

FARMINGTON CITY COUNCIL
REGULAR MEETING

A regular meeting of the Farmington City Council was held on Monday, October 3, 2005 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 8:05 p.m. by Mayor Campbell.

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

ABSENT: None.

CITY ADMINISTRATION: Clerk/Treasurer Cantrell, Director Gushman, Deputy Clerk Halberstadt, Director Nebus, City Manager Pastue, Assistant City Manager Richards, Attorney Schultz.

APPROVAL OF AGENDA

10-05-216 MOTION by McShane, seconded by Bush, to approve the agenda as amended, adding item 7F, Reimbursement for Road Improvements. MOTION CARRIED UNANIMOUSLY.

MINUTES OF PREVIOUS MEETING

Council concurred to approve the special and regular meeting minutes of September 19, 2005.

PRESENTATIONS/PUBLIC HEARINGS

PUBLIC HEARING – VACATE PORTION OF ALLEY WEST OF WILMARTH AND NORTH OF OAKLAND

Administration advised that at the last meeting Council approved a resolution to schedule a public hearing to consider vacating a portion of the alley that is west of Wilmarth and north of Oakland Street. Administration further advised that proper notice was sent to all affected property owners. Administration noted a couple of changes that had occurred since the notice was sent out including: a substantial increase in road improvement costs and that one of the property owners, Peter Haapaniemi, no longer supports the alley vacation. Administration advised that these issues would need to be resolved before alley vacation could occur.

Mayor Campbell opened the public hearing and invited public comment.

Peter Haapaniemi, 23907 Wilmarth, stated his opposition to the alley vacation based on his reluctance to share ownership of a driveway with neighbors and the need to maintain access to a vacant lot in the back of his property.

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Upon hearing no further comment, Mayor Campbell requested a motion to close the public hearing.

10-05-217 MOTION by Mitchell, seconded by McShane, to close the public hearing. MOTION CARRIED UNANIMOUSLY.

City Manager Pastue advised that the City has been seeking a consensus from the property owners on the alley vacation and if any property owner is not in agreement then the City will reconsider vacating.

PETITIONS AND COMMUNICATIONS

PROCLAMATION – MARTIAL ARTS WEEK

Mayor Campbell presented a proclamation to representatives from Farmington Martial Arts recognizing October 15, 2005 as National Martial Arts Day in the City of Farmington.

PARADE PERMIT – FARMINGTON HIGH SCHOOL

10-05-218 MOTION by Knol, seconded by Bush, to approve a request from Farmington High School to conduct a homecoming parade on Friday, October 14, 2005, from 5:30 to 6:00 p.m., beginning at Our Lady of Sorrows on Raphael Street and proceeding east on Shiawassee to the student parking lot entrance of Farmington High School. MOTION CARRIED UNANIMOUSLY.

REPORTS FROM CITY MANAGER

CONSIDERATION TO APPROVE LIQUOR CONTROL COMMISSION RESOLUTION AUTHORIZING NEW BANQUET FACILITY LICENSE TO BE LOCATED AT 32905 GRAND RIVER

Administration advised that through the Michigan Liquor Control Commission, the City received a request to approve a new banquet facility license at 32905 Grand River Avenue (formerly Mrs. Lovill's Tea Cozy). Administration further advised that the Public Safety Department has recommended approval of the new license subject to conditions related to outdoor seating and the dancing area within the building

RESOLUTION 10-05-219 Motion by Mitchell, seconded by Knol, to adopt a Liquor Control Commission resolution to approve a new banquet facility permit at 32905 Grand River Avenue subject to the following two conditions set forth by the Public Safety Director: (1) no outdoor service until the licensee provides information and diagrams for intended use and, (2) no dancing except in a minimum one hundred square foot area. **[SEE ATTACHED RESOLUTION]**. MOTION CARRIED UNANIMOUSLY.

McShane requested that administration look into the possibility of the City obtaining additional licenses.

CONSIDERATION TO APPROVE CONSTRUCTION ESTIMATE #3 FOR DOWNTOWN CENTER IMPROVEMENTS PROJECT

RESOLUTION 10-05-220 Motion by Bush, seconded by McShane, to approve construction estimate #3 for work completed on the Downtown Center Improvement Project and issue payment to ABC Paving Company in the amount of \$225,105.42.

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ADOPT RESOLUTIONS SUPPORTING LOCAL CONTROL OF MUNICIPAL BROADBAND AND CABLE FRANCHISING

Administration advised that the Michigan Legislature is currently in the process of re-writing the Michigan Telecommunications Act that is scheduled to sunset at the end of the year. Administration further advised that the proposed resolution, developed by the Michigan Municipal League, supports local control of municipal broadband and cable franchising.

RESOLUTION 10-05-221 Motion by McShane, seconded by Mitchell, to adopt a resolution supporting local control of Municipal Broadband and Cable Franchising. [SEE ATTACHED RESOLUTION]. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE BIDS FOR PURCHASE OF ROAD SALT, EARLY FILL-UP AND SEASONAL BACK-UP

McShane asked about the difference in cost for salt between communities in Oakland and Macomb counties. Director Gushman responded that the higher cost for Oakland County communities likely related to the distance the salt has to be transported.

Discussion followed regarding salt usage and the inability to buy large quantities earlier at a reduced price due to storage limitations.

RESOLUTION 10-05-222 Motion by Knol, seconded by Bush, to approve the purchase of 200 tons of road salt at \$23.96 per ton and 1,100 tons (plus or minus 30%) at \$27.17 per ton from North American Salt Company, through the State of Michigan Extended Purchasing Program.

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE CAB FARE INCREASE

Administration advised that ABC Cab has requested an increase in their fare from \$2.00 per mile to \$2.25 due to the dramatic jump in fuel prices. Administration recommended approval of this increase.

RESOLUTION 10-05-223 Motion by Mitchell, seconded by McShane, to approve a request from ABC Cab Company to increase cab fare from \$2.00 to \$2.25 per mile, all other charges remain unchanged.

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

REIMBURSEMENT FOR ROAD IMPROVEMENTS FOR ORCHARD CONDOMINIUMS

Administration requested approval of a resolution to reimburse Farmington Development Group, LLC for road improvements at The Orchard Condominiums, and to amend the General Operating Fund budget by increasing the appropriation by \$40,000 funded by a transfer from the Capital Improvement Fund, and provide the Clerk/Treasurer authorization to release the funds upon receiving a letter from the City's consulting engineer regarding the marginal cost associated with the increase in the road improvements that otherwise would not have taken place.

RESOLUTION 10-05-224 Motion by Knol, seconded by McShane, to adopt a resolution to reimburse the Farmington Development Group, LLC in the amount of \$40,000, representing the public benefit by virtue of the additional road improvements related to The Orchard Planned Unit Development, and to amend the General Operating and Capital Improvement Fund Budgets to include the appropriation and to authorize the Clerk/Treasurer to release the funds as requested by the City Manager and supported by the City's engineers documenting the marginal cost associated with the increase in the road improvements as requested by the City and that otherwise would not have taken place. **[SEE ATTACHED RESOLUTION].**

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

MISCELLANEOUS

APPROVE MONTHLY PAYMENTS REPORT

10-05-225 MOTION by Knol, seconded by McShane, to approve the monthly payments report for September 2005. MOTION CARRIED UNANIMOUSLY.

FINANCIAL REPORT: QUARTER ENDED JUNE 30, 2005

10-05-226 MOTION by Mitchell, seconded by Knol, to receive and file the financial report for quarter ended June 30, 2005. MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENT

Anabell Gabel, 23089 Violet Street, requested that a rendering of the Downtown Center Project be placed in the Council chambers. She questioned the size of the pavilion and whether it was large enough to accommodate Friday evening concerts.

John Kamstra, 23835 Wilmarth Street, discussed the challenges of the new Downtown Center parking lot.

Stella Schelske, 34016 Oakland Street, asked about the status of vacating a portion of the alley west of Wilmarth. Pastue responded that if there is no consensus of the property owners, the City may reconsider the alley vacation, however, planned improvements would not be affected. He noted the substantial increase in costs for those improvements and indicated that Director Gushman would meet with Ms. Schelske regarding those costs.

Ms. Schelske expressed concern regarding the possible development of the vacant lot behind her and the potential stream of traffic from Oakland Street to that property.

Mayor Campbell advised that City Staff would meet to discuss the alley vacation and communicate the results of that meeting to the affected property owners.

Ann Hargitt, 23825 Wilmarth, expressed her support to *not* vacate the alleyway.

John Kamstra also expressed his support for *not* vacating the alleyway.

Jim Coin, 23819 Wilmarth, also stated that he does not want the alley vacated and further does not want to be assessed for any improvements. He asked if he could use gravel or something similar to improve his portion of the alley at a later date.

Pastue responded that gravel would be acceptable providing it met certain standards. He stated that it was unlikely that the alley would be vacated and the question remained whether improvements would take place in light of the higher costs.

Ms. Chelsky confirmed her willingness to pay 75% of the improvements from Lot 72 to Oakland, even with the added costs. She discussed the water issues related to the alley and the problems it causes.

Phillip Bator, 23803 Wilmarth, also discussed the hazards of frozen ice in the alley during winter months.

Pastue stated that an agreement drafted by the City Attorney regarding the alley improvements, including costs, would be available to the property owners for their

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signature sometime during that week. He further stated that the agreement would be presented to Council at the next meeting.

Mr. Kamstra cited a gravel alley just south of Oakland Street that appeared to have good drainage.

COUNCIL COMMENT

None

ADJOURNMENT

10-05-227 MOTION by McShane, seconded by Bush, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 8:55 p.m.

Arnold T. Campbell, Mayor

Patsy K. Cantrell, City Clerk/Treasurer

Susan K. Halberstadt, Recording Secretary

APPROVED: OCTOBER 17, 2005