RESOLUTION 08-04-164 Motion by Knol, seconded by Bush, to grant a sign variance to The Community Living Centers, Inc., 33235 Grand River, to hang a 3’ x 10’ banner on the Grand River side of the building, from Friday, August 20 through Saturday, August 28, 2004, for the purpose of publicizing the 3rd Annual Celebrity Charity Softball Game benefiting adults with developmental disabilities. MOTION CARRIED UNANIMOUSLY.

REQUEST FOR 9/11 SPECIAL EVENT – WALTER CHRISTENSEN

Administration advised that Walter Christensen, on behalf of the Veterans Organizations in Farmington, has requested approval for a 9/11 Memorial Service to be held on Saturday, September 11, 2004, at Memorial Park. Administration further advised that the event would involve closing Grand River Avenue west of Farmington Road to Oakland for approximately three hours.

Walter Christensen was present to speak about the program planned for the memorial service.

Responding to a question, Director Wiggins confirmed that extra manpower would be required for this event, however, not on the same scale as either of the parades held in Farmington.

Discussion followed regarding parking requirements for the event. Mr. Christensen advised that maps for the event would be distributed.

RESOLUTION 08-04-165 Motion by Mitchell, seconded by Knol, to approve a request from Walter Christensen to hold a 9/11 Memorial Service in Memorial Park on Saturday,

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September 11, 2004; authorize the closing of Grand River west of Farmington Road to Gill Road from 8:00 a.m. to 12:00 p.m.; hold the State of Michigan, Department of Transportation, harmless from any liability resulting from the closing, and authorize the Public Safety Department to file for the appropriate permits with the Michigan Department of Transportation. MOTION CARRIED UNANIMOUSLY.

PETITION – DAMMAN HARDWARE TENT SALE

Administration advised that Damman Hardware has submitted a request to hold a tent sale in the municipal parking lot from August 17 through August 23, 2004, to be located directly north of the store, eliminating the use of 20 parking spaces. Administration further advised that Interim Director Wiggins expressed no concerns upon reviewing the request.

RESOLUTION 08-04-166 Motion by McShane, seconded by Bush, to approve a request by Damman Hardware to hold a tent sale in the municipal parking lot, located directly north of the store, 23300 Farmington Road, August 17 through August 23, 2004; the tent measuring 60' x 30', as proposed, with a buffered area; contingent on the proponent providing a certificate of insurance naming the City as additional insured. MOTION CARRIED UNANIMOUSLY.

SIGN VARIANCE REQUEST – BEL-AIRE SHOPPING CENTER

Administration advised that Jack Atisha, A.B.S. Investments, requested a sign variance for the Bel-Aire Shopping Center on Orchard Lake Road. Administration further advised that the variance involves two aspects of the sign ordinance concerning the number and size of signs allowed.

Mr. Atisha was present to discuss the basis for his sign variance request.

At Council's request, City Manager Pastue clarified that any action taken by Council would be for only one ground sign and that the variance relates to the size of the sign only.

Councilmember Bush asked if the spelling of the Center's name had been changed. Mr. Atisha responded that he had not intended to make a change.

Bush stated her support for compliance with the sign ordinance and to deny the variance request.

Councilmember McShane stated that there is no apparent hardship that would warrant a variance approval.

Responding to a question, Director Gushman stated that he believes the two nonconforming signs currently on the property were grandfathered when the current sign ordinance became effective. He further stated that the second nonconforming sign was redone for the Dollar General store.

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Attorney Schultz advised that according to City Ordinance, nonconforming signs can only be repainted with no changes to text. He further advised that in reality the courts do not allow the City to be so restrictive. He advised that once a nonconforming sign is removed, it cannot be replaced without a variance approval from Council. He further advised that Council could approve the new sign, subject to the proponent removing the Dollar General sign.

Council recognized Mr. Atisha's significant improvement of, and investment in, the Bel-Aire Center.

Mitchell suggested that a well-designed, conforming sign would provide sufficient visibility for the Center.

Mr. Atisha responded that a smaller sign would not provide sufficient space to display the names of all the tenants.

Knol cited the Village Commons sign as one that is both conforming and displays several tenants.

Bush noted that unlike the Village Commons, the Bel-Aire Center faces the main road providing visibility for all tenants.

Mitchell confirmed with administration that tenants are allowed to display signage on the building in addition to the ground sign.

Knol also stated her support for compliance with the sign ordinance and to deny the variance request.

RESOLUTION 08-04-167 Motion by Bush, seconded by Knol, to deny the request from Jack Atisha, A.B.S. Investments, for a sign variance at the Bel-Aire Shopping Center on Orchard Lake Road, based on the fact that the proponent did not show unique or unusual conditions affecting the property. MOTION CARRIED UNANIMOUSLY.

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

Administration advised that a sign variance request was received from Frank Clappison for the Center Holding Property at 33001-49 Grand River. Administration further advised that the variance involves three aspects of the sign ordinance: a ground sign in the Central Business District, height and size of sign.

Mr. Clappison was present to discuss the basis for his sign variance request. He indicated that the height of the nonconforming sign is necessary for visibility on Grand River. He further indicated that current lease agreements require him to provide pylon signage. He discussed the unsightliness of the current sign.

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Responding to a question, Clappison confirmed that the proposed sign would be located in the same spot as the current one.

Responding to an additional question, Clappison stated that the sign is located on his property and should not interfere with the proposed changes provided in the Downtown Master Plan.

City Attorney Schultz confirmed that the pylon sign qualifies as a ground sign, as defined by ordinance. He stated that the proponent would need to demonstrate a basis for a variance aside from the lease agreements.

Knol cited other businesses in the Downtown that have a similar situation with regard to location and limited sign visibility. She expressed her concern about perpetuating nonconformity should Council approve a sign variance.

Responding to a question, Clappison confirmed that he could not make the sign lettering flush with the sign.

Discussion followed regarding options to the current sign and the possibility of waiving the requirement for a pylon sign in the tenant lease agreements.

Attorney Schultz stated that the ordinance allows repainting and electrical work on the current sign, however, structural changes would require a permit and variance approval.

Pastue stated further review is needed with regard to the location of the sign as it relates to changes provided in the Downtown Master Plan.

Mitchell suggested that the City join with Clappison in working towards a solution with the tenants regarding the signage.

RESOLUTION 08-04-168 Motion by Mitchell, seconded by McShane, to table a sign variance request from Frank Clappison, representing Center Holding Property at 33001-49 Grand River, in order to provide additional time for Mr. Clappison to further review and discuss current lease agreements with tenants to determine if other signage options are available. MOTION CARRIED UNANIMOUSLY.

SIGN VARIANCE REQUEST – WORKOUT EXPRESS, 32742 GRAND RIVER

Administration advised that a sign variance request was received from Workout Express, a new business opening in the Village Commons. Administration further advised that the proponent has requested the display of a temporary banner on the face of the building and a temporary ground sign.

Marcia Williams and Anicia Blake were present to respond to questions.

Responding to a question, Ms. Williams stated that the request is for one banner at a time. She further stated that the first banner would display “Coming Soon” and once the

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business opens, the second banner would display "Grand Opening".

Responding to an additional question, Ms. Williams stated that her business is scheduled to open in mid September.

Discussion followed regarding the length of time each banner should be displayed. Attorney Schultz advised that since this is a variance request, the length of time is at Council's discretion.

RESOLUTION 08-04-169 Motion by Knol, seconded by McShane, to approve a sign variance request from Workout Express, 32742 Grand River, allowing the display of two banners, displayed at separate times on the building, for a total of ninety days; and an additional ground sign for a total of sixty days, both banner and ground signs to state either "Coming Soon" or "Grand Opening"; contingent upon the landlord's approval. MOTION CARRIED UNANIMOUSLY.

MICHIGAN MUNICIPAL LEAGUE WORKERS' COMPENSATION TRUSTEE ELECTION

Administration recommended that City Council cast votes supporting seven Michigan Municipal League members to serve as Workers' Compensation Trustees for two-year terms beginning October 1, 2004, noting that five of the members are incumbents and two are seeking to serve for the first time.

08-04-170 MOTION by Bush, seconded by McShane, to vote for the following seven members to represent the constituency of the Workers' Compensation Fund and direct the City Clerk to complete the ballot and return it to the League prior to August 13, 2004.

- Jeff Bremer, City Administrator, City of Lathrup Village
- Kevin Cornish, Village Manager, Village of Clinton
- Linda Gedeon Kuhn, Commissioner, City of Bridgman
- Joseph A. Grutza, Fire Chief, City of Trenton
- James E. Leidlein, City Manager, City of Harper Woods
- Paul E. Opsommer, Mayor, City of DeWitt
- Kevin Welch, City Manager, City of Tecumseh

MOTION CARRIED UNANIMOUSLY.

APPOINTMENT OF DELEGATE FOR ANNUAL MICHIGAN MUNICIPAL LEAGUE MEETING

08-04-171 MOTION by McShane, seconded by Bush, to designate Mayor Campbell as the City's official representative and voting delegate to the annual meeting of the Michigan Municipal League, September 30 through October 2, 2004, and designate Mayor Pro Tem McShane to serve as alternate. MOTION CARRIED UNANIMOUSLY.

BOARDS AND COMMISSIONS

08-04-172 MOTION by Bush, seconded by Knol, to reappoint William Burke, David Gronbach and William Ingalls to the Planning Commission, for three-year terms expiring June 30, 2007. MOTION CARRIED UNANIMOUSLY.

REPORTS FROM CITY MANAGER

SMART AGREEMENT FOR TRANSFER OF MUNICIPAL AND COMMUNITY CREDITS

Administration advised that annually the City enters into an agreement with the Suburban Mobility Authority for Regional Transportation (SMART) to receive municipal and community credits for local transportation.

RESOLUTION 08-04-173 Motion by Mitchell, seconded by Knol, to approve and authorize the City Manager to sign an agreement with the Suburban Mobility Authority for Regional Transportation (SMART) to receive municipal credits in the amount of \$9,795.00 for FY 2004-05; to provide funding for the senior and handicapped transportation system operated through the City of Farmington Hills; and to receive community credit funds of \$12,244.00 to be transferred to the City of Farmington Hills transportation program for expanded community transportation services. **[SEE ATTACHED AGREEMENT].**

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

MAINTENANCE AGREEMENT FOR FARMINGTON ROAD

Administration advised that the Road Commission for Oakland County has proposed continuance of the agreement with the City of Farmington for the maintenance of Farmington Road. City Administration further advised that the County has offered to compensate the City at a rate of \$11,042.41 per mile, for a total annual compensation of \$18,772.10, resulting in a 2.0% increase over last year.

RESOLUTION 08-04-174 Motion by Knol, seconded by Mitchell, to accept the terms of a maintenance agreement with the Road Commission for Oakland County for the maintenance of Farmington Road, for a one-year period beginning October 1, 2004 and authorize the City Manager and City Clerk to execute the contract on behalf of the City. **[SEE ATTACHED AGREEMENT].**

ROLL CALL

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

Nays: None.

Absent: None.

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MOTION CARRIED UNANIMOUSLY.

CONSTRUCTION ESTIMATE NO. 2 – 2004 SIDEWALK REPLACEMENT PROGRAM

Administration advised that Hard Rock Concrete has completed approximately 33% of the 2004 Sidewalk Replacement Program. Administration further advised that Director Gushman has reviewed and approved the construction estimate for payment.

RESOLUTION 08-04-175 Motion by McShane, seconded by Bush, to approve construction estimate no. 2 for the 2004 Sidewalk Replacement Program and authorize payment in the amount of \$29,290.12 to Hard Rock Concrete; funds provided in the FY 2003-04 budget.

ROLL CALL

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

MOTION CARRIED UNANIMOUSLY.

CONSTRUCTION ESTIMATE NO. 3 – 2004 PAVING PROGRAM

Administration advised that Construction Estimate No. 3 for the 2004 Paving Program covers the reconstruction of State Street from Farmington Road to Liberty and improvements 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 08-04-176 Motion by Mitchell, seconded by Knol, to approve construction estimate no. 3 for the 2004 Paving Program and authorize payment in the amount of \$166,672.44 to Tiseo Brothers Inc.; funds provided in the FY 2003-04 budget.

ROLL CALL

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

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE BIDS FOR ROOF REPLACEMENT AT THE CIVIC THEATRE

Administration advised that the City has retained the Avrie Group as a consultant for the replacement of the Civic Theatre roof. Administration further advised that upon receipt and review of bids solicited from six companies, the Avrie Group recommended that Council award to the low bidder, C. Davis Roofing Company.

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Mayor Campbell questioned whether the C. Davis Roofing Company could provide additional roof protection to increase longevity since the bid came in significantly under budget.

Director Gushman noted that additional funds could be used for interior repairs needed as a result of the roof leaking and for unanticipated repairs that may arise as the old roof is removed.

Responding to a question, Gushman stated the original roof was put on in the forties and the most recent layer was added in the eighties. He stated that the new roof would be made of rolled rubber similar to that of City Hall.

Responding to an additional question, Gushman stated that an insurance claim was not filed on the interior damage due to the limited repair needed.

RESOLUTION 08-04-177 Motion by Bush, seconded by McShane, to accept the bids for the Civic Theatre Roof Replacement and award the contract to the low bidder, C. Davis Roofing Company in the amount of \$64,000; funds provided in the FY 2004-05 budget.

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO AUTHORIZE AGREEMENT WITH SOUTHWESTERN OAKLAND COUNTY CABLE COMMISSION (SWOCC) TO PROVIDE GENERAL ACCOUNTING SERVICES

Administration advised that the proposal amount for the Clerk/Treasurer's office to provide general accounting services for SWOCC, previously approved by Council, was presented to the SWOCC Board. Administration further advised that SWOCC counter offered with a reduced amount totaling \$18,900 in cash and in-kind services.

Administration advised that after discussing the matter with Clerk/Treasurer Cantrell, it was agreed that the service, at the amount offered by SWOCC, would be provided for a one-year period and re-evaluated at the end of that time.

Responding to a question, Pastue stated the services provided to SWOCC would be specifically defined.

RESOLUTION 08-04-178 Motion by McShane, seconded by Bush, to authorize City Administration to prepare an agreement with Southwestern Oakland Cable Commission to provide general accounting services, exclusive of payroll, effective July 1, 2004 with the following stipulations:

- City to be compensated \$18,800 in cash or in-kind production services.

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- The agreement would be for a one-year period beginning July 1, 2004.
- Subject to review and approval by the City Attorney as to its form.

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

RESOLUTION TO ESTABLISH PARKS AND RECREATION MASTER PLAN COMMITTEE

Administration advised that as part of the 2004 Goals and Objectives, the City Council authorized the update of the City's Parks and Recreation Master Plan. City Administration further advised that a resolution has been developed to establish an ad hoc committee comprised of five to seven members representing: City of Farmington Hills, Farmington Public Schools, Planning Commission, Mayor's Youth Council and residents for the City at-large.

Mitchell recommended that seven members serve on the Committee in order to provide a majority membership from the City.

McShane recommended the inclusion of a representative from the handicap population.

RESOLUTION 08-04-179 Motion by Mitchell, seconded by Bush, to adopt resolution establishing an ad hoc committee to update the City's Parks and Recreation Master Plan. **[SEE ATTACHED RESOLUTION]**. MOTION CARRIED UNANIMOUSLY.

RATIFICATION OF AFSCME/PUBLIC WORKS COLLECTIVE BARGAINING AGREEMENT

Administration advised that a tentative contract settlement was ratified by employee members of the AFSCME/Public Works unit with a recommendation that Council approve the collective bargaining agreement.

RESOLUTION 08-04-180 Motion by Bush, seconded by Knol, to ratify a three-year collective bargaining agreement with the AFSCME/Public Works unit, effective July 1, 2004 through June 30, 2007; and authorize the City Manager and City Clerk to sign the agreement on behalf of the City.

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

RESOLUTIONS REGARDING CHARTER AMENDMENTS

Administration advised that at a special meeting held on July 26, 2004, Council reviewed a number of resolutions dealing with language for placement on the November 2004 General Election ballot, amending sections of the Charter dealing with the employee retirement system and purchasing policies. Administration further advised that due to the number of resolutions, the focus was narrowed to resolutions dealing with the employee retirement system only.

Responding to a question, City Attorney Schultz stated that it is likely that some resolutions could be combined.

RESOLUTION 08-04-181 Motion by Knol, seconded by Mitchell, to adopt four resolutions to place language on the November 2004 General Election ballot for consideration of amending the City Charter relative to employee retirement issues; and allowing the option of combining resolutions as approved by the State. [SEE ATTACHED RESOLUTIONS].

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

MISCELLANEOUS

PUBLIC COMMENT

No public comments were heard.

COUNCIL COMMENT

Knol asked about the status of the road width relative to the location of a planned pavilion. Pastue responded that city engineering consultants would survey the property to determine exact property lines. He further responded that the survey should be finished by the first of September.

Responding to a question from Bush, Pastue stated that the approximate height of the proposed pavilion is 30 feet. He concurred that the pavilion might block the sight of some businesses from Grand River.

McShane expressed concern regarding the proposed site plan for the pavilion, noting that it lacked historical features. Pastue stated that the Planning Commission would have the final approval of the plans. He noted that the Downtown Development Authority Board should also be included in the approval process.

Bush recognized the efforts of the Departments of Public Safety and Public Services during the Founders Festival. She requested that Council consider a study session to address concerns regarding the Founders Festival.

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McShane stated that she would like to see some type of accountability from the Founders' Festival Committee and concurred with the need for a study session.

BUILDING DEPARTMENT QUARTERLY REPORT – APRIL 1 THROUGH JUNE 30, 2004

08-04-182 MOTION by Mitchell, seconded by McShane, to receive and file the Building Department Quarterly Report for period ending June 30, 2004. MOTION CARRIED UNANIMOUSLY.

APPROVE MONTHLY PAYMENTS REPORT

08-04-183 MOTION by Bush, seconded by Knol, to approve the monthly payments report for July 2004. MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

08-04-184 MOTION by Knol, seconded by Mitchell, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

Meeting adjourned at 10:14 p.m.

ARNOLD T. CAMPBELL, Mayor

PATSY K. CANTRELL, City Clerk/Treasurer