

COUNCIL PROCEEDINGS

A regular meeting of the Farmington City Council was held on Tuesday, January 20, 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: Mary L. Bush, Arnold T. Campbell, Valerie S. Knol, JoAnne M. McShane, James K. Mitchell.

ABSENT: None.

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

APPROVAL OF AGENDA

01-04-004 Motion by Bush, seconded by McShane, to approve the agenda as submitted. MOTION CARRIED UNANIMOUSLY.

MINUTES OF PREVIOUS MEETING

01-04-005 Motion by Mitchell, seconded by Knol, to approve the regular and study session minutes of December 15, 2003. MOTION CARRIED UNANIMOUSLY.

MINUTES OF OTHER BOARDS

01-04-006 Motion by McShane, seconded by Bush, to receive and file the minutes from the following boards and commissions:

- Farmington Employees Retirement System Board of Trustees minutes of December 18, 2003.
- Planning Commission minutes of December 8, 2003.
- Board of Zoning Appeals minutes of December 3, 2003.
- Downtown Development Authority minutes of December 2, 2003.
- Commission on Children, Youth and Families minutes of November 6, 2003.
- December 2003 Board of Review minutes.
- Civic Theatre Committee minutes of November 5, 2003 and December 3, 2003.
- Traffic and Safety Board minutes of November 20, 2003.
- Farmington Area Arts Commission minutes of November 20, 2003.
- Farmington Community Library Board of Trustees minutes of November 13, 2003.
- Brownfield Redevelopment Authority minutes of December 22, 2003.

MOTION CARRIED UNANIMOUSLY.

PROCLAMATION PRESENTATION: DR. C. ROBERT MAXFIELD SELECTED AS MICHIGAN ASSOCIATION OF SCHOOL ADMINISTRATORS (MESA) "SUPERINTENDENT OF THE YEAR"

Council congratulated Dr. C. Robert Maxfield on his selection as "Superintendent of the Year" by MESA and commended him for his tremendous effort and dedication to enriching the lives of children and the community.

Dr. Maxfield thanked Council for the recognition and stated that he shared the honor with a community where he is privileged to serve.

PROCLAMATION PRESENTATION: CHAMBER OF COMMERCE 40TH ANNIVERSARY

Council presented a proclamation to Chamber of Commerce President, Carleigh Flaharty, in recognition of the Chamber's 40th anniversary. Ms. Flaharty expressed her gratitude to Council for the recognition and opportunity to serve the Farmington/Farmington Hills business community.

PRESENTATION: "FAMILY NIGHT" – JOAN MCGLINCY, COMMISSION ON CHILDREN, YOUTH AND FAMILIES

Joan McGlincy, Mary Mullison and Wendy Munson, members of the Commission on Children, Youth and Families, were present to promote "Family Night" scheduled for February 4, 2004. McGlincy stated the event was planned to emphasize the importance of family time together.

Responding to a question, McGlincy stated that more events would be planned if this one is successful.

Council thanked the Commission for their efforts in planning the event.

FARMINGTON/FARMINGTON HILLS CALL TO ACTION COALITION – DEVELOPMENTAL ASSETS AWARENESS EFFORT – MAYOR ARNOLD CAMPBELL

01-04-007 Motion by McShane, seconded by Mitchell, to support the "Planning and Decision Making" asset, one of the Search Institute's forty developmental assets, during the first quarter of 2004, as requested by the Farmington/Farmington Hills Call to Action Coalition. MOTION CARRIED UNANIMOUSLY.

PETITIONS AND COMMUNICATIONS

SPECIAL EVENT PETITION – KNIGHTS OF COLUMBUS ANNUAL FUND DRIVE

Administration recommended granting permission for this annual fundraising event with the exception of soliciting in the streets.

RESOLUTION 01-04-008 Motion by Bush, seconded by Knol, to grant permission to the Knights of Columbus, St. Francis Council No. 4401, to solicit for their annual fund drive on April 2, 3 & 4, 2004 in the City of Farmington; street solicitation prohibited. MOTION CARRIED UNANIMOUSLY.

PROCLAMATION: FARMINGTON AREA JAYCEES – WEEK OF JANUARY 18-24, 2004 AS FARMINGTON AREA JUNIOR CHAMBER OF COMMERCE WEEK

Council presented a proclamation to members of the Farmington Area Jaycees to recognize the week of January 18-24, 2004 as “Farmington Area Junior Chamber of Commerce Week”. Council expressed appreciation to the Jaycees for their efforts in the Community. Crystal Gutierrez, Community Development Vice-President, invited Council to complete a community survey developed by the Jaycees. She expressed appreciation for the City’s ongoing support of the Jaycees. She spoke about upcoming programs including: a voter registration drive, the addition of a Jaycee liaison at Council meetings, and a leaf raking service to seniors. She introduced other members of the Jaycees that were present: Stephanie Bessen, Board Chairperson, Heather Hart; and J-Teens, Carmen and Christina Gutierrez.

Stephanie Bessen presented a Jaycee award to Council recognizing the City of Farmington as “Business of the Month”.

PROCLAMATION: JANUARY AS “VOLUNTEER BLOOD DONOR MONTH”

Administration advised that the American Red Cross has requested Council proclaim January as “Volunteer Blood Donor Month” in order to encourage citizens of Farmington to give the gift of life to their neighbors in need.

01-04-009 Motion by Bush, seconded by McShane, to proclaim January 2004 as “Volunteer Blood Donor Month”. MOTION CARRIED UNANIMOUSLY.

BOARDS AND COMMISSIONS

CONSIDERATION OF REAPPOINTMENTS TO THE CONSTRUCTION BOARD OF APPEALS AND BROWNFIELD REDEVELOPMENT AUTHORITY

COUNCIL PROCEEDINGS -4-
January 20, 2004

01-04-010 Motion by Mitchell, seconded by Knol, to reappoint Robert Allen, Michael Kish and Kenneth Wallace to the Construction Board of Appeals for 2-year terms, expiring February 2006; and to reappoint Bill Richards and Kevin Gushman to the Brownfield Redevelopment Authority for 3-year terms, expiring March 2007. MOTION CARRIED UNANIMOUSLY.

RESIGNATION FROM FARMINGTON BOARD OF REVIEW

01-04-011 Motion by Knol, seconded by Mitchell, to accept the resignation of Dirk Beamer from the Farmington Board of Review, effective immediately, and send a letter thanking him for his service to the City. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING RE: FLAGSTAR BANK BROWNFIELD REDEVELOPMENT PLAN

Administration provided a brief background on Flagstar Bank's Brownfield Redevelopment Plan for the site at the corner of Grand River and Orchard Lake Road. Administration advised that the Farmington Brownfield Redevelopment Authority has recommended approval of the plan as prepared by AKT Peerless. Administration further advised that proper public notice was given.

Administration noted that the estimated cost for eligible expenses, including the baseline environmental assessment and due care response activities, would be \$23,000. Administration also noted that the plan provides both reimbursement to the City for expenses of up to \$2,000 and a revolving fund for future brownfield redevelopment projects.

Mayor Campbell opened the public hearing and invited public comment.

Clara Hahnefeld, 22800 Violet, expressed concern about increased traffic on Violet Street.

Tony Anthony, representing AKT Peerless, explained the history of the property and the source of contamination.

01-04-012 Motion by McShane, seconded by Bush, to close the public hearing. MOTION CARRIED UNANIMOUSLY.

REPORTS FROM CITY MANAGER

PUBLIC HEARING AND RESOLUTION – FLAGSTAR BANK BROWNFIELD REDEVELOPMENT PLAN

COUNCIL PROCEEDINGS -5-
January 20, 2004

Administration advised that in addition to the approval of the Brownfield Redevelopment Plan, an agreement would need to be drawn up between the Brownfield Redevelopment Authority and the property owner regarding reimbursement of eligible expenses.

Responding to a question from Council, City Manager Pastue stated that the plan is structured to reimburse Flagstar within as short a period of time as possible, thereafter the City is allowed to capture additional funds for the revolving fund. He further responded that there is a limitation of five years for capturing additional funds.

Councilmember McShane noted that the revolving fund opens the way for future development.

Councilmember Knol noted that as a result of changes to the brownfield legislation liability is now limited and provides a win/win situation for both the developer and the City.

Responding to an additional question, Tony Anthony of AKT Peerless stated that the law allows the inclusion of properties contiguous to a site where contamination is present and those properties could be included in a brownfield plan at a later date.

RESOLUTION 01-04-013 Motion by McShane, seconded by Mitchell, to adopt a resolution approving the Flagstar Bank Brownfield Redevelopment Plan for property at 22405 Violet Street and 31230 Grand River Avenue. [SEE ATTACHED RESOLUTION]. MOTION CARRIED UNANIMOUSLY.

TRAFFIC CONTROL ORDERS – ORDINANCE NO. C-699-2003 AND ORDINANCE NO. C-700-2003

01-04-014 Motion by Mitchell, seconded by Knol, to adopt Ordinance No. C-699-2003 to amend Chapter 6 of the Traffic Control Order dated February 4, 1972, adding Section 6.3, as provided for in Section 31-196 of the Code of Ordinances of the City of Farmington. [SEE ATTACHED ORDINANCE].

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

01-04-015 Motion by Mitchell, seconded by Bush, to adopt Ordinance No. C-700-2003 to amend Chapter 2, Section 2.1 and Chapter 1, Section 1.12, of the Traffic Control Order dated February 4, 1972, as provided for in Section 31-196 of the Code of Ordinances of the City of Farmington. [SEE ATTACHED ORDINANCE].

COUNCIL PROCEEDINGS -6-
January 20, 2004

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION OF ABC CAB COMPANY TAXI LICENSE RENEWAL

Administration advised that the Department of Public Safety has inspected the three ABC Cab Company vehicles for which license renewal has been requested, found them to be in acceptable condition, and recommended that licenses be issued.

RESOLUTION 01-04-016 Motion by Bush, seconded by McShane, to authorize the issuance of three (3) taxicab licenses to ABC Cab Company for 2004. MOTION CARRIED UNANIMOUSLY.

CONSTRUCTION ESTIMATE #3 – FARMINGTON ROAD IMPROVEMENTS AND CHANGE ORDER #2

Administration advised that approval of construction estimate no. 3 and change order no. 2 would close the 2003 Farmington Road improvement project. Administration further advised that both the City Engineer and Director of Public Services have recommended payment.

RESOLUTION 01-04-017 Motion by McShane, seconded by Mitchell, to approve construction estimate no. 3 for the Farmington Road Project and authorize payment in the amount of \$9,372.37 to Peter A. Basile Sons, Inc.; and approve change order no. 2 to decrease the contract amount by \$14,480.52; funds provided in the FY 2002-03 budget.

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

SIGN VARIANCE REQUEST – SAMMY’S PIZZA, 32330 GRAND RIVER

Administration advised that a sign variance request was received from Marygrove Awning, Inc., representing Sammy’s Pizza, for an awning sign at 32330 Grand River. Administration further advised that paragraph “d” of Section 25-4(4) of the City Code requires that an awning sign should not be of greater height than the top of the wall to which it is attached. Administration advised that in order to add visual interest to the flat roof of the property, the petitioner is requesting a variance to exceed the height

COUNCIL PROCEEDINGS -7-
January 20, 2004

requirement by 2'6" for a 6'9" section. Administration further advised that Building Inspector Koncsol has reviewed other aspects of the sign application and believes they meet City Code.

Ed Beres, representing Marygrove Awning, Inc., stated that if the signage were attached to the building as required by City Code, it would be too low for delivery trucks.

Council asked if the petitioner could still put up an awning if the variance were not granted. Mr. Beres responded that the awning could be modified, but it may not be feasible or aesthetically appealing. He stated that the owner was shown flat panels that could replace the awning sign, but did not like them.

Council noted that this variance request did not comply with "unique or unusual conditions" as required by City Code. Council further noted that the request was primarily based on what was aesthetically pleasing to the owner, not on actual need.

Council commended the owner of Sammy's Pizza for taking an interest in fixing up his property.

Council also noted that the owner could return to Council with an amended request at a later date.

RESOLUTION 01-04-018 Motion by Mitchell, seconded by McShane, to deny the sign variance request from Sammy's Pizza for an awning sign at 32330 Grand River, based on the fact that a unique or unusual condition has not been demonstrated by the petitioner. MOTION CARRIED UNANIMOUSLY.

RESOLUTION – MORATORIUM ON DETROIT WATER AND SEWER HIKES

Administration advised that the City received a letter from Oakland County Drain Commissioner John P. McCulloch requesting that the City of Farmington, along with other communities in Oakland County, adopt a resolution requesting a moratorium on Detroit Water and Sewer rate for Fiscal Year 2004/05. Administration further advised that the City of Farmington is in a different position than other Oakland County communities, in that the City is a first-tier customer that deals directly with Detroit Water and Sewer Department (DWSD).

Administration concurred with the Oakland County Drain Commissioner that there should be more input and accountability regarding the rate setting process, but recommended against approving the resolution in its current form. Administration stated that the reasons for this recommendation included: strides already made by DWSD regarding more input and accountability in the rate process; the City's good

COUNCIL PROCEEDINGS -8-
January 20, 2004

working relationship with the DWSD; and the possible minimal impact on the proposed FY 2004-05 rates.

Mayor Campbell confirmed the good working relationship the City has with the DWSD and the possible negative impact of supporting the resolution.

Councilmember Knol discussed the current economic environment where businesses no longer have the luxury of raising the prices on their customers and where the public sector must be very cost conscious due to continued loss in tax revenue and revenue sharing. She stated that she found the rate hikes troubling in spite of the various reasons given to justify them.

Councilmember Knol cited a report published by Raftelis Financial Consulting of Kansas City, Missouri, which analyzed the policies of the DWSD with respect to rate setting and related financial issues. She summarized the findings of this report:

- financial impact of the DWSD on Oakland County for fiscal years 2002-03 & 2003-04 amounted to approximately \$8.9 million of additional wastewater charges and the overcharge to Oakland County was \$1,450,000 for just one year;
- concern regarding water loss in several areas in the DWSD system;
- DWSD consistently overstated the depreciation expense used in setting suburban wholesale rates, impacting Oakland County by \$1.2 million for fiscal years 1999-2002; and
- DWSD consistently chose the highest of five alternative methodologies in calculating final rates, with an impact of \$4 million on Oakland County.

Councilmember Knol stated that the report revealed many areas of concern with regard to the DWSD and demonstrated a lack of clarity in rate setting. She stated that Detroit and the suburbs needed to work together to arrive at a mutually acceptable agreement. She cited the fact that the suburbs have 75% of the population that uses Detroit Water & Sewer. She stated her belief that this resolution would help draw attention to these issues. She further stated that she did not find the language of the resolution to be combative and expressed her support for it.

Responding to a question from Councilmember Bush, Director Gushman stated that there are other first-tier customers, but Farmington is fairly unique in Oakland County. He further responded that the City's first-tier status occurred in the 1950's when Farmington opted to connect to the Detroit System.

COUNCIL PROCEEDINGS -9-
January 20, 2004

Responding to an additional question from Councilmember Bush, City Manager Pastue stated he would be more comfortable if the resolution called for an endpoint in resolving the disputes rather than requesting a moratorium. He further stated his objections to the language of the resolution and the fact that there was no community input.

Councilmember Mitchell suggested that the City Manager provide an alternate resolution, given the City's unique situation as a first-tier customer.

Council concurred to delay action until the resolution can be modified to include input from the City. City Manager Pastue stated he would like to work with the Drain Commission office and the DWSD to develop a resolution that all parties could agree upon.

Councilmember McShane expressed her support for the resolution. She cited past attempts to participate more in the DWSD through legislation, that proved to be unsuccessful. She stated action needed to be taken because costs would only continue to rise.

MISCELLANEOUS

PUBLIC COMMENT

Tony Anthony, 22725 Orchard Lake, emphasized the importance of the City's status as a first-tier customer of DWSD. He suggested inviting Drain Commissioner John McCulloch to the next meeting in order to respond to questions from Council.

Annabelle Gabel, Farmington resident, asked if the digital clock on the AKT Peerless property would be fixed or torn down to make way for Wendy's Restaurant. Mr. Anthony responded that it would be torn down and confirmed that the trees on the property would be taken down to accommodate the restaurant.

COUNCIL COMMENT

Councilmember Bush noted some of the property concerns at Sammy's Pizza that included: tables and chairs stacked out front; a 55 gallon plastic tub that has been cut off and used for garbage; and garbage stacked up in the back.

Mayor Campbell reminded Council to let the City Manager's office know if they want to be part of the team participating in the Special Olympics Bowl-A-Thon to be held on February 28th.

**SECOND QUARTER REPORT: DEPARTMENT OF PUBLIC WORKS & WATER AND
SEWER DEPARTMENT – OCTOBER 1, 2003 THROUGH DECEMBER 31, 2003**

01-04-019 Motion by Bush, seconded by Mitchell, to receive and file the Department of Public Works & Water and Sewer Department second quarter report for fiscal 2003. MOTION CARRIED UNANIMOUSLY.

**SECOND QUARTER REPORT: BUILDING DEPARTMENT – OCTOBER 1, 2003
THROUGH DECEMBER 31, 2003**

01-04-020 Motion by Mitchell, seconded by McShane, to receive and file the Building Department second quarter report for fiscal 2003. MOTION CARRIED UNANIMOUSLY.

APPROVE MONTHLY PAYMENTS REPORT

01-04-021 Motion by Bush, seconded by Knol, to approve the monthly payments report for December 2003. MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

01-04-022 Motion by McShane, seconded by Mitchell, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

Meeting adjourned at 9:21 p.m.

ARNOLD T. CAMPBELL, Mayor

PATSY K. CANTRELL, City Clerk/Treasurer