

FARMINGTON CITY COUNCIL
REGULAR MEETING

A regular meeting of the Farmington City Council was held on Tuesday, July 6, 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.

OTHERS PRESENT: Clerk/Treasurer Cantrell, Director Gushman, City Manager Pastue, Assistant City Manager Richards, City Attorney Schultz, Interim Director Wiggins.

PLEDGE OF ALLEGIANCE

Joey and Matthew Tyler, grandsons of photographer Frank Waldasin, led in the Pledge of Allegiance.

APPROVAL OF AGENDA

07-04-144 MOTION by Bush, seconded by McShane, to approve the agenda as submitted. MOTION CARRIED UNANIMOUSLY.

MINUTES OF PREVIOUS MEETING

07-04-145 MOTION by Mitchell, seconded by Knol, to approve the regular and special meeting minutes of June 21, 2004. MOTION CARRIED UNANIMOUSLY.

REPORTS AND PRESENTATIONS

PROCLAMATION RECOGNIZING RICHARD TUPPER

Council presented Richard Tupper with a proclamation declaring July 17, 2004 as "Dick Tupper Day", in recognition of his volunteerism, including his many years of service as Founders Festival Parade Chairman and for his selection as the 2004-05 George Romney Volunteer of the Year.

Mr. Tupper thanked Council for their recognition.

INTRODUCTION – PHOTOGRAPHER FRANK WILDASIN – EXHIBITING ARTIST

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Council introduced Photographer Frank Wildasin as the Exhibiting Artist in the City of Farmington.

Mr. Wildasin spoke about his enjoyment of photography and expressed his appreciation to Council for the opportunity to display his work.

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

Council expressed support for the “Family Support” asset, one of the Search Institute’s forty developmental assets, during the third quarter of 2004, as requested by the Farmington/Farmington Hills Call to Action Coalition.

PETITIONS AND COMMUNICATIONS

OUTSIDE SALES REQUEST – SCRUBBY SCRUBS, 30930 GRAND RIVER

Administration advised that a request was received from Scrubby Scrubs to conduct outside sales for a one-week period that would include three to four clothes racks, two tables and one outside sign.

Couni Young, owner of Scrubby Scrubs, was present to respond to questions.

RESOLUTION 07-04-146 Motion by McShane, seconded by Knol, to grant permission for outside sales, as submitted, to Scrubby Scrubs, 30930 Grand River Avenue, for a period of one week, July 19 – 27, 2004; allowing the placement of three-to-four clothes racks, two tables and one outside sign. MOTION CARRIED UNANIMOUSLY.

REPORTS FROM CITY MANAGER

CONSIDERATION OF PLANNED UNIT DEVELOPMENT (P.U.D.) AGREEMENT FOR THE ORCHARD CONDOMINIUMS, 33300 SLOCUM

Administration advised that a Planned Unit Development (PUD) agreement between the City of Farmington and the Farmington Downtown Development Group, LLC for The Orchard Condominiums has been submitted for Council approval. Administration further advised that the development would demolish a 14,000 square foot retail building (formerly known as the Craftique Mall) and reconstruct with 32-townhouse type residential units in two separate buildings.

Administration advised that the proposed development has been through the PUD process outlined in the Zoning Ordinance and that the Planning Commission has reviewed and recommended the agreement for approval. Administration noted an issue of concern regarding an unrecorded easement granted the Sunny Day Care property to

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the east of the proposed development. Administration advised that prior to approval of the agreement, the proponent must provide, to the satisfaction of the City Attorney, that they have received a release from this easement.

City Attorney Schultz stated that the aforementioned easement had never been recorded or executed. He further stated that the appropriate paperwork has been prepared and is ready for signatures.

Schultz advised that the proponent has accepted the terms of the agreement and that Council's approval of the agreement is the last step in the approval process. He further advised that the agreement states that the easement has been resolved and removed, however, technically that will not be true until the closing of the property. He advised that if Council otherwise accepts the agreement, it would have to be subject to both the actual closing on the property and closing on the documents to release the easement that Sunny Day Care has on the back of the Craftique property. He stated that a motion to otherwise approve the agreement would be subject to an effective date, once the closing has occurred, followed by the execution of this agreement. He further stated that he is comfortable with the agreement.

Responding to a question, Schultz confirmed that the easement agreement has not been signed.

Steve Schneemann, representing the Farmington Development Group, LLC, spoke regarding the progress of the project. He stated that he expected a signed agreement with Sunny Day Care by the end of the week. He advised that the closing on the property is scheduled for July 21, 2004.

Councilmember Bush stated, for the record, that as the listing broker on the property, she would abstain from discussion and voting.

Responding to a question, Schneemann stated that delaying approval of the agreement could cause some difficulty in closing on the property. He stated that in lieu of a signed agreement at closing, he would need some type of legal document from the City giving the "go ahead" on the PUD.

Schultz advised that the agreement could be amended to state that the effective date would occur after the proponent becomes owner of the property and has secured an easement release.

Councilmember Knol suggested that the contingencies be included in the motion rather than amending the agreement.

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Councilmember Mitchell recommended not setting a time limit in the motion by which the easement and ownership of the property must be completed. He also stated his objection to dedicating a street to the City that will be essentially used and maintained by the PUD Development residents. He noted that the City is in the process of vacating some of the roads that have been dedicated in the past.

City Manager Pastue stated that the language concerning the street dedication was a recommendation from City staff. He further noted that, in the future, the street may be a vehicle and pedestrian conduit from Warner Farms to the Downtown area. He also noted that he is comfortable with the proposed width of the street.

Schultz noted that this situation is somewhat different, in that the master deed for the property will have formative obligations to maintain the street.

McShane noted that the Downtown Development Master Plan shows a new Orchard Street connected to the proposed street.

RESOLUTION 07-04-147 Motion by Knol, seconded by McShane, to approve The Orchard Condominiums Planned United Development Agreement, subject to the Farmington Development Group, LLC closing on the purchase of the property at 33300 Slocum and obtaining a release from Sunny Day Care of the easement across the property; to take effect following receipt of signed purchase documents and the agreement signed by the Mayor and City Clerk. **[SEE ATTACHED AGREEMENT]**

ROLL CALL

Ayes: Campbell, Knol, McShane, Mitchell.

Nays: None.

Abstained: Bush.

Absent: None.

MOTION CARRIED.

RATIFICATION OF CDBG PUBLIC SERVICE AGREEMENTS FOR FY 2003-04 AND FY 2004-05

Administration requested Council's approval of two agreements with the City of Farmington Hills regarding the allocation of Community Development Block Grant Funds. Administration advised that the first agreement for \$33,529, covers grant period: June 1, 2003 through May 31, 2004 and the second agreement for \$32,789 covers grant period: June 1, 2004 through May 31, 2005. Administration further advised that both agreements allocated half the funds to pay wages for the Senior Services Division and the other half allocated towards the purchase of a van. Administration advised that the agreements have been signed by the City Manager.

RESOLUTION 07-04-148 Motion by Bush, seconded by Mitchell, to approve agreements with the City of Farmington Hills, covering periods: June 1, 2003 through May 31, 2004 and June 1, 2004 through May 31, 2005, regarding the allocation of

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Community Development Block Grant funds to provide senior services within the City of Farmington and to allocate funds toward the purchase of a van for the Senior Services Division.

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

APPROVAL OF WEST NILE VIRUS FUND REIMBURSEMENT REQUEST

City Administration advised that Oakland County has established a West Nile Virus Fund and Disbursement Policy and would disburse funds to municipalities based on population (75%) and total square miles (25%). Administration further advised that Oakland County requires Council to adopt a resolution authorizing the City Manager to submit a reimbursement request under the West Nile Virus Fund program.

RESOLUTION 07-04-149 Motion by McShane, seconded by Knol, to adopt a resolution authorizing the City Manager to submit a reimbursement request to Oakland County in the amount of \$3,641.00 under the West Nile Virus Fund Program. **[SEE ATTACHED RESOLUTION]**

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION OF MEMORANDUM OF UNDERSTANDING FOR CITY ATTORNEY SERVICES

Administration recommended that Council approve the Memorandum of Understanding regarding legal services provided by Secrest, Wardle, Lynch, Hampton, Truex and Morley, which increases fees, separating the retainer from the cost of handling prosecutions.

RESOLUTION 07-04-150 Motion by Mitchell, seconded by Bush, to approve a Memorandum of Understanding for City Attorney Services as presented, effective July 1, 2004. **[SEE ATTACHED MEMORANDUM]**

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO AUTHORIZE AGREEMENT WITH SWOCC TO PROVIDE
GENERAL ACCOUNTING SERVICES**

Administration recommended that Council authorize the preparation of an agreement with Southwestern Oakland Cable Commission to provide general accounting services. Administration noted that Clerk/Treasurer Cantrell has advised that adding this service would not place an undo burden on her department. Administration further noted that through this agreement, the City's production costs at SWOCC would be covered.

Responding to a question, City Manager Pastue stated that SWOCC has a process by which they account for the services provided to the City of Farmington.

Pastue further responded that the City of Farmington receives more services from SWOCC than Farmington Hills and Novi due to the lack of City's in-house production staff.

Mayor Campbell expressed his support for this agreement.

Discussion followed regarding the cost of services provided by SWOCC to Farmington.

RESOLUTION 07-04-151 Motion by Mitchell, seconded by McShane, to authorize administration to prepare an agreement with Southwestern Oakland Cable Commission to provide general accounting services effective July 1, 2004, with the following stipulations:

- City to be compensated \$13,500 in cash with an annual increase of 2% each July 1st;
- City to receive in-kind production services equivalent to \$13,500 with an annual increase of 2% each July 1st;
- City to receive an additional in-kind production service credit of \$3,500 effective January 1, 2005 with an annual increase of 2% each July 1st;
- The agreement would be for a five-year period beginning July 1, 2004;
- Subject to review and approval by the City Attorney as to form.

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSTRUCTION ESTIMATE #2 – 2004 PAVING PROGRAM

Administration advised that construction estimate no. 2 for the 2004 Paving Program covers the reconstruction of State Street from Farmington Road to Liberty Street and

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improvements throughout the Chatham Hills Subdivision; and that both the City Engineer and Public Service Department staff have recommended payment.

RESOLUTION 07-04-152 Motion by Bush, seconded by Knol, to approve construction estimate no. 2 for the 2004 Paving Program and authorize payment in the amount of \$199,803.73 to Tiseo Brothers, Inc.; funds provided in the FY 2003-04 budget.

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

REVIEW OF STAFF RECOMMENDED CHANGES TO CITY CHARTER

Administration recommended two charter amendments, the first related to purchasing procedures and the second to the City Retirement System, for placement on the November 2004 ballot. Administration advised that with Council approval of the general parameters of the proposed amendments, the City Attorney would be directed to prepare ballot language for approval at the August 2nd meeting.

Responding to a question, Attorney Schultz stated that a proposed amendment must be approved by the State of Michigan sixty days prior to the election. He concurred to provide the proposed language in advance of the August meeting.

Councilmember Mitchell concurred with City Manager Pastue that a Charter Committee should be established.

RESOLUTION 07-04-153 Motion by Knol, seconded by Mitchell, to authorize the City Attorney to prepare ballot language to amend City Charter sections relative to Purchasing Policies and Procedures and the City Retirement System, for consideration at the August 2, 2004 meeting, with the intent to place the amendments on the November 2004 General Election ballot; and that the City Attorney will provide the proposed language to Council one week prior to the August meeting. MOTION CARRIED UNANIMOUSLY.

MISCELLANEOUS

PUBLIC COMMENT

No public comments were heard.

COUNCIL COMMENT

Councilmember McShane noted that the Traffic and Safety Board at their June meeting made a motion recommending to Council that within 90 days, the DDA and the

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appropriate Main Street committee, arrange a meeting with four business owners who border the parking lot north of Grand River to discuss parking. She stressed the need to pursue a resolution to the parking issue.

Pastue recommended including all downtown businesses on the north side of Grand River in the discussion.

McShane stated her view that a short-term parking solution is needed until a long term one can be reached.

Mayor Campbell recommended publicizing that voting will take place in all six precincts at the August 2, 2004 General Primary even though it is also a School Election for a bond proposal.

Mayor Campbell asked for volunteers with convertibles to transport Council in the Founders Fest Parade.

Councilmember Bush noted the significant amount of weeds in the islands and between buildings throughout the Downtown Center, plus two dead trees in that area.

Pastue stated that DDA Director Morgan has already scheduled the removal of the dead trees. He further stated that the maintenance deficiencies would be addressed and he would clarify for the Council, based on current agreements, whose responsibility it is for maintenance.

Councilmember Knol cited the poor condition of the right-of-way on Mooney Street where weeds continue to grow in between the rocks.

Pastue stated that the right-of-way issue would be addressed immediately and other deficiencies would be followed up on.

Pastue concurred with Campbell to take an aerial view or provide a GIS map of the Downtown Center to determine maintenance responsibilities.

Knol noted the need for consistency in applying the requirement that all Board and Commission candidates attend one meeting prior to their appointments. Pastue confirmed that the requirement would be applied consistently.

CONSIDERATION OF SCHEDULING SPECIAL MEETING REGARDING FOLLOW-UP TO GOAL SETTING MEETING AND OTHER CITY BUSINESS

Council set the following special meeting dates: Tuesday, July 13, 2004 at 6:30 p.m., Monday, July 26, 2004 at 6:30 p.m., and Monday, August 2, 2004 at 6:00 p.m.

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Mayor Campbell asked Council to forward proposed items for the special meeting agendas to the City Manager by the end of the week.

APPROVE MONTHLY PAYMENTS REPORT

07-04-154 MOTION by Mitchell, seconded by McShane, to approve the monthly payments report for June 2004. MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

07-04-155 MOTION by Bush, seconded by Knol, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

Meeting adjourned at 9:16 p.m.

ARNOLD T. CAMPBELL, Mayor

PATSY K. CANTRELL, City Clerk/Treasurer