

COUNCIL PROCEEDINGS

A regular meeting of the Farmington City Council was held on Monday, April 7, 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 8:05 p.m. by Mayor Mitchell.

PRESENT: Bush, Campbell, McShane, Mitchell.

ABSENT: Harrison.

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

APPROVAL OF AGENDA

04-03-081 MOTION by Bush, seconded by Campbell, to approve the agenda as submitted. MOTION CARRIED UNANIMOUSLY.

MINUTES OF PREVIOUS MEETINGS

04-03-082 MOTION by McShane, seconded by Campbell, to approve the minutes of the following Council meetings:

- Regular and Study Sessions of March 17, 2003
- Special Goal Setting and Strategic Planning Study Session of March 18, 2003.
- Joint Meeting minutes of February 18, 2003 with Cities of Farmington/Farmington Hills and Farmington Board of Education.

MOTION CARRIED UNANIMOUSLY.

MINUTES OF OTHER BOARDS

04-03-083 MOTION by Bush, seconded by McShane, to receive and file the minutes from the following Boards and Commissions:

- Downtown Development Authority Board minutes of March 4, 2003.
- Board of Zoning Appeals minutes of March 5, 2003.
- Traffic and Safety Board minutes of March 20, 2003.
- Historical Commission minutes of February 19, 2003.
- Farmington Community Library Board of Trustees minutes of January 8, 2003.
- Commission on the Environment minutes of January 14, 2003 and March 11, 2003.

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- Farmington Area Arts Commission minutes of February 20, 2003 and March 20, 2003.
- Farmington Area Commission on Aging minutes of February 25, 2003.
- Commission on Children, Youth & Families minutes of January 2, 2003, February 15, 2003 and March 6, 2003.

MOTION CARRIED UNANIMOUSLY.

PRESENTATION: ORCHARD, HILTZ & MCCLIMENT, INC. REPORT RE: ROUGE ASSEMBLY

Jon Kramer gave a brief presentation on the merits of participation in the Rouge Assembly, a local community management group for the Rouge River watershed. He stated that the Rouge Assembly would replace the Rouge Program Office in which the City of Farmington currently participates. He further stated that as part of the Rouge Assembly communities can work together to more effectively and efficiently meet the mandates established by the Michigan Department of Environmental Quality (MDEQ). He spoke about the significant cost savings membership would provide and the opportunity to re-evaluate membership each year. He spoke further about the benefits in joining the "Assembly" including a collective voice before the MDEQ.

**FARMINGTON/FARMINGTON HILLS CALL TO ACTION COALITION-
DEVELOPMENTAL ASSETS AWARENESS EFFORT-MAYOR JAMES MITCHELL**

Mayor Mitchell advised that the Farmington/Farmington Hills Call to Action Coalition adopted the Search Institute's forty (40) developmental assets as important to the healthy development of young people in the community and have requested support of community groups and City Council in order to strengthen community awareness of these assets.

Mayor Mitchell further advised that the Coalition has selected the asset of "Caring Neighborhood" for recognition during the second quarter of 2003.

Mayor Mitchell reviewed some of the recommendations outlined in the "Action Plan" of this asset that included:

- Introduce your children to your neighbors. If you don't know your neighbors, introduce yourself.
- Get to know your neighbors. Work together on a neighborhood block party or cleanup, organize a potluck picnic or cookout.

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- Plan activities to bring adults and kids together.
- Show interest in your neighbors' children. When you see your neighbors, ask about their kids. Say something positive about them.
- Encourage your children to find ways to serve in your neighborhood. Help them identify ways they can promote caring in the neighborhood.

Mayor Mitchell also highlighted ways to show you care that included:

- Notice those in your neighborhood.
- Acknowledge them.
- Learn their names.
- Look in their eyes when you talk to them.
- Kneel, squat or sit so you're at their eye level.
- Ask them about themselves.
- Listen to them.
- Find a common interest.

PETITIONS AND COMMUNICATIONS

FARMINGTON AREA FOUNDERS FESTIVAL, SPECIAL EVENT PERMIT – 2003 FESTIVAL. Administration recommended that City Council grant a Special Event Permit for the Farmington Area Founders Festival.

Mike Nowak, President of the Farmington Area Founders Festival, was present.

04-03-084 MOTION by Campbell, seconded by McShane, to grant a Special Event Permit for the Farmington Area Founders Festival for dates of July 17-19, 2003; authorize the closing of Shiawassee between Power Road and Farmington Road (east) between 10:00 a.m. and 5:00 p.m., July 17, for Kids' Day in the Park; authorize the Department of Public Safety to apply for a permit from the Michigan Department of Transportation in order to close Grand River Avenue from 8:00 a.m. until 1:00 p.m. on Saturday, July 19, for the purpose of conducting parade activities; authorize events surrounding Festival activities to close no later than 11:00 p.m.; hold the State of Michigan Department of Transportation harmless for liability which may result in the closing of Grand River; and authorize City departments to provide the service required for the Farmington Area Founders Festival. MOTION CARRIED UNANIMOUSLY.

HURON RIVER HUNTING AND FISHING CLUB, SPECIAL OUTDOOR ACTIVITIES.

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Administration reviewed the request and proposed events, noting that the City Fire Marshall will review the location of the tents and outdoor operation for compliance with state and local ordinances.

04-03-085 MOTION by McShane, seconded by Bush, to grant permission for special outdoor events and tents at the Huron River Hunting and Fishing Club; Men's Classic Car Stag on June 10, 2003; Father's Day Family BBQ on June 14, 2003; Cigar Dinner on June 19, 2003; and Clambake on August 10, 2003, as described in the request for Council approval. MOTION CARRIED UNANIMOUSLY.

FRESH APPROACH MARKET, REQUEST FOR OUTDOOR SALES.

Administration recommended approval of the request by the manager of Fresh Approach Market to conduct outside sales and displays for the next twelve-month period.

Mr. Saxton, Store Manager, explained the delay in cleaning up the display area last year and promised a timely cleanup this year.

04-03-086 MOTION by Campbell, seconded by Bush, to grant permission for outside sales displays and expanded hanging flower/basket display, as described in the request for Council approval, for the next twelve-month period, to Fresh Approach Market at 35243 Grand River; outside sales and displays are for flower sales from April 8 through September 29; pumpkin sales from September 18 through November 1; and Christmas tree sales November 20 through December 28, 2003. MOTION CARRIED UNANIMOUSLY.

REQUEST FROM ROGER RATKOWSKI, RE: CLASSIC CAR DISPLAY IN MUNICIPAL PARKING LOT.

Administration recommended that City Council approve the request for a Classic Car Display in the municipal parking lot for the time period as specified. Administration further recommended that the additional request by Mr. Ratkowski for a special once-a-month cruise be tabled to allow an opportunity for further review.

Mr. Bill Laverty, owner of Magic Brain, expressed his desire to have the Classic Car Display moved to another location. He spoke about past difficulties he experienced with the "Display" including a lack of parking for his customers and loud music that interfered with his work. He presented a petition to Council signed by twenty-five City of Farmington business owners requesting that the Classic Car Display be moved to a location that would benefit the majority of businesses.

Responding to a question from Council, Mr. Laverty stated that he has attempted to contact the sponsors of the "Display" to reach a resolution, but to no avail.

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Mayor Mitchell stated that the City has allowed the Classic Car Display in order to encourage more events and activity in the Downtown area. He further stated that this event has received a great deal of positive response over the past years.

Responding to a question from Council, Mr. Lavery stated that the businesses that have signed the petition believe they would benefit from moving the "Display".

Council member Bush stated that it was unfortunate that the sponsors of the "Display" were not present and further stated that she was not prepared to make a decision that evening to approve relocation of an event that has been in the same location for 3-4 years.

Public Safety Director Goss stated that during the final three shows of the "Display" last year an officer was posted to enforce the parking and noise restrictions.

Laura Osborne, owner of Spare Parts, stated she signed the petition because she believes moving the event would make it more visible.

Domenic Belcastro, owner of Luigi's Trattoria, stated he signed the petition because he believes a move would benefit his business.

Mayor Mitchell encouraged concerned business owners to talk to the sponsors of the Classic Car Display in order to reach a resolution. Council member McShane concurred that a discussion should take place between concerned business owners and the sponsors and further stated that she could not support Council action on this request until such a meeting occurs.

Council member Campbell encouraged a discussion between the Classic Car Display sponsors, the Downtown Development Authority and the Downtown Merchants Association. He stated that given the construction of a Pavilion in the vicinity of the proposed move he could not support a move this year. He advised the concerned parties to present a joint recommendation to Council next year concerning the location of this event. He recommended securing and enforcing parking this year for the Magic Brain and other businesses. Discussion followed regarding continued problems with parking and access to businesses during this event.

A motion by Council member McShane to table the request until the concerned parties can meet and Public Safety can make a recommendation did not receive support.

04-03-087 MOTION by Campbell, seconded by Bush, to approve closure of the municipal parking lot north of State Street on Mondays from 5:00 – 9:30 p.m., May

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through September 2003, for a Classic Car Display sponsored and managed by the Pasta Stop, Page's Food and Spirits, Darrel's Firestone and Contemporary Awards; to stipulate that State Street between Farmington Road and the easterly driveway of the Public Library be closed to allow for additional display; and that the Downtown Development Authority, the Downtown Merchants Association and the sponsors of this event meet to discuss a joint resolution for submission to Council next year regarding the location of this event. MOTION CARRIED. (THREE AYES, ONE NAY; McShane).

Mr. Lavery requested that the sponsors move the speakers away from his business to reduce the noise level at his location. Mayor Mitchell stated that Public Safety would enforce restrictions placed on the Classic Car Display event.

PROCLAMATION: MONTH OF APRIL 2003 AS FAIR HOUSING MONTH.

In recognition of the 35th anniversary of the signing of the Federal Fair Housing Act, Council proclaimed April 2003 as Fair Housing Month in the City of Farmington.

BOARDS AND COMMISSIONS

CIVIC THEATRE COMMITTEE APPOINTMENTS. Administration advised that as a result of Council's direction to establish a Civic Theatre Committee, in order to increase utilization and patronage of the Theatre, a list of eleven candidates has been submitted for consideration. Administration further advised that each of these candidates has been interviewed by Assistant City Manager Richards and has met the criteria for membership on this committee. Administration recommended Council appoint all eleven members to the Civic Theatre Committee, rather than five as originally directed by Council, due to the skills and enthusiasm of all the candidates.

Responding to a question from Council, Mr. Richards stated that he has reviewed with the candidates the goals and expectations of Council concerning the Civic Theatre Committee.

04-03-088 MOTION by Bush, seconded by McShane, to appoint Brian Belesky, Tom Buck, Kristine Franko, Valerie Knol, Jim Liska, Deborah Nussbaum, Charles Paul, Bill Richards, Skip Rosenthal, Megan Saunders and Ara Topouzian to the Civic Theatre Committee for undefined terms. MOTION CARRIED UNANIMOUSLY.

APPOINTMENTS TO DOWNTOWN DEVELOPMENT AUTHORITY (DDA) BOARD OF DIRECTORS.

04-03-089 MOTION by McShane, seconded by Bush, to appoint Daniel Vargovick to the Downtown Development Authority Board for a four-year term expiring February 2007. MOTION PASSED. (THREE AYES, ONE NAY; Mitchell).

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04-03-090 MOTION by Campbell, seconded by Bush, to re-appoint Frank Clappison and Suzanne Paul to the Downtown Development Authority Board for four-year terms expiring February 2007. MOTION CARRIED UNANIMOUSLY.

Mayor Mitchell responded to a question from Laura Osbourne, owner of Spare Parts, regarding qualifications required to serve on the DDA board. Ms. Osbourne expressed her concern that small businesses are not represented on the Board.

REPORTS FROM CITY MANAGER

ORDINANCE NO. C-693-2003 AMENDMENT FOR COMMISSION ON CHILDREN, YOUTH AND FAMILIES. Administration advised that in order to increase the City of Farmington membership in the joint Commission on Children, Youth and Families from three to five members, as requested by the Commission, Council would need to amend the City Code. Administration further advised that the City of Farmington Hills is adopting a similar ordinance.

04-03-091 MOTION by Bush, seconded by Campbell, to introduce Ordinance No. C-693-2003 to amend Chapter 2, "Administration," Article IV, "Boards and Commissions," Division 2, "Children Youth and Families," sections 2-253 and 2-254 to increase the number of members of the Commission on Children, Youth and Families, from three to five, and to provide for staggering of the terms of office for such added members of the Commission. MOTION CARRIED UNANIMOUSLY. [SEE ATTACHED ORDINANCE].

METRO ACT ORDINANCE NO. C-694-2003. City Attorney Schultz provided a brief background on circumstances leading up to the enactment of Public Act 48, the Metropolitan Extension Telecommunications Right-of-Way Oversight Act ("METRO Act"). He advised that the "METRO Act" was created to resolve a number of longstanding right-of-way issues thought by some to be affecting the ability of telecommunication providers to access local rights-of-way to deploy communication lines and equipment. He further advised that the "METRO Act" created the so-called "Metro Authority", which administers what is essentially a uniform and statewide right-of-way fee to be paid by all telecommunications providers. He stated that, as in the case of most communities, the City would "opt in" to the "METRO Act" by way of ordinance.

Responding to a question, Attorney Schultz stated that if the City decided not to "opt in" our documents and process could eventually be challenged.

Council member McShane noted that "opting in" and joining other municipalities gives a stronger voice in the regulation of telecommunication providers.

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04-03-092 MOTION by Campbell, seconded by McShane, to introduce Ordinance C-694-2003, to establish a new Chapter 30.5, "Telecommunications," of the Farmington City Code, relating to permits for telecommunications companies to use public rights-of-way pursuant to Public Act 48 of 2002. MOTION CARRIED UNANIMOUSLY. [SEE ATTACHED ORDINANCE].

RESOLUTION TO APPROVE TELECOMMUNICATIONS PERMIT – TDS

METROCOM, INC. City Attorney Schultz advised that TDS Metrocom, Inc. has submitted an application under the new "METRO Act". He further advised that TDS Metrocom has provided the necessary information required under the "METRO Act" and that by statute the City is obligated to use the new permit form. He stated that a resolution is required to issue this right-of-way permit because the City ordinance relating to the "METRO Act" has not yet been adopted. He further stated that upon adoption of the ordinance future right-of-way permits would be handled directly by the City Manager's office. He recommended Council's approval of this resolution.

04-03-093 MOTION by McShane, seconded by Campbell, to adopt a resolution as presented by the City Attorney to approve the Right-of-Way Telecommunications Permit for TDS Metrocom, Inc. and direct the City Manager to sign and issue it on behalf of the City. MOTION CARRIED UNANIMOUSLY. [SEE ATTACHED RESOLUTION].

ROUGE RIVER WATERSHED LOCAL MANAGEMENT ASSEMBLY (ROUGE ASSEMBLY). Administration and City Attorney Schultz recommended adoption of a resolution to participate in the Rouge Assembly.

04-03-094 MOTION by Campbell, seconded by Bush, to adopt a resolution to participate in the Rouge Assembly and to accept the terms and conditions contained in the Memorandum of Agreement for the Rouge River Watershed Local Management Assembly; and to approve expenditure of up to \$3,000 for the City's share of local costs related to this stormwater effort. [SEE ATTACHED RESOLUTION].

ROLL CALL

AYES: Campbell, McShane, Mitchell, Bush.
NAYS: None.
ABSENT: Harrison.

MOTION CARRIED UNANIMOUSLY.

2003 PAVING PROGRAM BIDS. Administration advised that bid documents were prepared by the City's consulting engineers, Orchard, Hiltz & McClint for the 2003 paving program for work to take place in the Alta Loma Subdivision. Administration further advised that the City engineers recommended that the City award

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the contract to the second low bidder, Thompson-McCully Co. based on their superior qualifications and advised that the low bidder did not complete all of the information required as part of the bid process.

Mr. Charles Jones, owner of Pro-Line Asphalt and low bidder for the 2003 Paving Program, was present and spoke, stating that in his opinion, his company had provided all the necessary information. He further stated that future bid requirements should be more clearly defined.

Mr. Jon Kramer of Orchard, Hiltz & McCliment, clarified the criteria by which the contract is awarded.

04-03-095 MOTION by Bush, seconded by Campbell, to award the contract for the 2003 Road Paving Program to Thompson-McCully Company of Belleville, Michigan, in the amount of \$319,710.00; funds to be provided from the Municipal Street Fund for fiscal year 2002-03.

ROLL CALL

AYES: McShane, Mitchell, Bush, Campbell.
NAYS: None.
ABSENT: Harrison.

MOTION CARRIED UNANIMOUSLY.

SPECIAL ASSESSMENT ROLL FOR DOWNTOWN DEVELOPMENT AUTHORITY DISTRICT. Administration advised that this is the last year of a five-year special assessment that was approved in 1998.

04-03-096 MOTION by Campbell, seconded by McShane, to adopt a resolution authorizing collection of the special assessment for the Special Assessment District No. 98-81 for FY 2003. [SEE ATTACHED RESOLUTION].

ROLL CALL

AYES: Mitchell, Bush, Campbell, McShane.
NAYS: None.
ABSENT: Harrison.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ADOPT PROPOSED 2003 GOAL STATEMENT.

Administration advised that as a result of a Council special study session to set 2003 goals, a draft of the 2003 Goal Statement was prepared for approval.

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04-03-097 MOTION by Campbell, seconded by Bush, to adopt Council's 2003 Goal Statement; and to distribute copies to the City staff and members of Boards and Commissions. MOTION CARRIED UNANIMOUSLY. [SEE ATTACHED STATEMENT].

APPROVE COUNCIL APPOINTMENTS TO BOARDS/COMMISSIONS AND OTHER ORGANIZATIONS.

04-03-098 MOTION by Bush, seconded by McShane, to appoint the following Council members to City Boards and Commissions for 2003-2005 and to acknowledge Council memberships in other organizations.

Farmington Employee Retirement System Board of Trustees

Mary L. Bush

James K. Mitchell (Alternate to City Manager)

Planning Commission

Arnold T. Campbell

Southwestern Oakland Cable Commission

James K. Mitchell

Board of Zoning Appeals

James K. Mitchell

S.E.M.C.O.G. (Southeast Michigan Council of Governments)

JoAnne M. McShane

Mary L. Bush

8 Mile Boulevard Association

James K. Mitchell

Michael Harrison, Alternate

Multicultural/Multiracial Community Council

James K. Mitchell

City Manager

Michigan Municipal League

Arnold T. Campbell

Finance and Taxation Committee

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Subcommittee to Review Applicants for Boards and Commissions

Arnold T. Campbell
JoAnne M. McShane

Farmington Families in Action/Call to Action Coalition

JoAnne M. McShane

Michigan Supreme Court Local Intergovernmental Advisory Council

James K. Mitchell

Farmington Youth Assistance

James K. Mitchell

Farmington Election Commission

Mary L. Bush

Farmington Area Founders Festival

James K. Mitchell
City Manager

MOTION CARRIED UNANIMOUSLY.

SCHEDULE BUDGET STUDY SESSION DATE AND TIME.

04-03-099 MOTION by McShane, seconded by Campbell, to set a special meeting date for Monday, April 28, 2003 at 6:00 p.m. to review and discuss the City's proposed budget for FY 2003/04. MOTION CARRIED UNANIMOUSLY.

AMEND CITY COUNCIL MEETING SCHEDULE DURING SUMMER MONTHS OF 2003.

04-03-100 MOTION by Bush, seconded by Campbell, to amend the regular Council meeting schedule, canceling the second meetings of July 21 and August 18, 2003. MOTION CARRIED UNANIMOUSLY.

SIGN VARIANCE REQUEST – LYDIA CONDOMINIUMS. Administration advised that Council member Mary Bush is requesting a sign variance for Lydia Condominiums. Administration further advised that the sign would not be on the development site, as required by City Ordinance, but would be placed on the adjacent parcel to provide for increased public exposure. Administration recommended approval of a sign variance for a six-month period as requested by applicant.

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Mayor Mitchell acknowledged that Council member Bush would not participate in discussion or vote regarding this request due to her position as listing agent for the Condominiums.

Council member Mary Bush clarified for Council the exact size and proposed location of the sign.

04-03-101 MOTION by McShane, seconded by Campbell, to grant a sign variance to Section 25-17 of the City Code as requested by Mary Bush, representing Lydia Condominiums, allowing installation of a 4' x 6' sign on property adjacent to the Lydia Condominiums for a six-month period from date sign is erected; bottom of sign not to exceed top of wall. MOTION CARRIED. (THREE AYES, ONE ABSTENTION; Bush).

MISCELLANEOUS

PUBLIC COMMENT.

Julie Grippo, owner of The Baby Studio, requested a copy of the 2003 City Council Goal Statement.

David Cornwell recommended that in the future a communication regarding the Classic Car Display be sent to affected business owners at least 1-2 months in advance of the event.

Scott Saxton, 33724 Oakland, expressed his concern regarding water rates and asked Council to consider the installation of separate meters for lawn sprinklers.

Domenic Belcastro, owner of Luigi's Trattoria, inquired about the procedure for approval to place tables and chairs in front of his establishment.

Norm Wilcox requested permission to conduct a "Support the Troops" rally in Memorial Park on Saturday, April 12, 2003.

04-03-102 MOTION by Campbell, seconded by Bush, to grant approval for a "Support Our Troops" rally in Memorial Park on Saturday, April 12th, 3:00-5:00 p.m. and granted approval to provide use of a Public Address System. MOTION CARRIED UNANIMOUSLY.

David Cornwell expressed his support for the rally and encouraged participants to park in the Village Mall parking lot.

Rick Vivyan, Farmington resident, expressed concern regarding Cowleys' parking and requested a response from the City.

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Council member McShane stated that a letter has been drafted that will be sent out to business owners on the north side of Grand River regarding the parking situation. She stated that Council is fully aware of the issues and will address them.

Mayor Mitchell recognized the importance of Cowleys to the development and growth of the City and stated that the parking issue would be addressed.

Director Goss stated he is monitoring the valet parking at Cowleys and placement of the orange cones.

David Cornwell requested that the letter referred to by Council member McShane also be mailed to the business owners on the south side of Grand River. He further stated that there is available parking, however, it needs to be managed more efficiently.

Council member Campbell noted that the parking issue also affects the City relative to the Civic Theatre customers.

Domenic Belcastro suggested a meeting of concerned parties regarding Cowleys' parking.

Discussion continued regarding solutions to the parking situation. City Manager Pastue stated that a Traffic Engineer has been retained to provide a review and recommendation concerning the parking.

Nancy Leonard, Farmington resident, stated she would like to see a more timely solution to the Classic Car Display noise and parking concern. She further stated that Council should allow adequate time for public comments.

COUNCIL COMMENTS AND ANNOUNCEMENTS.

Council member McShane suggested that a public review of Zoning changes be included as part of the annual joint training session for the Planning Commission and Zoning Board.

Council member McShane recommended Council meet to address the issues brought forth in the February Joint Meeting with the City of Farmington Hills and Farmington Public Schools. City Manager Pastue stated he would review the issues and make a proposal as a future agenda item.

APPROVAL OF MONTHLY PAYMENTS REPORT.

04-03-103 MOTION by Campbell, seconded by Bush, to approve the 2003 March Monthly Payments Report. MOTION CARRIED UNANIMOUSLY.

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ADJOURNMENT

04-03-104 MOTION by McShane, seconded by Bush, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

Meeting adjourned at 10:35 p.m.

JAMES K. MITCHELL, MAYOR

PATSY K. CANTRELL, CITY CLERK/TREASURER