

FARMINGTON CITY COUNCIL
REGULAR MEETING

A regular meeting of the Farmington City Council was held on Monday, August 21, 2006 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 McShane.

PRESENT: Buck, Knol, McShane, Sutherland, Wiggins.

ABSENT: None.

CITY ADMINISTRATION: Director Gushman, City Clerk Halberstadt,
Director Nebus, City Manager Pastue,
Attorney Schultz, Treasurer Weber.

CONSENT AGENDA

Council approved the following items on the consent agenda:

- Special and Regular meeting minutes of July 17, 2006.
- Special meeting minutes of July 19, 2006.
- Farmington Hills and 47th District Court Joint Meeting Minutes of May 4, 2006.
- Approve Fourth Quarter Report: Department of Public Works and Water and Sewer Department – April 1, 2006 through June 30, 2006.
- Approve Public Safety Monthly Report – July 2006.
- Approve City of Farmington Monthly Payments Report.
- Appointment of Delegate for Annual MML Annual Meeting.
- Michigan Municipal League Workers Compensation Trustee Election.

08-06-153 MOTION by Knol, seconded by Wiggins, to approve all items on the consent agenda as presented. MOTION CARRIED UNANIMOUSLY.

APPROVAL OF REGULAR AGENDA

08-06-154 MOTION by Knol, seconded by Buck, to approve the regular agenda as submitted. MOTION CARRIED UNANIMOUSLY.

PRESENTATIONS/PUBLIC HEARINGS

PRESENTATION – TASTE OF THE FARMS, EDWARD L. CLELAND

Ed Cleland, representing Farmington Youth Assistance, invited the public to attend a fundraising event, "Taste of the Farms", to be held at Glen Oaks Country Club on Thursday, September 14, 2006 from 5:00 – 7:00 p.m. He stated that Farmington Youth Assistance would receive 100% of the funds raised from the event.

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PAULA LANGLEY, MISS OAKLAND COUNTY OUTSTANDING TEEN AND KIRSTEN HAGLUND, MISS OAKLAND COUNTY

Paula Langley, Miss Oakland County Outstanding Teen, introduced herself to Council and discussed her platform and future activities.

PRESENTATION BY DICK CARVELL – GAVEL USED BY MAYOR WELLS BUTTERFIELD 1923-1928

Dick Carvell presented a recent donation to the City of a gavel used by the first Mayor of Farmington, Wells Butterfield. He stated the gavel would be displayed in the Museum and for a short time in the exhibit area of the United Methodist Church.

PUBLIC HEARING AND CONSIDERATION TO VACATE BROOKDALE COURT

Administration advised that at a previous meeting Council was asked to consider a recommendation to vacate Brookdale Court. Administration noted this street is not part of a platted subdivision or planned unit development and does not connect to other municipal streets or function as public right-of-ways in which public utilities are located.

Administration advised that proper notice was provided both in publication and to the property owner of record as required by statute, however, the City has been informed that some of the affected parties did not receive it on time. As a result, Administration recommended that Council hold the public hearing, but delay taking action at a later date.

Administration assured Council that a future notification would be sent by certified mail.

Mayor McShane opened the hearing for public comment.

Bob Fougere, 31831 Grand River, urged the Council to vote against the vacation. He stated his belief that maintenance of Brookdale Court is a City obligation.

Upon hearing no further comment, Mayor McShane asked for a motion to close the hearing.

08-06-155 MOTION by Wiggins, seconded by Sutherland, to close the public hearing. MOTION CARRIED UNANIMOUSLY.

PRESENTATION AND CONSIDERATION TO APPROVE HARVEST MOON DANCE SPECIAL EVENT, ANNETTE KNOWLES – FARMINGTON DDA EXECUTIVE DIRECTOR

Annette Knowles, Executive Downtown Development Authority (DDA) Director, was present to request Council's approval of a special event request from the DDA to hold a Harvest Moon Dance and to grant authority to apply for a temporary liquor license to

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serve beer and wine at the event. She advised that the DDA Board proposed making the Harvest Moon Dance open to all age groups.

Responding to a question from Council, she stated that children would not be segregated during the event.

Responding to an additional question from Council, she confirmed plans for the event were similar to last year.

Mayor McShane expressed concern regarding children attending an event where alcohol is served. She stated it has traditionally not been the City's policy to do so.

Councilmember Knol noted that during the Founders Festival children are allowed at the Ox Roast where alcohol is served up until 8:00 p.m.

Knowles stated that the DDA Board was attempting to broaden attendance at the dance by not limiting the age group.

Responding to a question from Council, Director Nebus stated the Liquor Control Commission would allow minors, accompanied by an adult, to attend an event where alcohol is served, however, a time limit must be established and the possible designation of alcohol and non-alcohol areas.

Mayor McShane again expressed her concern regarding the inclusion of children in this event. She questioned whether it would be appropriate role-modeling for children.

Councilmember Wiggins stated he is comfortable with the liquor license request as long as it is limited to the dance held between 5:30 -9:30 p.m.

Knowles confirmed that last year's event was restricted to ages 21 and over.

Councilmember Sutherland concurred with the Mayor to limit attendance at the event to ages 21 and over.

Councilmember Buck also concurred to limit the event to adults only.

08-06-156 MOTION by Knol, seconded by Sutherland, to approve a special event request from the Downtown Development Authority Board to hold a Harvest Moon Dance on October 7, 2006, from 5:30 p.m. to 9:30 p.m., at the Sundquist Pavilion, and grant authority to apply for a temporary liquor license to serve beer and wine, stipulating attendance would be limited to ages 21 and over. MOTION CARRIED UNANIMOUSLY.

MAYOR'S PROCLAMATION

Mayor McShane proclaimed the month of September 2006 as "National Alcohol and Drug Addiction Recovery Month" in the City of Farmington.

UNFINISHED BUSINESS

HISTORIC DISTRICT STUDY COMMITTEE

Administration advised that in 2003 the Oakland County Main Street Program recommended the City consider establishing an historic district that would allow eligible renovation or rehabilitation projects receive either state or federal tax credits. Administration further advised that in 2005 Council established a Historic District Study Committee to evaluate the merits of establishing such a district. Administration reviewed the process the committee has taken thus far and indicated that to go forward the Committee would need to submit a final report with recommendations. Administration advised that Council would need to adopt a resolution instructing the Committee to begin developing an ordinance for the Council to consider.

Wiggins asked regarding a provision under the State "Local Historic Districts Act" that requires approval of the majority of property owners within the district before an ordinance is adopted. He questioned whether there was currently enough support in the district for the ordinance to achieve the majority approval.

Mayor McShane noted that by adopting a resolution Council is only accepting a concept, however, it is recognized that further study is required to determine the viability of an ordinance.

Attorney Schultz confirmed that a Council resolution serves only to direct a final report and draft an ordinance amendment.

Buck suggested that before the Committee puts in additional time and effort preparing a final report and ordinance, more support should be generated from residents of the district through further education. He conceded the education process could happen concurrently with the development of the ordinance, however, he expressed concern that the significant effort put into the ordinance may meet with resistance from historic district residents.

Mayor McShane noted that a significant amount of education has already been provided to the residents. She stated her recommendation is to move forward with the development of the ordinance, but at the same time provide more educational opportunities, such as cable programming. She stated she does not want to make the assumption that there is not enough support from district residents.

Buck recalled a previous meeting where there were spirited comments from residents on both sides of the issue. He again suggested gaining increased support from residents before moving forward with the ordinance. In recommending the need for further education, he cited the confusion surrounding contributing and non-contributing properties.

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Mayor McShane stated the City historically has never needed a groundswell of support before Council studied or acted on an issue. She noted at a previously mentioned meeting several residents who spoke did not live in the historic district. She further noted that at that meeting the majority of the historic district residents were in support of the proposed changes.

Betty Borgman, 34011 Grand River, expressed opposition to the proposed changes to the historic district ordinance due to her concern that it would negatively impact sale of homes.

Doug Peterson, 33209 Oakland Avenue, recognized the impact of the changes to residents on both sides of the issue. He supported the need for further education and expressed support for the ordinance changes.

Councilmember Knol made a motion to authorize the Historic District Study Committee to move forward with a final report and to develop an ordinance for Council consideration. The motion failed for lack of support.

Mayor McShane asked Council for their direction to the Committee.

City Manager Pastue noted in a previous survey of historic district residents, responses indicated a strong interest in historic preservation. He suggested a review of the current Historic District Ordinance to determine how the historic preservation component can be strengthened.

Knol questioned the necessity of strengthening or changing the current Historic District Ordinance without the benefit of a tax credit.

Mayor McShane questioned how the ordinance could be changed without the ability to enforce recommendations. Pastue confirmed that enforcement of recommendations would remain with the Planning Commission.

Wiggins questioned whether historic district residents have a high interest in a tax credit benefit.

Buck questioned whether there are fifteen contributing properties in the proposed historic district. He stated his support for enhancing historic presence in Farmington and suggested gathering more data on contributing properties and re-evaluate the boundaries of the historic district in order to potentially increase participation.

Mayor McShane stated that a tremendous amount of work has already been done and historically the Council has not gone door-to-door to obtain feedback on an issue. She stated Council must consider its commitment to the community as a whole and whether it should exercise authority to preserve the historic district.

Dick Carvell, 33906 State Street, expressed concern that Council would not move the ordinance changes forward.

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Mayor McShane recommended Council briefly discuss the issue at the next study session to determine if it should be brought back at the next meeting.

Councilmember Sutherland stated she does not see a threat to the historic district as it functions today. She noted that even if a historic home becomes deteriorated the homeowner cannot be forced to renovate. She stated her major concern with the proposed ordinance relates to non-contributing properties where a binding review process is required with no tax benefit. She further stated she could not support the ordinance changes until the majority of historic district residents, both contributing and non-contributing, show their support.

Knol noted that the City already has binding review with the Planning Commission.

Mayor McShane responded that the current binding review process does not include historical reference.

No action was taken by Council on this issue.

NEW BUSINESS

CONSIDERATION TO APPROVE PURCHASE OF TRACTOR FOR PUBLIC SERVICES DEPARTMENT

Administration advised the purchase of a tractor for Public Services was part of the department's fleet vehicle replacement schedule. Administration further advised that four sealed bids were received and the award was made to the low bidder, D&G Equipment, Inc.

RESOLUTION 08-06-157 Motion by Knol, seconded by Sutherland, to approve the purchase of one (1) John Deere Tractor, per the RFB specifications, from D&G Equipment of Williamston, MI, in the amount of \$25,881.28.

ROLL CALL

Ayes: Knol, McShane, Sutherland, Wiggins, Buck.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE PURCHASE OF LEAF LOADER FOR PUBLIC SERVICES DEPARTMENT

Administration advised the purchase of a leaf loader for Public Services was part of the department's fleet vehicle replacement schedule. Administration further advised that three sealed bids were received and the award was made to the low bidder, Bell Equipment Company.

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RESOLUTION 08-06-158 Motion Wiggins, seconded by Sutherland, to approve the purchase of one (1) Leaf Loader, per the RFB specifications, from Bell Equipment Company of Lake Orion, MI, in the amount of \$39,500.00 (including trade-in).

ROLL CALL

Ayes: McShane, Sutherland, Wiggins, Buck, Knol.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE CHATHAM HILLS FOOTING DRAIN DISCONNECT PROGRAM CONSTRUCTION ESTIMATE #11 (FINAL)

Administration advised construction estimate #11 is the final payment to the contractor for work performed on the Chatham Hills Footing Drain Disconnect Program. Administration further advised that the estimate was reviewed and approved by both the Public Services Director and the City's consulting engineers.

RESOLUTION 08-06-159 Motion by Sutherland, seconded by Wiggins, to approve payment of construction estimate #11 to Bidigare Contractors in the amount of \$35,700.82 for work completed on the Chatham Hills Footing Drain Disconnect project.

ROLL CALL

Ayes: Sutherland, Wiggins, Buck, Knol, McShane.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE CONSTRUCTION ESTIMATE #1 FOR RAPHAEL STREET RECONSTRUCTION PROJECT

Administration advised that the Director of Public Services and the City's consulting engineers have reviewed and approved construction estimate #1 for the Raphael Street Reconstruction Project.

RESOLUTION 08-06-160 Motion by Wiggins, seconded by Knol, to approve payment of construction estimate #1 to DiLisio Contracting Inc. in the amount of \$36,665.89 for work completed on the Raphael Street Reconstruction Project.

ROLL CALL

Ayes: Wiggins, Buck, Knol, McShane, Sutherland.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO RENEW FARMINGTON ROAD MAINTENANCE AGREEMENT WITH ROAD COMMISSION FOR OAKLAND COUNTY

Administration recommended continuing the agreement with the Road Commission for Oakland County for maintenance of Farmington Road. Administration advised the County has offered to compensate the City at a rate of \$11,488.52 per mile, for a total annual compensation of \$19,530.49, resulting in a 2.0% increase over last year.

RESOLUTION 08-06-161 Motion by Knol, seconded by Sutherland, to approve an agreement in the amount of \$19,530.49 with the Road Commission for Oakland County for the maintenance of Farmington Road, between Eight Mile and Grand River, for a one-year period beginning October 1, 2006. **[SEE ATTACHED AGREEMENT].**

ROLL CALL

Ayes: Knol, McShane, Sutherland, Wiggins, Buck.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

INTRODUCE ORDINANCE C-717-2006 REGARDING TEXT CHANGES TO ZONING ORDINANCE, SECTION 35-34 – RIVER VALLEY FLOODPLAIN OVERLAY DISTRICT

Administration advised the Federal Emergency Management Authority (FEMA) has updated its flood insurance maps for Oakland County and in order for the City to continue its participation in the FEMA flood insurance program, it is necessary to update the Construction Code Ordinance and Section 35-34 of the Zoning Code dealing with the River Valley Floodplain Overlay District. Administration further advised there is no change in the floodplain map for Farmington, however, it is necessary for the Zoning Code to be amended to reflect the updated Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMS).

Administration advised the Planning Commission held a public hearing regarding the zoning text changes and at the conclusion of the hearing recommended approval of the changes.

08-06-162 MOTION by Sutherland, seconded by Wiggins, to introduce ordinance C-717-2006 to amend Section 35-34, River Valley Floodplain Overlay District, of the Zoning Code, in order to amend reference to, and to incorporate the updated Federal Emergency Management Agency (FEMA) Oakland County, Michigan, Flood Insurance Study and corresponding flood insurance rate maps. **[SEE ATTACHED ORDINANCE].**
MOTION CARRIED UNANIMOUSLY.

INTRODUCE ORDINANCE C-718-2006 TO AMEND CHAPTER 7 OF CITY CODE, BUILDING AND BUILDING REGULATIONS

Administration advised this amendment is also related to the changes in the FEMA map as referenced earlier.

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08-06-163 MOTION by Wiggins, seconded by Knol, to introduce ordinance C-718-2006 to amend Chapter 7, Article 1, Section 7-1, the State Construction Code Ordinance, to designate regulated flood prone hazard areas within the City of Farmington as set forth in the most recent Federal Emergency Management Agency (FEMA) Oakland County, Michigan, Flood Insurance Study (FIS), and Flood Insurance Rate Maps (FIRMS) for the purpose of enforcing the State Construction Code regulations pertaining to flood zones in those regulated flood prone hazards areas within the City of Farmington. [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

INTRODUCE ORDINANCE C-719-2006 TO AMEND TRAFFIC CONTROL ORDERS FOR TIME LIMITED PARKING IN DOWNTOWN MUNICIPAL LOTS

Administration advised that earlier this year the Public Safety Department, on direction from Council, issued a temporary traffic control order that placed a two-hour time limit for parking along Market Place and Market Street in the Downtown Center and a three-hour limit for most of the municipal parking lot north of Grand River northeast of the Civic Theater. Administration recommended making these temporary parking limitations permanent.

08-06-164 MOTION by Wiggins, seconded by Buck, to introduce ordinance C-719-2006 to amend City Traffic Control Orders by establishing time limited parking requirements along Market Place and Market Street, and in the municipal lot north of Grand River east of Farmington Road and west of Warner Street. [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO TEMPORARILY SUSPEND DOWNTOWN OUTDOOR SEATING REQUIREMENTS

Administration stated the Planning Commission has reviewed proposed text changes that included greater flexibility regarding the types of materials that could be used to define outdoor seating areas and the elimination of the requirement to enclose the seating area when wait service is not provided or alcohol served. Administration further stated the Planning Commission has set a public hearing for September 11, 2006 to accept public comment regarding these changes.

Administration indicated the Planning Commission granted approval of a request from Big Apple Bagel for outdoor seating without railing for the remainder of 2006 subject to Council's waiving or suspending outdoor seating requirements while proposed text changes are considered; and granted a similar approval to Luigi's Trattoria with the difference being materials used to define the seating area.

Responding to a question from Council, City Manager Pastue stated the resolution waives only the requirements for railings under certain conditions and materials used.

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RESOLUTION 08-06-165 Motion by Sutherland, seconded by Knol, to adopt a resolution to suspend outdoor seating requirements as contained in Section 35-102(b) of the Zoning Code through October 31, 2006 while proposed text changes are being considered. [SEE ATTACHED RESOLUTION]. MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENT

Marilyn Wolff, 23259 Lilac, requested the City take measures to rid the Floral Park neighborhood of rats. She stated there needs to be more education and publicity in addressing the infestation problem.

Richard Wolff, 23259 Lilac, stated there has never been a rat problem in his area during the thirty-plus years he has lived there. He stated the earlier notification sent by the City was only received by a limited number of residents. He requested the City take further action to address this issue.

Doug Peterson, 33209 Oakland, noted a rat was cited in his backyard also.

Kim Everett, 23210 Lilac, indicated the City has only two traps available to residents. She stated the poisoning of rats has introduced poison into the food chain. She further stated the City has provided limited response to this problem.

Patricia Peeling, 23241 Lilac, further discussed the abundance of rats in her neighborhood. She cited the bridgework on Grand River as a possible reason for the infestation.

City Manager Pastue stated the City would look into providing additional traps and expand education regarding this issue to the community.

Director Gushman advised that more than 150 letters were mailed to Floral Park residents concerning this issue.

Councilmember Knol requested re-sending the letter to all residents of Floral Park Subdivision.

Councilmember Sutherland asked if the City has sought professional help to address this issue. Pastue responded the City is still attempting to find the source of the problem and expressed concern regarding the City's liability. He stated it has been ten years since the City has experienced this type of problem and the approach then was to educate residents on property maintenance.

Councilmember Sutherland noted that at a recent campfire in Floral Park they were joined by a rat.

Mayor McShane expressed concern regarding poisoning the rats especially where children and domestic pets are concerned.

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Councilmember Buck stated this issue should be a top priority and receive the City's utmost attention.

Annabelle Gabel, 23089 Violet, stated she had received notification from the City regarding the rat problem. She suggested residents seek professional help to combat the problem.

Councilmember Wiggins asked if the County could provide assistance with this problem.

Gary Peeling asked why the Road Commission did not take preventative measures before starting work on the Grand River Bridge.

Mayor McShane assured residents the City would take measures to address this problem and would keep residents informed.

Hank Borgman, 34011 Grand River, stated a hole was left in front of his driveway as a result of the recent Grand River Road construction. He requested the City take measures to correct this problem. He paid tribute to Nancy Leonard, a Farmington Resident and friend, who recently passed away.

COUNCIL COMMENT

Knol also expressed sadness over the loss of Nancy Leonard. She stated Nancy who will be greatly missed lived a very productive life including faithfully attending City Council meetings.

Mayor McShane announced there will be a memorial service for Nancy on Wednesday, August 30th at 7:00 p.m. at the Thayer Rock funeral home. She stated that for those who did not know Nancy, she was a Council watcher who spoke her mind and was greatly loved.

ADJOURNMENT

08-06-166 MOTION by Knol, seconded by Buck, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 9:40 p.m.

JoAnne M. McShane, Mayor

Susan K. Halberstadt, City Clerk

APPROVED: September 18, 2006