



**Regular City Council Meeting
7:00 p.m., Monday, September 21, 2020
Virtual Meeting - Zoom
Meeting ID: 869 3624 7158
Meeting Passcode: 230401**

REGULAR MEETING AGENDA

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF ITEMS ON CONSENT AGENDA**
 - A. Accept City of Farmington Board and Commission Minutes**
 - B. City of Farmington Minutes**
 - C. Farmington Public Safety Monthly Report**
- 4. APPROVAL OF REGULAR AGENDA**
- 5. PRESENTATION/PUBLIC HEARINGS**
 - A. Shiawassee Speed Study Follow-up**
 - B. New Flanders Park equipment**
- 6. NEW BUSINESS**
 - A. Consideration to approve amendment to Traffic Control Order**
 - B. Consideration to approve a resolution extending Resolution Regarding Relaxation of Certain Requirements for Reopening Retail and Restaurant/Bar Businesses in Light of Covid-19 Pandemic**
 - C. Consideration to approve payment to V.I.L. Construction Incorporated for Construction Estimate No. 4 in the amount of \$179,487.86 for the Mayfield Street Reconstruction**
 - D. Consideration to approve the Grant Agreement for 2021 between the Michigan Indigent Defense Commission (MIDC) and the Cities of Farmington and Farmington Hills**
- 7. PUBLIC COMMENT**
- 8. CITY COUNCIL COMMENTS**
- 9. ADJOURNMENT**

Direct Zoom login: <https://us02web.zoom.us/j/86936247158?pwd=RTIEOGJmbzZXNE83UVQ5eWw2TIJSZz09>

The City will follow its normal procedures for accommodation of persons with disabilities. Those individuals needing accommodations for effective participation in this meeting should contact the City Clerk (248) 474-5500, ext. 2218 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

Farmington City Council Staff Report	Council Meeting Date: September 21, 2020	Item Number 3A
Submitted by: Melissa Andrade, Assistant to the City Manager		
<u>Agenda Topic:</u> Accept Minutes from City's Boards and Commissions		
<p>CIA: September meeting canceled DDA: August 2020 Historical: August 2020 Parking: August 2020 Planning: August 2020 ZBA: December 2019 minutes tabled; August 2020 minutes included Library: July 2020, August not yet posted Farmington/Farmington Hills Arts Commission: February 2020 Commission on Children, Youth and Families: August meeting canceled Emergency Preparedness Committee: Minutes not yet posted</p>		



6:00 p.m. Wednesday, August 5, 2020
Virtual Zoom Conference Room
Meeting ID: 878 1032 1293
Password: 477881
23600 Liberty Street
Farmington, MI 48335

MINUTES

The meeting was called to order by Todd Craft at 6:04 pm.

1. Roll Call

Present: Todd Craft, Tom Buck, Sean Murphy, Sara Bowman, Tom Pascaris, Chris Halas

Absent: Micki Skrzycki, Rachel Gallagher

Others Present: Kate Knight, Jess Westendorf

2. Approval of Items on Consent Agenda

- a) Financial Report
- b) Minutes: July 1, 2020 DDA Regular Meeting
- c) Minutes: June 10, 2020 DDA Public Art Committee
- d) Minutes: July 8, 2020 DDA Public Art Meeting
- e) Minutes: May 26, 2020 DDA Design Committee

Motion by Bowman to approve the items on the Consent Agenda, Seconded by Buck. Motion passes unanimously.

3. Approval of Regular Agenda

Motion by Murphy to approve the items on the Regular Agenda, Second by Bowman. Motion passes unanimously.

4. Public Comment

Opened and closed by Craft at 6:06.

5. Financial Snapshot

- Overview by Knight.
- Trial balance report. Year-end approvals and reconciliations are not complete. As soon as they are, we will send out a financial snapshot. No questions from the board.

6. Executive Director Update

- Two murals are on the ZBA agenda for approval tonight. Sunflour Bakehaus and The Vines.
- Public art committee meeting on site next week to celebrate the mural painting.
- Patronicity Campaign- Committee met today to allocate funding right before this meeting.
- Streetscape Update- In discussion with merchants regarding easements and continual conversations with SHPO.
- Final steps of outdoor takeover- Page's patio is being set up as we speak. Knight presentation this project during the latest MDA meeting. We submitted CARES act reimbursement for entire project.

7. Committee Updates:



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a. Design Committee

- The design committee has not met since the last board meeting. They are still celebrating the pavilion paint. Umbrellas and high tops are being used with joy.

b. Public Art Committee

- Excited about murals and capturing content- stick around for the ZBA meeting after this for approval if you are available.
- David Barr Sculptures- City of Novi would like to charge \$3000 for an agreement extension. Committee would like to search for a new piece. Committee offered \$1000 stipend until City of Novi is ready to take them back. Buck recommended charging rent until the City of Novi is able to take them back.

c. Promotions Committee

- Restaurant Week- coming up on the 16th and Ladies Night OUTside on the 20th.
- “Spirit of Harvest Moon” in September
- “Raven Fest” month long celebration in October with passive programming and literary twist.
- Metromode Update-
 - The ideas for enjoying Farmington outside essay by Jenn McKee hit last week.
 - Nourish and Namaste reached 22K readers!
 - Commercial and Residential real estate article reached 14K readers!

d. Business Development Committee

- Committee just met to review PPE reimbursements and came up with an equitable solution. Checks will be issued this week (or next). We made distinctions between high traffic and low traffic businesses and allocated accordingly.
- The Board approved and had no concerns on how the committee allocated the funds.

8. Other Business

Sean Murphy- Updated the board on Harvest Moon staff and committee chair discussion. We are currently in phase 4 which allows 100 people to gather outside, regressing one phase would mean zero gathering. Plymouth’s and Ferndale’s Fall festival are being canceled. We are concerned for older volunteer base and keeping them healthy and safe. We recommend to cancel Harvest Moon 2020, but commemorate with a Spirit of Harvest Moon digital event to appreciate volunteers, create Harvest Moon branded masks to remind people to keep it in mind for next year, and lead right into Raven Fest in October for passive Fall programming.

9. Board Comment



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Buck: Expressed disappointment that we understandably can't run our beloved Downtown events in the midst of COVID19. We need to contemplate how we become ready when things open back up and have our sponsorship package ready before anyone else is ready to secure sponsors. Buck suggested that we should consider a dinner event spread out across downtown patios, potentially a strolling dinner.

Craft: Appreciate Tom's enthusiasm of always trying to find another solution. We could consider having restaurant week the third week of every month.

10. Adjournment

Motion to adjourn by Buck, seconded by Pascaris. Motion passes unanimously.

Historical Commission Regular Meeting

August 27, 2020

1. Call to order 7:00 pm.
2. Roll call - Chris Schroer, Ben Ridderbos, Janie Gundlach, Jill Keller, Laura Myers, Robert Senn
3. Approval of agenda - Moved Schroer, seconded Gundlach, all ayes
4. Public Comment - none
5. Approval of minutes - September, 2019 regular meeting, moved Schroer, seconded Gundlach, all ayes.
6. Financial report - none available
7. Warner Mansion activities - The Mansion director was informed last week that she could begin planning events at the Mansion. Our usual first Sunday opening was postponed because someone had already rented the grounds for a private party. We don't usually have a porch party in September. The next scheduled opening should be Sunday, September 15. The chair will contact the rest of the Commission as soon as she knows anything.
8. New Business
 - a. Election of officers - Laura Myers chair, Chris Schroer vice chair, Janie Gundlach treasurer, Ben Ridderbos secretary.
 - b. Officially passed a motion to approve up to \$1400 for the city's Veteran's Banner program. It was discussed in January 2019 and informally passed then in person and by phone. Moved Schroer, seconded Gundlach, all ayes.
 - c. Annual report is done. Need to bring to September meeting for approval.
9. Old Business
 - a. Warner Mansion fountain repair -
 - b. Historic District Survey - Finished. Need to find an appropriate time to present to the City Council.
10. Correspondence and communication - none
11. Commission Comments
12. Adjournment 7:40 pm.

Meeting Minutes — **REVISED 9-17-20**
Farmington Parking Advisory Committee
August 19, 2020

Attendees

Kenneth Crutcher <crutcherk@crutcherstudio.com>,
David Murphy <DMurphy@farmgov.com>,
Frank Demers <FDemers@farmgov.com>
Chris Halas <ch.halas@gmail.com>,
Joe Mantey <cheeseladyfarmington@gmail.com>
Rachel Gallagher <rachelegallagher@aol.com>
Maria Taylor <MTaylor@farmgov.com>

Agenda

1. Roll call - 7:01 p.m.

2. Approval of the agenda -

Crutcher made a motion to approve. Halas supported. All were in favor. — Approved

3. Approval of the January 2020 Parking Advisory Committee Minutes

Halas made a motion to approve. Gallagher supported. All were in favor.— Approved

4. Public Comment — No Public Comments

5. Public Safety Update

Chief Demers apprised the committee that the parking officer resumed both enforcement and the monitoring of lot volumes on 7/20/20. Prior to that, enforcement had been suspended since 3/18/20 due to the pandemic. For the first week of resumed enforcement, Chief Demers ordered the officer to issue warnings. After that, he began issuing tickets for parking violations.

Chief Demers then shared his report with the committee. The volume of violations were consistent with the volume of violations prior to the pandemic. The complete, detailed report is on file in the office of public safety.

Along with resuming enforcement of public and city-managed lots, the parking officer is assisting business owners with enforcement in private lots downtown. Specifically with respect to issuing violations for the misuse of ADA-compliant spaces.

As an addendum to the public safety update, Chief Demers informed the committee that since the 2021 budget has gone into effect, the parking officer has received new technology to more effectively perform his duties. His vehicle is now equipped with a mobile data computer and printer that enable him to issue tickets at the moment of the violation. This reduces the labor costs involved with manual re-entry of violations.

Taylor asked Chief Demers about the recent parking violation involving Sunflour Bakehaus owner, Jeff Pavlik. Chief Demers

informed the committee that Pavlik's daughter was issued a ticket for a time-limit violation in the North lot. Given that Pavlik had not been informed that enforcement had resumed, Chief Demers made the decision to dismiss the ticket.

Chief Demers mentioned that there was an important learning from Pavlik's ticket along with the recent news item that featured the owner of Mi Mosa. He said the city should have issued a press release that would have explained the dates and procedures for resuming enforcement.

6. Discuss Employee parking on South Side of Grand River Ave

Murphy reviewed the news clip with the committee. It featured the owner of Mi Mosa complaining that his wait staff had received multiple parking violations and that he "just wanted a solution."

Gallagher said she was surprised by the content of the clip because she had personally spoken to the owner of Mi Mosa and explained the parking policy. Furthermore, Executive Director of the DDA, Kate Night told the owner of Mi Mosa that employee parking areas are a short walk from the restaurant.

The committee agreed that the owner of Mi Mosa needs to be re-educated about employee parking areas and that the city does not offer parking vouchers.

7. Discuss Salem Church agreement -

David Murphy shared the new lease agreement between Salem Church and the city of Farmington. As a result of the agreement, the city will gain nearly 50 spaces in the DDA area. Minor updates need to be made to the Church parking lot including the removal of a few of their signs. The city also needs to install new signs to improve way finding to the new available spaces as well as the ADA-compliant spaces within the lot.

8. Election of officers Motion to retain Joe Mantey as chair

Halas made a motion to retain Joe Mantey as Chair.

Gallagher made a motion to appoint Maria Taylor as the new Chair of the committee. Her motion was supported by Taylor, but not by any other committee members.

Halas amended his motion. In addition to retaining Mantey as chair, he moved to retain Ken Crutcher as Vice Chair and himself as Secretary.

Halas' motion passed unanimously.

9. Future items for discussion

Taylor provided an update from the city council goal-setting meeting. As part of the goal setting, there is a potential redevelopment project of the Village Shoe Inn property that could add to the number of spaces near the North lot.

Mantey asked Murphy for more information on the goal-setting

meeting. Murphy informed the committee that council has not yet approved their goal setting. However, once they do, he plans to share relevant aspects with the parking committee.

Halas asked Chief Demers to consider monitoring how the new outdoor seating arrangement of many of the downtown restaurants is impacting parking enforcement. Chief Demers agreed to follow up on that item at the next meeting.

Mantey asked about the enforcement of ADA-compliant parking spaces on Grove St. Specifically, the spaces in front the former Dress Barn location. Chief Demers agreed to look into it for the next meeting.

Murphy informed the committee that there is a potential grant available to the city for the installation of an EV charger at one or more of the city's parking spaces.

Halas suggested that Chief Demers lead another committee tour of the lots to help determine a suitable location for the charger. Halas also mentioned that the committee should use the opportunity to assess any other changes that have occurred as a result of the Covid 19 pandemic.

Taylor suggested using part of the tour discussion to audit way-finding signage.

Taylor mentioned that she would like the committee to explore the development of a fund that would leverage unused parking inventory in private downtown lots. She said if such a fund and a plan were successful, it could ultimately eliminate the need

for the parking committee.

10 committee comments

Chief Demers mentioned that he was glad to see everyone and that he is glad we have a number of new items to work on.

Joe said he will be sending Public Safety and email about an irresponsible dog owner causing a problem in the lot near TJ Maxx.

11. Adjournment 9:02

FARMINGTON PLANNING COMMISSION PROCEEDINGS
23600 Liberty Street
Farmington, Michigan
August 10, 2020

Chairperson Crutcher called the Meeting to order via Zoom remote technology at 7:00 p.m. on Monday, August 10, 2020.

ROLL CALL

Present: Crutcher, Kmetzo, Majoros, Mantey, Perrot, Westendorf
Absent: Waun
A quorum of the Commission was present.

OTHER OFFICIALS PRESENT: Director Christiansen, Building Inspector Bowdell (arrived 7:08 p.m.), Recording Secretary Murphy, Brian Golden, Director of Media Services.

APPROVAL OF AGENDA

MOTION by Westendorf, supported by Majoros, to approve the Agenda.
Motion carried, all ayes.

APPROVAL OF ITEMS ON CONSENT AGENDA

A. July 13, 2020 minutes

MOTION by Perrot, seconded by Majoros, to approve the items on the Consent Agenda.
Motion carried, all ayes.

At the direction of the Chair, Agenda Item 5 was moved up to Agenda Item 4 to allow the Petitioner an opportunity to appear at the meeting.

APPOINTMENT OF PLANNING COMMISSION MEMBER TO PARKING COMMITTEE

Chairperson Crutcher introduced this item and turned it over to staff.

Director Christiansen stated as everyone is aware, the Planning Commission has members that serve in other capacities. For example, Mr. Crutcher, who is our Chair, does serve as the member from the Planning Commission on the Zoning Board of Appeals. We also have had various committees like the Capital Improvement Committee and that committee has had representatives of the City's various boards and commissions and Commissioner Majoros has served in that capacity as representative of the Planning Commission. And there are other committees and groups throughout the City that others get involved in which is a really good thing. There is also as

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structured through City Administration through the City Manager's office, a Planning Commission member, an appointed member that serves on the Downtown Farmington Parking Advisory Committee and Chairman Crutcher has served in that capacity as the liaison from the Planning Commission for the last three years and maybe even before that. In any event the term is a three-year term and Mr. Crutcher serving as Planning Commission liaison to the Downtown Farmington Parking Advisory Committee, his term just ended on June 30th. So this item is a consideration for reappointment, appointment for the next three-year term ending June 30, 2023 of a representative serving as a liaison from the Planning Commission to the downtown Farmington Parking Advisory Committee.

Crutcher stated in his experience on that committee, just to fill in, we are not making reports to the Planning Commission but we have been making recommendations to City Council pertaining to some of the requirements and rules and regulations for parking in the downtown area specifically and if you notice the timed parking that went from two to three hours and some of the additional parking spaces that were identified and marked around town around the downtown area, those are all things that came from recommendations from the Parking Advisory Committee. As moving forward, I've been on it for a few years, I'm also involved with some other things so if anyone would be interested in sitting in and taking my spot on that, I'd be okay with that if you have any interest. If not, I wouldn't have a problem continuing on with the Committee. So I guess our action now is if there are any volunteers who would like to come forward.

Commissioner Westendorf asked how often the committee meets and Christiansen replied that the Committee meets once a month as scheduled on the third Wednesday of the month at 7:00 o'clock in the City Hall Conference Room. They have not met though in the conference room since City Hall was closed as the COVID-19 restrictions came into place. And as we're still having virtual meetings, they would have virtual meetings as well if they are having meetings. They haven't had a meeting for a bit but I anticipate that they will but their scheduled meeting is the third Wednesday at 7:00 p.m.

Crutcher said he doesn't remember the make-up of the meeting but there's also opportunity for residents to sit on our committee meetings as well, not only to attend the meeting but I think there was a position for a community member as well.

Christiansen stated all meetings are open to the public and that meeting is as well.

Perrot asked Crutcher if he was interested in taking another tour of duty by all means, but I'll volunteer just to represent the Planning Commission.

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Crutcher said he's happy to continue if you'd like to not volunteer to take over, if you want to maybe co-participate so that we don't have to actually go to every meeting, we can alternate meetings if that's something that's of benefit.

Christiansen replied that's up to the Commission, whatever you choose to do. I did mention the other boards and commissions and other service that some of the Commission members are on but it's fully up to the Commission of what you want to do. The only thing I would say about a co-participant, you might not be meeting every month. I think that's nice sometimes and this is just my comment to the Commission: it's nice to get involved and maybe get kind of a rhythm going where you're involved and you're involved on a routine basis and so you stay engaged and then you're able to represent and then report back or whatever you do serving in that capacity.

Crutcher said then it probably would be better if somebody stepped in and do it. I've been involved I think from the beginning and I think I may be one of two members that have been on it since the beginning since there has been some turnover of the members.

Majoros said that he knows that we all have a lot of responsibility but with parking, this is one of those things that having a little bit of history and experience probably matters because as you mentioned there's a lot of work there, especially if there's turnover and new people having someone with some experience seems appropriate if you're willing to maintain that responsibility. But then we have a capable member in the bullpen there so if we need someone that Geoff can kind of stay close if he needs to step in and participate in any meeting you can't make, that seems appropriate.

Crutcher agreed to continue in the liaison position and Perrot said as long as the language in the City Charter allows, I'm guessing it's pretty broad when it comes to participation. Crutcher told Perrot he can always attend the meetings whenever he wants just as a resident and I do believe there is a position on the Committee as a resident, it's mostly business owners that are part of it but I think there is a resident member as well.

Christiansen replied he thinks that's right but he would have to confirm that with the City Manager to see what the current membership is in terms of whose sitting in which particular seat and whom they represent. But at least for tonight what you're being asked to do is confirm a Planning Commission liaison, one member, for the next three years, but I can certainly follow-up and get you a response to that resident seat.

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MOTION by Majoros, supported by Perrot, to move to approve the reappointment of Ken Crutcher as liaison from the Planning Commission to the Parking Advisory Committee, for a three-year term ending June 30, 2023.

Motion carried, all ayes.

SITE PLAN REVIEW – WORLD WIDE CENTER – 34701-34801 GRAND RIVER

Chairperson Crutcher asked if the Applicant had appeared and Christiansen replied he has not but it's appropriate to move forward with this item.

Christiansen said this is an application that has been formalized and plans then accompany a staff report so you are in a position to move forward with item if you so choose.

Christiansen stated this item is a site plan review for the installation and use of exterior building façade lighting at the World Wide Center located at 34701-34801 Grand River Avenue. The Applicant has submitted a site plan and support materials in order to install an illuminated LED light band which is accent lighting along portions of the top of the existing perimeter of the existing commercial building at World Wide Center. The existing commercial site is zoned C-2, Community Commercial. Exterior lighting for nonresidential uses is subject to the review and approval of the Planning Commission in accordance with the requirements of Section 35-48 of the Zoning Ordinance. What you have attached with your staff packet and staff report tonight is a copy of Section 35-48 of the Zoning Ordinance, and again, those are the requirements for exterior lighting for nonresidential uses and also some support materials, the application, there's an aerial photograph and there are some graphics related to the center. He asked Mr. Golden to put the packet on the screen.

Christiansen stated this is exterior lighting, Section 35-48, and this talks about various elements of exterior lighting on properties, intensity, types of fixtures for nonresidential, nonsingle family uses, and it goes on, it talks about lighting in the CBD, it talks about pole height, location of poles, etc. Subsection (f) talks about luminous tube, neon exposed bulb lighting for nonsingle family residential uses. And what it indicates that anything that is proposed on the exterior intended is prohibited, however the Planning Commission may approve illuminated architectural bands when the bands will enhance the appearance of the building. That is what is being requested this evening of you. So if we move forward, this is the aerial photo for the World Wide Center, and as we move it around a little bit, that's a good orientation there, Grand River Avenue is to the top of this graphic, you then see the World Wide Center outlined in red, you see the parking lot

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for the World Wide Center and you see the building which spans east to west along the south side of the center site. If you go to the next graphic, this is actually the application and we can go through this, it's just what's required, it's been submitted so we'll move forward from here. This is that same orientation as you just saw, the aerial photo. So what this is, this is the site plan for the World Wide Center that the Planning Commission considered back in October of 2018 for the Word Wide Center's existing building façade modifications, site improvements and for the new Tropical Smoothie. So this is the site plan that was approved by the Planning Commission in October of 2018 used for reference this evening that is current. It shows the existing building, it shows the proposed Tropical Smoothie, it shows Grand River, the parking lot, you'll see the landscaped areas, you'll see new light poles that are going to be on the island, you'll even see a note on the building which is existing building to the left, remove existing lighting on the front poles and the flood lighting on the front façade. So that existing lighting, and it's been there for quite a long period of time, is all being removed. Those existing poles are being replaced with new ones. Those flood lights that were on the building are removed. The façade improvements as approved by the Planning Commission and now is approved through the building permit process, has been implemented. If you've had an opportunity to look at the center recently, those improvements are nearing completion. And in nearing completion, what the Applicant is requesting is in order for them then to enhance the façade of the building and also because this other lighting is being removed and I just referenced that note in the plan that you approved, they're asking for your consideration and approval of accent lighting in place of what they removed to highlight the building and also the architecture that you've reviewed and approved and has been permitted and constructed and nearing completion. So, in light of that, if we could move on to the next graphic. This is the façade improvement remodeling plan that was part of the October 2018 site plan that you approved. And what you'll see and you'll recall and it's represented today, there are various elevations on the building to the façade, so it's not a straight across façade. There are some high points or peaks that have various materials, trim materials, metal flashing up on the roof parapet, if you will, that goes from east to west. And on those portions and we're going to see the façade as we go forward to the next graphic, the final version that then has the permit on the façade and that's this here, and these yellow highlighted areas which are the high points on the property. So in knowing the center as you do, if we go from east to west the first use is the existing Chinese Mercantile, that has a high roofline and they're proposing the illuminated band behind and underneath, it's a shadow effect lighting. So it's not an exposed neon tubing, it's a shadow effect lighting and we'll see an example here, and that's across this unit's upper roofline. If you west, the next unit and next tenant space is Tweeny's and you see that represented here in yellow. So that's the next one that will have the light band up underneath the peak of the roof. Then we move along the second line here to the salon and the laundry and Namaste' Flavors and across that entire grouping of units there, and that's really about the middle of the center. It's proposed, going down to the bottom

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of the next one, you'll see that continues and goes along and then finally the last tenant space is the O'Reilly Auto Parts tenant space. So, five locations, it's not the entire length, it's on the high points, it's intended to illuminate the architecture, accent the architecture.

For reference, you might recall that the Commission considered somewhat of a similar proposal back in October of 2018 and that was for Flagstar Bank on the northeast corner of Grand River and Orchard Lake Road. And you may recall that the Commission was requested via site plan application to consider and to approve illuminated sign bands or an illuminated sign band, a shadow sign band, so behind that band, for Flagstar Bank. You approved it and it was constructed and it exists today. And so if you get a chance, if you've looked at it, I would say that your approval and the plans, the permits issued and the construction resulted in a very attractive highlight element to Flagstar Bank. Again, that is exactly what's being requested here.

So if we move on, these additional graphics, the Petitioner is not necessarily here tonight to get into these, these are all part of the plan package. This deals with illumination on the entire site and what this is here for is to show you what's going to be in the parking lot, and I think you can imagine where you see those circular elements on this illumination graphic, this photometric graphic, those are where the light poles are going to be. Those are where the light fixtures as part of the site. And then you can see kind of a wash on the building, that's a little bit like what eventually the wall illumination of the building is going to be, a little bit of sconces or down low elevation, and then will be on that building. There's a lot of calculations and metrics that are shown, particularly the previous graphic, that relate then to this photometric drawing.

In any event, all of this together represents a compliant illumination plan for the shopping center site and to include the elements that are being proposed for your consideration and action this evening and that is the architectural back lighting on the roofline of the building. So if we keep going, so again, that's the illumination plan, that shows the entire site. Most of the higher level illumination is concentrated to the building and less as you get out to Grand River. In any event you know through your experience that all lighting on nonresidential properties must be focused on the site and must be oriented towards the site and cannot spill over into the adjacent areas. That's one of the concerns with the center here. So you may recall there was some concern by some of the adjacent neighbors back in 2018, that the existing flood lighting and the center lighting really needed to be addressed and that's what's been done here, through this planning, through your action of this planning and it still continues with what's being proposed this evening.

So if we move to the next graphic then after this one, this really is what is reflected on representing what the final appearance, Planet Fitness is not a user in the center, but

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this is representative of what has been before by the I believe the property owner, Barbat Holdings, in other facilities and certainly by API, their engineers and contractors. And that's represented in these graphics. So what you really see is under the top of the roofline parapet illumination band that is focused on the building that washes the building and it highlights or accents the architectural features. And through their application and these materials, they're requesting your consideration, review and approval this evening, Mr. Chair.

Chairperson Crutcher asked if the out building would be requesting the same thing and Christiansen replied not at this stage, that's a separate plan, that's a separate element, and we have not been made aware that they're looking to do anything like that with that building at this point. And Mr. Bowdell is here this evening and I don't think he's seen anything through construction plans for that if I'm correct.

Majoros stated the first question he has is the photometric plan provides this, I think, but as you see in the Planet Fitness example, again, I know it's not our center, will there be that kind of sconce lighting that will kind of be used as demarcation for an individual business so the site will have that as well in addition to the light and Christiansen replied yes. The second question he has is the samples they're seeing of Planet Fitness are almost worm's eye view kind of looking up, is the intention that the light would be is it disguised by the flashing or if you were standing 15-feet out, would you ever see that neon bulb or that neon tube or you're really just seeing the effect of the light; in other words, is it exposed light or is concealed by a flashing or whatever.

Christiansen responded like the Flagstar Bank it is back lighting so if you were to pull back your 15-feet as you're referring to, no, and it's not neon and it's not exposed neon, it's actually under canopy or under parapet LED.

Majoros said his third question is because with LED, you can put any color in there, is this going to be the appropriate shade of light, like there's no all of a sudden it turns into a disco, we've got orange lights, what have you.

Christiansen replied it is his understanding it is this color scheme right here, it is intended again to highlight, to accent, it's this color scheme to the best of my knowledge. You might recall Flagstar Bank is actually behind a red band so it has that red look and that's what is intended here.

Perrot asked concerning the side of the Chinese Merchant, the side of that building that runs down Whitaker, does this lighting plan wrap around that east side of the complex, so would any of the lighting be parallel with Whitaker Road and Christiansen replied no. Perrot said we've talked this is the past, that there's concern about the residents that are right at that northern end of Whitaker.

Christiansen replied that's a great question and that you might recall that with the Flagstar you actually limited that illumination band on Flagstar to be oriented only on those sides of the building that were facing nonresidential property. So you didn't allow it to wrap around on the north side.

Crutcher then stated to the west of this building that's a residential development as well, isn't it, and Christiansen replied yes, that's Chatham Hill Apartments. Crutcher then said per this drawing it looks like this lighting does not extend all the way to the far west end of the building so it shouldn't wrap around on that corner either and Christiansen replied

that's correct. Christiansen went on to state that O'Reilly Auto Parts is the western most unit and it's façade and the roofline extends up, it doesn't run the full span, it ends before it gets to the west end of the building and that lighting terminates there as well, so you still have a building without lighting actually going to the west.

Perrot stated O'Reilly's covered their retail portion of it and then that western most chunk, one-third is basically their warehouse or backroom, so that's not illuminated.

Crutcher then asked so your intent is that you're not going to see the light source only the light on the face of the building and Christiansen replied that's correct.

Westendorf asked Golden to scroll down to the first sample image and stated he thinks the first sample image shows that the band is very visible right there in the middle of that overhang, that was his concern as well. From this it looks like that band will be very visible.

Christiansen replied it isn't, if you back off it and where they're going to drape it down, that's up underneath and their plans are for all that to be recessed and up underneath and not visible. And like Commissioner Majoros said, here we're standing down underneath it, if we were to back off from the roadway, from the perimeters, from the exterior, you wouldn't see it.

Crutcher said that may be their intent but he stated it would be nice to see what their actual detail looks like or take their word that it's not going to be.

Christiansen replied or you can condition it so that it's not exposed in any way.

Westendorf said that was his concern as well, this sample doesn't convey what you're describing and Christiansen said he thinks it does if you back off that twenty or thirty feet but when you're right up on it underneath, you're exactly correct but I think you can

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do this through the conditioning. And again, they're not here for me to tell that to you, so I can only tell you that can condition any action to achieve your desired issues or conditions based on your concerns for sure.

Crutcher stated he would feel more comfortable having a little better illustration of what they're planning, I understand what their intent is, but when you have the detail of the building itself because what they're showing right now is more of a soffit thing, not a hidden.

Christiansen replied if you go back to the other graphic, you can find that represented. Again, these are just examples that they gave. I think again you're backed off here, you

don't see the tubing as much as you see the illumination in this one but this is just the example they gave us. But let's go back up to the architectural drawing, again you'll find references and my suggestion would be if you're inclined to look favorably on this because where they're at in the project right now, this is really their finish element, you would look to achieve whatever your concerns are through conditions, making sure there is no exposure, if you were so inclined, and make that a condition of any action if you're supportive of this and allow staff then through the building permit process and the final plans to follow your condition.

Crutcher stated in this drawing it doesn't look like that cornice at the top is deep enough to recess the light appropriately so I think it would be exposed. So without getting that section detail, I don't see how they're going to do that. I think though that their finish work and how they're proposing to have that encapsulated, and again, you're looking at metal, you're looking at support, you're looking at their band, you know I can't answer that for you, if they're going to recess it and I don't have a detail more than what I have here or on plan to show but again, Mr. Bowdell is here and all of our dialogue with them was no exposure and it recessed so it was visible other than being backlit or accent light so it was not to be exposed, And again, my suggestion to you would be to make that a condition of any action.

Crutcher said his concern is when you say not exposed, the way this is presented it gives the option of saying, the argument, that it's not exposed beyond a certain number of feet away from the building or as opposed to not exposed at all, meaning if you stand like some of the photographs. Right now in the photograph if you get up close enough you're going to see the light or you get far enough away you won't see the light. So, do we want to be more explicit in our description or can they just be more explicit in their detail?

Christiansen replied he thinks that at this stage would be based upon your concerns is that you get specific with your conditions. Right now it's going to be underneath and

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behind, that's their plan, again, this is a representation, it is not specifically what their site finality is going to be, but that's up to you. If you don't feel you can do that without something else in front of you, you can certainly look to ask them for something more. But I think you can achieve the same thing by imposing conditions that we can make sure through the permit process that that's the case. If it wouldn't be, it wouldn't get approved and it wouldn't be activated.

Crutcher asked Building Inspector Bowdell if there's anything he'd like to add

Bowdell naturally he's been on the scaffold, he's seen this detail and there is very little room between the bottom of a fascia and what I'll call the soffit. There's just enough there to put this LED, I hate to call it a strip because it's not that, up there. I think the idea is that when you're out on Grand River you're not going to see this looking straight on. But if you get up close to that building and you look up, there's no other choice but to see it because in a worm's eye view you're going to see that thing. But the idea in the architect's mind was that when it would shine down on the façade and highlight the crowns of that building. But to be completely hidden from view from a worm's eye view at this stage I think would be impossible.

Crutcher said where we sit with the interpretation of not being visible, is that from Grand River or not being visible from the walk right in front of the building or somewhere in between? And I just put it out there if somebody wants to make a motion, we want to be clear that that's what our intent is and when we say not visible at all or not visible beyond a certain point.

Bowdell stated he believes their intent is to just wash the front of the building and not have light shining out toward Grand River but straight down on their façade is their intent and like I say if they had lights facing forward it would detract and I don't think that's their intent, they want it to wash the front of the building.

Christiansen said it's not a dissimilar look, like he said, that Flagstar has. Not completely exactly the same, it's a little bit of a different element because it's not a peak, it's a band, but it's the same thing. And again if you go up to Flagstar, too, you walk up to that building, I think you refer to it as a worm's eye view, you're going to see the lighting. But the intent

for the majority of the exposure is to have a wash and not a visible tube unless you're right on it. And the other thing about this, is that it doesn't span the whole building, it only is on the highlighted portions. The other lighting which used to be flood lighting on the building up at the top is totally gone and now it's just the wall sconces on the side of the building and the new parking lot pole lighting as well as their illuminated sign.

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MOTION by Majoros, supported by Perrot, that we approve the site plan review for the World Wide Center, 34701-34801 Grand River Avenue, for the installation and use of exterior building façade lighting pursuant to site plan approval by City staff as well as the Applicant's agreement to minimize the visibility of the lighting element from direct consumer access or foot traffic, with the conditions that the lighting is installed with the specifications in the site plan submitted and to the approved plans for the center that were approved by the Planning Commission in October of 2018 for the shopping center building façade improvements.

Motion carried, 5-1 (Westendorf)

PUBLIC COMMENT

None heard.

PLANNING COMMISSION COMMENTS

Chairperson Crutcher asked for an update on the World Wide Center and how close to completion they were so they could move on to the outbuilding and Director Christiansen gave an update on their progress.

Director Christiansen gave a summary of the ongoing projects and anticipated projects in the City.

ADJOURNMENT

MOTION by Majoros, supported by Perrot, to adjourn the meeting.

Motion carried, all ayes.

The meeting was adjourned at 7:53 p.m.

Respectfully submitted,

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Secretary

DRAFT

BOARD OF ZONING APPEALS MINUTES

A regular meeting of the Farmington Board of Zoning Appeals was held on Wednesday, August 5, 2020 via Zoom remote technology. Notice of the meeting was posted in compliance with Public Act 1976.

Vice Chairperson Aren called the meeting to order at 7:04 p.m.

ROLL CALL:

PRESENT: Aren, Bertin (arrived 7:46 p.m.), Crutcher, Pitluk, Schiffman, Westendorf

A quorum of Commissioners was present.

CITY OFFICIALS PRESENT: Director Christiansen, Building Inspector Bowdell, Recording Secretary Murphy, Brian Golden, Director of Media Services.

APPROVAL OF AGENDA

MOTION by Schiffman, supported by Crutcher, to approve the agenda as presented.

Motion carried, all ayes.

MINUTES OF PREVIOUS MEETING OF DECEMBER 4, 2019

Building Inspector Bowdell asked that this item be deferred to the next Zoning Board of Appeals Meeting.

MINUTES OF PREVIOUS PLANNING COMMISSION MEETING OF JULY 8, 2019

The minutes of the previous Planning Commission meetings of December 9, 2019, January 13, 2020, February 10, 2020, March 9, 2020, and May 11, 2020 were received and filed.

ELECTION OF OFFICERS

- A. Chairperson**
- B. Vice Chairperson**
- C. Secretary**

Discussion was held regarding maintaining the current slate of officers. Chairperson Bertin not being present to accept the nomination, this Agenda Item was deferred to the next scheduled Zoning Board of Appeals Meeting.

MOTION by Crutcher, supported by Pitluk, that the Election of Officers be deferred to the next scheduled meeting of the Zoning Board of Appeals.

Motion carried, all ayes.

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APPEAL OF:

**City of Farmington, DDA, Applicant
23600 Liberty Street
Farmington, MI 48335**

**Craig and Betsy Grace
33250 Grand River Avenue
Farmington, MI 48336**

1. Request for a variance to Sec. 25-9, Sign Regulations for Nonresidential Properties, Table 25-09, Wall Sign (A), Maximum Area In Downtown Farmington to allow a 400 sq. ft. mural on the west wall along an access drive off of Grand River Ave. Ordinance allows 10% of the wall up to maximum 100 sq. ft. (400 sq. ft. – 100 sq. ft. = 300 sq. ft. variance). In addition, the applicant requests a variance to Number Permitted (i) of allowing 1 wall sign per parcel as this mural is for community purposes – not for a tenant.

Kate Knight, Executive Director of the DDA, presented this request to the Commission. She stated it is her understanding that their application would require a variance based on the fact that we would treat this mural as signage based on a communication from the City attorney and because it would exceed the percentage of square footage which would require a variance and also the number of signs allowed by an individual business. This is a little different because this is a mural, it is public art, and though it's classified as signage the ordinance says it has to be presented and considered by the ZBA, so they are asking for a variance. The mural is described in the packet, the final version which is different than what was presented to the DDA by MaryLou Stropoli, local Farmington resident, art educator and muralist, is actually approximately 6 feet by 15 feet which would be significantly smaller, about 90 square feet versus up to 400 square feet and that was just the artist's decision at the time. So, the percentage of elevation covered would be smaller than originally indicated in our packet submission.

Director Christiansen stated that Ms. Knight's comments were correct and didn't know if Mr. Bowdell wanted to give some overview.

Building Inspector Bowdell stated if this was a municipal owned building we would not need a variance because we're not subject to our own zoning ordinance. Because we're going to ask private property owners and we have asked, the DDA has asked, to put this public art on their building. Their building has to get a variance because they're only allowed what the ordinance would allow, up to X amount of square foot of wall signage and only one sign. And this has happened in the past, some of you may recall, just as I started in September of 2018, there was a variance request to put the public art on the north side of the CVS building. And the same variance was requested at that time. Each individual building needs its own variance, so there's two requests for sign variances, and the Zoning Board has to decide if that's a good idea or not, to allow that additional signage. They can put additional conditions on it such as the signage variance goes away if it's not public

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art, in other words if the art came down, they can't decide to put a great big sign of their own on that spot because they have a variance.

Bowdell then asked if the Commissioners had any questions, it's two individual buildings, two individual variances. It's a DDA request to put additional signage on a privately owned building. Variances usually run with the land forever. You would want to condition any variance to the ordinance that this variance is only good for public art that's provided and approved by the DDA.

Crutcher asked if we limited that it only be public art, should we also limit it to the size of whatever is proposed, so that another work, a replacement for it wouldn't be larger?

Knight commented that because the ZBA would be required to review every single application, even if another piece of art was re-selected, this is a site that's been selected as part of a public outreach and prioritizing areas downtown where the community would like to see public art. Even if it was exactly the same dimension, it would have to come back to the ZBA, so at that point you would have the option to make that call. Would it complicate things to one, limit the size to the exact same dimensions of this mural, and if this artist gets going and she's projecting it and decides to do the border and her international flags and it goes out an extra eight inches, I'm not sure what the procedure would be to make sure it's precise. But the original application in the package was 400 square feet and this is significantly smaller just based on her final schematic design.

Director Christiansen stated that as advertised, if you go to your agenda packet, if you'll go to the notice and if you look at the identification on the agenda and in the letter for this evening, the notice indicated that there was a maximum of 400 square feet, that's what the number was determined to be in the notice, and that the maximum allowed signage is 100 square feet, so there's a variance of 300 square feet that would be necessary. As Kate is indicating, based upon this rendering you see here in front of your, which I'm correct, Kate, what was the final size on this one here?

Knight replied approximately 6 feet tall by 15 feet long, a little better wiggle room.

Christiansen went on to say that it is much less than what was being proposed initially which was up to 400 square feet. So, because it was advertised at 400 but is less than, the notice applies so you don't need to do anything different. This sign falls within the notice. If it was more than, that would be different. Since it's less, then it meets the criteria and that is fine. It would be the same with the other sign, it's the same thing there, too. Again, what you're being asked tonight is for consideration of a proposed mural by the Downtown Development Authority on the wall of a nonresidential building, a commercial building in the downtown, and the maximum signage that's allowed on any side of a building based upon the lineal front footage in this case for this side, is 100 square feet, and the number of signs that are permitted are also limited, so they're asking for a variance for more than one wall sign, they already have their one wall sign. Those are the two variances that are being requested.

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Bowdell said he heard Knight say something that he doesn't necessarily agree with. Once this variance is granted for DDA for whatever square footage is picked, the DDA can put art in that footage without coming back to the Zoning Board. The owner of the property can never use this square footage for signage for themselves. So, if in eight years the artist decides they want to put a new one up and the DDA approves that, it's a DDA sign on the side of a private building and as long as it doesn't exceed the square footage, would be allowed. I agree with Kevin who said right now it's noticed at 400 feet. If it never exceeds 400 feet, that gives the artist the ability to make it 100 or 90 as they've chosen here, or the next one might be 150 or up to 400. If they wanted to go over 400, they would have to come back to the ZBA.

Pitluk asked if use of this variance is subject to approval of the DDA?

Bowdell stated he believes that could and would be prudent because they're the ones, it's their sign that's going on this building. It's only approved for DDA signage that is for public art.

Pitluk stated then that condition would cover everything, they can't put a sign up without DDA approval, they can't go and get a grant from some other public use in the future to put up some sign here that the DDA hadn't approved, they have to get the required DDA approval for the use, I think that would cover everything.

Bowdell said he agrees with that, but he would also say if the DDA wanted to use the sign not as public art, they wouldn't be able to do that either, it has to be public art because that's how it was advertised.

Crutcher stated so it would just be for DDA to use only, so not necessarily for their approval because they're the ones proposing it but that space is only for DDA and only for public art so the DDA couldn't put any other signage up there other than public art.

Bowdell replied that's correct, that's the way he believes this is intended.

Crutcher said he has a question about the ordinance, it says that it's 10% of the wall, is that 10% of each wall of the building for all the signage or is it 10% per wall?

Bowdell replied there's some wide interpretation that has been used over the years, the way the words read, you get the signage on the front main address street. So, if you have X amount of square footage in the front you get 10% of that and you can use it in other places pursuant to the ordinance. In other words let's say you had 100 allowable footage that you could use in the front, but you also have a parking lot in the rear, you could choose to use 60 percent in the front and 40% in the rear and not going over your total but you still can't go over our 100 feet in our example that is on the front façade, the main address street.

Crutcher said so adding this art to the building doesn't reduce the amount of signage available to the building owner without them asking for a variance. Within the ordinance, they could still get another sign and Bowdell replied that's correct.

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Aren asked Knight about finding the artist and the creation of the mural.

Knight stated this was a grant that was awarded the DDA. Planning Commissioner Cathy Waun entered into consideration a placemaking grant at this site with the Greater Metropolitan Association of Realtors. And they awarded us a grant for \$5,500.00, which would be matched in part by DDA public art budget, to facilitate a mural. And our original artists was professional muralist Chris Pavilk, who is based in Louisiana and has extensive public arts grants, he's an instructor at an art school there. Due to Covid-19, Chris was unable to commit to traveling north, he had personal impact of Covid-19 and not being able to commit this year or next year in helping us install this mural, so with the consensus of all those involved, Cathy reached out to the owners of the Sunflour Bakehaus, Jeff and Becky, and asked if there might be a local artist they would consider that we would be able to realize this grant. So, they immediately thought of MaryLou Stropoli, who is a local artist, they have a relationship with Mary and are well aware and appreciative of her work. She is a former downtown merchant, everyone remembers Mother Mary's Toffee, and MaryLou had that business with her mother. MaryLou is gearing up for a fall schedule with art curriculum, she's a teacher locally. She had anticipated initially brining in some of her talented students, high school level art students, who could potentially help with this. So those are just extra steps that the artist is willing to go through to really make this a meaningful project for the community. The owners of the Sunflour Bakehouse, Jeff and Becky, stipulated that they would like a couple things to be schematic, one of them sunflowers which you can see on the other side there's a nod to sunflowers, a big part of our heritage in downtown Farmington. And then also they wanted to talk about the diversity of the community, that was very important and to focus on children art. So, this mural is really representative of Stropoli's style, it's influenced by artist Mary Blair, the iconic Disney artist from the 1940s whose work is still prevalent. Her work "It's a small world", is still seen at Disneyworld, it's part of their brand. So, we're really excited to have something inspired by downtown and that will be appreciated by the community. You can see the field in the background is our local architecture, the Cook Building, the Farmington State Bank Building, the different places of worship, the Masonic Lodge, the gazebo there is a nod to Riley Park, Sunquist Pavilion, First Methodist Church there, The Winery, chimney sweeps, the Farmington Civic Theater, so it's really just nice community energy. And then the foreground will be on the patchwork quilt, it's just a simple vignette showing music and art and games and just a lot of different activities that we typically enjoy. It looks like a great slice of our Farmington community demographic. The Public Art Committee has reviewed the vignette and was very excited about it. We've had some local media coverage, and no one has seen them until right now so you're seeing the final version of this that's in your packet tonight. Also, we do have two time lapse cameras mounted in gracious coordination with Farmington Hills Special Services, their department has been very, very helpful. They've loaned a camera, they've had one camera dedicated to the filming of the hawk construction site for security reasons, it's the same camera that they graciously loaned us to film the time lapse of the mural being installed on the Farmington Civic Theater but it will be much the same with our artist working and capture the work being done on the site. The DDA purchased additional equipment because we're able to capture that content to share with the greater community, and Kickstart our nonprofit art presence in town. Farmington Hills Special Services has a little campaign going on right now with the

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greater community served by the Farmington/Farmington Hills area Arts Commission and we see this as a really positive placemaking project during a really strange pandemic time.

Aren then asked it will be paint on masonry, it's not going to be a movable piece like the one on CVS and Knight replied correct, it will be a traditional mural, paint on masonry. Aren then said she thought a site across the street was also slated for a mural and Knight replied that is the next agenda item tonight. She spoke about the event in February where they partnered with Legato Salon in downtown Farmington called "Heart the Art" and attended by many of you here. It was ticketed, we had bingo, we had live music, we talked about different sites downtown that we would like the community to consider prioritizing as locations. We had vetted five locations and presented those, we allowed the public to provide feedback, prioritized those, and both the Sunflour Bakehaus and The Vines across the street were in the top three priority locations. We talked about the kind of art that we would like to entertain systematically, and the public suggested some of the themes you're seeing here tonight. We had to stop that conversation, we were thinking about potentially a crowd funding campaign, we do have a public art budget through DDA that we'd like to see go towards these projects. We're constantly looking forward to thinking about what kind of projects we'd like to see downtown and this is just a really nice milestone that we might have the opportunity to install two pieces of public art which provide long term value for the community and are really a good cultural and economic investment that we feel during a time where we're looking for reasons to celebrate in the community and we believe it will attract some traffic of interest to support our downtown businesses as well.

Crutcher asked if there was a reason for the limitation on size, was that by design or is it possible that the artwork could take the entire wall of the building?

Director Christiansen stated he can help with this answer because Kate and he coordinated on that and with Mr. Bowdell on their interest in size. There's only so much you put on one wall and that was the interest then, to maximize the wall in the beginning so we advertised it as such because they were looking at utilizing as much of the wall space as possible. But through all their work they made the decision to create a mural which is less than that maximum size because it met with their vision, the DDA's vision was for this mural on that wall. So, it was advertised at the maximum knowing we might have something smaller and hence you do. They could have went to that maximum which pretty much would have been the whole wall, but again, decisions were made.

(Chairperson Bertin joined the Zoom meeting at 7:46 p.m.)

Chairperson Bertin allowed Aren to maintain the gavel in chairing the meeting. He stated he is glad he got in on time to see the mural, that it's quite extraordinary and a wonderful asset to downtown and he agrees that he'd like to see more murals around town in places where it's appropriate.

Vice Chairperson Aren opened the floor for comments from the Commission.

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Crutcher stated that this piece of art has a certain size it's going to be, but he wouldn't want to see where we would restrict the size of other art to anything other than the wall or if we have a goal to cover the entire wall if necessary, because depending on the artist, the whole wall may be appropriate for some other installations so would we have to then come back with another variance for a different installation or could we allow this to capture the entire wall if it's replaced with something else.

Building Inspector Bowdell replied that the way this is advertised, if we made a motion to approve a variance of 400 square feet, which is what was advertised, even though they only chose to use 90 on this mural, a future mural could go up to with a 400-square foot variance that was approved. So, going outside of the 400-square foot, that would be outside of what was advertised. So, you can go less, you can't go more.

Crutcher then asked if they wanted to come back with a mural that would take up the entire wall, they would have to come back for another variance and Bowdell replied anything more than 400-square feet.

Bertin asked if it was the portion of this particular mural that is either the height or the length that have met the outer limits, is that the reason it can't be any larger, or can it be proportionately made larger to take up more of the wall space?

Bowdell replied the variance request is because of a square footage requirement in the ordinance, therefore it was advertised as a variance of up to 400-square feet. Now this particular mural happens to be only 90-square feet, so if they chose to proportionately make it bigger, they could make it bigger and bigger until they got to 400-square feet and then it can't be any bigger.

Bertin indicated he understands that and that's his question. He's not sure he'd like to see two murals on the same wall, that it might create some type of conflict or competition between the two. I think if you can enlarge it proportionately up to but stay under the 400-square feet, I think it's important to take up as much of this wall with the mural.

Bowdell said he agreed and all they would have to do is condition the variance that the variance is for a single sign in the allowable footage, that would take care of the issue there.

Crutcher said limiting it to one piece per wall, but this particular installation is less than the 400-square feet, but if in the future replacing it with something else, I wouldn't want to make the variance too restrictive. And we're talking about just one piece being installed now, even though they used less than the requirement, they couldn't put a second piece just to fill up the 400-square feet, it would have to be just one piece of art.

Christiansen said everyone's points are well taken but just for clarification and to add on to what Mr. Bowdell said, when variances are considered, they're considered on a case by case basis based upon their own merits. So, the Zoning Board considers a request for variance and they act accordingly on what's

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presented to them, the plans that they have in front of them. So as Mr. Crutcher just indicated if there was a desire to do something more or different than what is being presented to you tonight and the request before you this evening, that would have to come back to you but certainly has that right to do that. So, you may recall the motion that was made in the similar circumstance, the CVS request, is pretty much the same. It is for a mural on a side wall on a nonresidential, a commercial piece of property that is privately owned. And that was back in 2018 and I gave Mr. Bowdell a copy of those minutes and there were five reasons that that variance was granted and there was also a condition and the condition was that the mural will be built and constructed with the materials and size specifications as presented in the Applicant's request for variance application. So, you conditioned that approval based upon what was presented to you, the application and the details of the sign and if it was to be anything different, it would have to come back to you to be reconsidered. For example, if the Board was inclined to support this request and were to approve it and the mural was installed, if there's a decision at a time to remove the mural, paint over it with another mural, it would just have to come back and go through the same thing and get your approval again based upon it.

Bowdell said as long as it had that condition. Without that condition they could put a different mural up to 400 feet and Christiansen said they couldn't because it has to be specific to the plan presented, the mural itself.

Christiansen stated that private properties are restricted under the sign regulations with number of signs, size of signs, and location of signs. This is a private property. It's restricted by number of signs, type of signs, size and location, whether it's municipal or not, that's why this is before you this evening because it's on a wall, it's bigger than what's allowed and it's more than the number. But it's very similar to what you, the Zoning Board, considered as requested by the DDA for the CVS to promote the purpose that Kate has elaborated on, so it's pretty much the same thing. So, again, if you looked, and I hope you have because it's fantastic on the Civic Theater, that mural is on public property, it's a public mural on a public property and isn't subject to the restrictions. But if you were to make a change with the condition in place it would have to come back to you, whether it's a year, five years, or whatever, because it would be a different sign in the same spot, it would just be different. So that's for your clarification so you know so your responsibility is consider the request, if you're supportive to make the findings to make the request and then to place any conditions that you feel are reasonable as you did with the CVS request and approval for this particular sign.

Bertin said except not for a change in the size.

Christiansen replied you've got a size that was proposed to you this evening, you can tie it to that size, 6' x 15'.

Schiffman stated he believes on the request this was presented larger than 6' x 15' and Christiansen replied yes.

Schiffman said essentially they'd be approving a canvas, if you will, for the future is really how this should be envisioned because it is important, and it is important to do the right thing to allow for future artists to contribute to the canvas.

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Christiansen stated what you're going to look to act on is the sign presented to you. If you get something that's different, if it's removed and a new one proposed, that new one would need to come back to you for your action.

Schiffman then stated if we approved a specific size, even though it's bigger than what it is, could they do that tonight?

Christiansen replied you could do that but you don't have anything in front of you in terms of the actual sign itself and/or if it would still be a painted/print sign, again there's some intangible that with whatever may happen in the future may be similar or not similar. That's why typically what you would look to do at the Zoning Board, is act on what is presented to you, anything different than that now or into the future, would just come back to you on its own merits for its own consideration.

Bowdell said he thinks what Schiffman is getting at is without that condition, when you put that condition on there, what you've said is exactly correct. But without the condition, the variance is for square footage and a second sign owned by the DDA that they could put any sign on the building without that condition. But if you condition it then it has to come back. That's the Zoning Board's choice.

Christiansen said that's correct. In listening to discussions with the municipal attorneys regarding the first approach, I think they would be more inclined for the City to have specificity with the sign, the materials, its size and what its appearance is and act on that instead of just having it open, fill in the wall as much as you want. And I'm not saying I don't advocate that, I think it's great, I think we're going to see that more because we have this momentum going with these kinds of requests, art. This is a process, though, and typically variances are granted on what is presented and that is a specific plan, not just an openness to it. That way there's some definitiveness to it and people understand what's been approved and what is going to move forward. And again, anything different can come back and go through the process again and there's also a lot of change in sign regulations also, we're not going to get into that right now, that's going to go into the future. If this could have been an administrative process, we would have done it that way like with the Civic but in dialogue with the municipal attorneys, because it's private, it can't. If you left it open and said anything can happen on the 400-square foot canvas, it doesn't give you that this is what is approved, it kind of allows it to be very open and I'm not sure that's what would be recommended.

Schiffman then asked if it would have to be at the direction of the DDA and Christiansen replied no, that the DDA would have to make their presentation, it's their sign. What I'm saying to you is if you act on what's presented to you, then you know definitively what it is and if something different wants to come back, it can come back. Because the DDA could then make that decision when it came back. Schiffman stated that the DDA would then make that decision when it came back and we wouldn't have to pass the variance every time, essentially grant the DDA their canvas and they would be in control of ensuring it's appropriate. Christiansen then replied it is not the DDA's decision to grant a new variance, that's the Zoning Board's decision. So what he is saying if you leave it open as a blank canvas, you don't have any sort of definition or definitiveness with respect to what it is, where it's

BOARD OF ZONING APPEALS MINUTES -10-

placed, what the materials are and what the size is, that's your responsibility if you support it. And the DDA can come up with the idea but again, you're acting on something that's presented to you that deviates from the zoning ordinance specific to a plan presented. And if it's anything different it really should come back to you as another plan, a new sign, whatever it is in the future and it can come back for your consideration.

Schiffman then asked if the Zoning Board can approve materials or not and Christiansen replied it is in the purview of the Zoning Board and whatever and in achieving the objectives of the community in protecting the health, safety and welfare in considering modifications or deviations in the zoning ordinance requirements, you certainly can place those kind of restrictions or conditions of materials, type, etc. In this case it's a painted wall sign. What you did with CVS is you allowed for that attached sign, so yes, you can go ahead and do that if it achieves the objectives that you have put in place in supporting or granting a request. So, the only thing I'm saying to you is you're considering this sign being done this way at the size it's proposed and that's what you should be focused on and your actions should be accordingly. Anything different, now or in the future, should come back to you based upon what it is on its own merits.

Bertin then asked what determines the length or the width or the height of this particular sign, why, if there was enough to go up to 400-square feet, why was it proposed to be much larger.

Knight clarified Bertin's question on what determined the proportions of this sign and Knight replied that she thinks that the artist was flushing out her initial concept with just different vignettes and sketches and ideas as this painting came together, she's done the painting, she rendered it in marker, painted it in marker and that height and proportion just came to be, so it's her artistic vision. She's an educator, I think she has a window of time that she could execute this and do it well during the season and that potentially influenced the scaling down a bit. As you can see it's a very complex design with a lot of line work and a lot of individual paintings, so it will be a very intricate application just from an artist's standpoint and that may have been part of her consideration and scaling proportionately.

Bertin then asked if we have an area that's 400-square feet in size, how or who has determined where in that field this piece of artwork is going to be located?

Bowdell replied the 400-feet is the size that was advertised and they could put it anywhere on that wall and again, you can condition this on the piece of art that you've seen in size, with the condition on the variance. And they can put it anywhere on that wall, quite frankly, the 400 was advertised because we knew it wasn't going to be a 500-square foot mural, it was going to be 400 or smaller. So, it's 90-square feet, so whether they put it in the upper left or the upper right or the bottom, they can put it wherever they need to put it, the location is not specific. The ordinance is dictated as a second wall sign which normally wouldn't be permitted, and then the amount of footage is over the footage for the total that that building can have. So, you're granting a variance that they can have this mural in addition to what they have as their main building sign.

BOARD OF ZONING APPEALS MINUTES -11-

Bertin asked if another artist came along and wanted to add another mural to the leftover space on that wall, they would have to come back to the ZBA?

Bowdell replied with the condition they have to come back. Without the condition it's footage that would be allowed to be used, therefore like Kevin was stating the way it was done in the past, they conditioned it on what was specific in the plans before you.

Further discussion was held and Pitluk raised the question of transfer of ownership of the property and what would happen with the variance and Christiansen replied that the variance would run with the property.

Christiansen clarified with Bowdell whether the first variance request was still required due to the change in size and Bowdell replied yes, due to the square footage of sign on the front of the building, they would still need a variance for the mural.

MOTION by Pitluk, supported by Schiffman, to approve the request for a variance to Sec. 25-9, Sign Regulations for Nonresidential Properties, Table 25-09, Wall Sign (A), Maximum Area In Downtown Farmington to allow a 400 sq. ft. mural on the west wall along an access drive off of Grand River Ave. Ordinance allows 10% of the wall up to maximum 100 sq. ft. (400 sq. ft. – 100 sq. ft. = 300 sq. ft. variance). In addition, the applicant requests a variance to Number Permitted (i) of allowing 1 wall sign per parcel as this mural is for community purposes – not for a tenant; **be granted for the following reasons and findings of fact:**

1. That the Applicant has shown a unique circumstance in that the mural will be located in the downtown and meets the goals and objectives of the DDA.
2. That the Applicant has shown a unique circumstance in that the mural will be placed in the downtown depicting the history and architecture of Farmington.
3. That a unique circumstance exists in terms of what the scale and mass of the sign are intended to be of such size that it will effectively identify and advertise and represent the history of the community.
4. And that a practical difficulty exists as the building already has the maximum number of signs per ordinance.
5. And that a practical difficulty exists as the DDA is not a tenant of the building and therefore can't meet ordinance requirements

FURTHER, that the variance be granted with the following conditions:

1. That the mural will be built and constructed with the materials and size specifications as presented in the Applicant's Request for Variance application.

MOTION carried, all ayes.

Commissioner Schiffman left the meeting at 8:20 p.m.

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(The gavel was passed to Chairperson Bertin at 8:21 p.m.)

APPEAL OF: **City of Farmington, DDA, Applicant**
23600 Liberty Street
Farmington, MI 48335

Dr. Donald Wingard
33245 Grand River Avenue
Farmington, MI 48336

2. Request for a variance to Sec. 25-9, Sign Regulations for Nonresidential Properties, Table 25-09, Wall Sign (A), Maximum Area In Downtown Farmington to allow a 400 sq. ft. mural on the west wall along an access drive off of Grand River Ave. Ordinance allows 10% of the wall up to maximum 100 sq. ft. (400 sq. ft. – 100 sq. ft. = 300 sq. ft. variance). In addition, the applicant requests a variance to Number Permitted (i) of allowing 1 wall sign per parcel as this mural is for community purposes – not for a tenant.

Kate Knight, Executive Director of DDA, presented this request to the ZBA. She stated this item is directly in duplicate across the street from the prior variance and the second selection location the Art Committee has selected, the Vines Flower and Garden Shop. There is a botanically themed mural created by local Farmington artist Mac Harthun, a Farmington High School graduate and a student at Oakland Community College. This is her first mural and she brings her own style to this mural. She said they are hoping this mural will be a full 400 feet and will have design precedence to share. The building was the recipient of a DDA Façade Improvement Grant which went toward masonry repair of the site and eventual realization of the west elevation as a great site for public art. We used that DDA grant as match money to apply for a Flagstar Placemaking Grant in partnership with Mainstreet Oakland County, so we were awarded that grant as well and that helped pay for a good portion of the repair and recoating of the building. This has been a multi-step process and the renovation and restoration all in preparation for the successful installation of the mural.

Aren asked if there were several submissions for this mural and Knight replied that the Public Art Committee approached these mural projects differently. The first was a grant specifically for placemaking which was required in the artist's submission. This was a different approach for the Public Art Committee. We had been talking about this project with the building owner and the long-time tenant there, The Vines Flower and Garden Shop, and developed an idea just based on that we wanted a local artist. They had a woman in mind that they had a relationship with, they wanted a botanical them which aligned with one of the priorities that was established through community outreach. So, the way this particular project came together, it all worked, through the guidelines of the Public Art Committee was operating under and it's been really interesting to work on each individual project. This will be our fourth mural downtown and each one has been very different. So, we're learning a lot about that, the Public Art administration piece of that. We didn't do a public posting for art the way we did on the first two times which doesn't mean

BOARD OF ZONING APPEALS MINUTES -13-

that the Public Art Committee won't return to that process. This is a longer process in that we've been applying layers of grant application towards improving of property downtown and for the benefit of the public and the whole business district, so this was just the route for this particular project.

Christiansen stated that the picture of the mural is on page 88 of the packet. He said this is the proposed mural location, the building, its size, its scale, the 400-feet, the location and what's being proposed.

Knight said she'd be happy to answer questions about it, it's a painting, and the background color of the painting is very close to the actual paint color on the building, so the background color, everything was selected with this future mural in mind, all neutral, just ready to receive approval.

MOTION by Pitluk, supported by Aren, to grant the request for a variance to Sec. 25-9, Sign Regulations for Nonresidential Properties, Table 25-09, Wall Sign (A), Maximum Area In Downtown Farmington to allow a 400 sq. ft. mural on the west wall along an access drive off of Grand River Ave. Ordinance allows 10% of the wall up to maximum 100 sq. ft. (400 sq. ft. – 100 sq. ft. = 300 sq. ft. variance). In addition, the applicant requests a variance to Number Permitted (i) of allowing 1 wall sign per parcel as this mural is for community purposes – not for a tenant; **be granted for the following reasons and findings of fact:**

1. That the Applicant has shown a unique circumstance in that the mural will be located in the downtown and meets the goals and objectives of the DDA.
2. That the Applicant has shown a unique circumstance in that the mural will be placed in the downtown depicting the history and architecture of Farmington.
3. That a unique circumstance exists in terms of what the scale and mass of the sign are intended to be of such size that it will effectively identify and advertise and represent the history of the community.
4. And that a practical difficulty exists as the building already has the maximum number of signs per ordinance.
5. And that a practical difficulty exists as the DDA is not a tenant of the building and therefore can't meet ordinance requirements

FURTHER, that the variance be granted with the following conditions:

1. That the mural will be built and constructed with the materials and size specifications as presented in the Applicant's Request for Variance application.

MOTION carried, all ayes.

Crutcher asked Knight if there will be a camera on this as well and she replied in the affirmative. She then thanked the Commission.

BOARD OF ZONING APPEALS MINUTES -14-

Director Christiansen informed Bertin that the Election of Officers agenda item has been moved to the next Zoning Board of Appeals meeting.

PUBLIC COMMENT

None heard.

ADJOURNMENT

MOTION by Crutcher, seconded by Aren, to adjourn the meeting.
Motion carried, all ayes.

The meeting adjourned at 8:37 p.m.

Matthew Shiffman, Secretary

LIBRARY BOARD OF TRUSTEES MINUTES

DATE: 7/9/2020

TIME: 6:00 PM

LOCATION: Virtual Zoom Meeting

CHAIR: Jim White

SECRETARY : Renee Murphy

BOARD MEMBERS / ATTENDEES PRESENT:

White, Largent, Huyck, Murphy, Bomarito, Hahn

BOARD MEMBERS ABSENT: None

STAFF MEMBERS PRESENT Grover, Carleton, Shereda

1. Call to Order at 6:08 by Jim White

Introduction of all Board members and Library Director

2. Approval of Agenda:

A Motion was made by Hahn to approve the Agenda for the 7/9/2020 Board meeting was supported by Bomarito.

Vote: Aye: White, Largent, Huyck, Murphy, Bomarito, Hahn

Opposed: None

Motion Passed

3. Public Comments: Made by Michael Shereda, Kristal Sexton, Dottie Phenev, Jennifer,

Timothy, Kristy Cooper, Roxana Barnett, Kristin, Patricia Ballard, Steven Kish, Steven Koponen, Sarah, Mary Lou, Zoey/Glen, Mitch.

4. Approval of Minutes:

A Motion was made by Hahn to approve the Minutes for the 6/25/2020 Board meeting, was supported by Bomarito.

Vote: Aye: White, Largent, Huyck, Murphy, Bomarito, Hahn

Opposed: None

Motion Passed

5. Financial Reports

Huyck presented the financial reports from Plant and Moran through June 30, 2020 including the bank reconciliation and financial statements.

Motion by Huyck to accept the reports submitted by Plant Moran and approve the expenditures on pg 1-4 and include disbursements of \$384,269.83 was supported by Bomarito

Vote: Aye: White, Largent, Huyck, Murphy, Bomarito, Hahn

Opposed: None

Motion Passed

6. Correspondence

Eleven e-mails were received from Dominica, McWinney, Ballard, Dobson, Harper, Merrill, Barnette, Thorton, Cherry, Manero, and Fugulo.

7. LIBRARY DIRECTOR'S REPORT

Director Grover thanked staff and the community for voicing their concerns, and for their ideas, suggestions and support.

In Phase I starting June 25, we started accepting returns and received 7,379 items out of approximately 30,000 that are checked out. Director Grover shared a video tour of the routes patrons will take for picking up and dropping off items. This is posted on the FCL website. We did close for disinfecting July 8 & 9 because of a staff exposure to Covid 19.

In Phase II which started July 6th, 345 patrons borrowed 992 items. We are gradually improving the process. Digital interactions increased. On Facebook, we received 80 new likes in June to a total of 2,951. Instagram posts were up, and online programs have increased. There were 466 attendee's in 28 programs in May, and this improved in June to 2,273 attendee's in 51 programs. We are looking at providing outside programs, in addition to online programs. Seven newsletters were sent out to patrons and have a new Kids page and Mary Lou's Art Studio Service Module Assessment:

Surveys are going out to everyone next week.

Gale Engage data analysis will help us determine community needs, how best to focus staff efforts. This will help us identify underserved populations, and ways to engage non-patrons.

8. Committee Reports

Facilities Committee: Director Grover reports that Donald has been disinfecting the facility for reopening tomorrow. The Liberty street elevator and receiving door needed repair. 12 Mile Library needed a new drain box replaced, and are receiving quotes for the parking lot repair. Donald has also helped with curbside service.

Strategic Plan Committee: Bomarito reports Riti presented a detailed schedule of activities and the communication plan taking place re. the Strategic Planning Assessment. This includes a community survey, interviews with staff and civic leaders, a report from Ms. Pepper is expected in late August, w which should look at updating our Organizational chart as we now have a little over 100 staff and 74 job roles. This should help to better define job roles and responsibilities and include additional roles such as a PR and Marketing position. The Assessment will not supersede bringing staff back, and staff will be added when warranted, and it is safe to do so. We will continue to follow the reopening protocol that is in place. Riti reported that more staff are needed and will be brought in to help with curbside services. We briefly viewed Gale Engage data, and observed that low income households are presently underserved and we look forward to discovering ways to engage non-patrons and expand services. We look forward to staff participation.

Personnel Committee: No report

Finance Committee: Huyck reported that June 30 was the end of the Fiscal year.

Motion by Huyck to hire Allen C Young & Assoc. to perform the Audit ending June 30, 2020 was supported by Bomarito.

Discussion: Largent asked if other firms submitted bids. Huyck reported five other firms were considered before. Plant Moran was used last year, but are unable to this year because they are performing our accounting. Hahn reports that per the contract by Allen C Young, gross fees are not to exceed \$12,000.

Vote: Aye: White, Largent, Huyck, Murphy, Bomarito, Hahn

Opposed: None

Motion passed

9. Unfinished Business- None

10. New Business- None

11. Board Trustee Comments and Announcements

Remarks Largent suggested that the President/Vice President communication should be posted to the FCL website and to the city councils, Friends of the Library and to important stakeholders. White and Largent both desire to keep communication going, perhaps adding a frequently asked questions section. Largent and White both recognized the frustrations of the staff and the community and stated that FCL will be slowly re-opening as soon as we can safely and effectively do so.

12. Adjournment

Motion by Largent to adjourn at 8:10 PM was supported by Bomarito
Vote: Aye: White, Largent, Huyck, Murphy, Bomarito, Hahn
Opposed: None

The next meeting of the Library Board is scheduled for August 13 at 6:00 PM in the Ernest E. Sauter Board Room or via ZOOM online meeting.

Respectfully Submitted,

**Renee Murphy, Secretary
Library Board of Trustees**

MEETING MINUTES
FARMINGTON AREA ARTS COMMISSION
DATE: February 13, 2020 – 6:30 PM
COSTICK CENTER – CONFERENCE ROOM
28600 W. ELEVEN MILE ROAD
FARMINGTON HILLS MI 48336

CALLED TO ORDER BY: McDermott

AT: 6:34 PM

MEMBERS PRESENT: Blau, Carleton, Deason, Dutka, Ferencz, Gradin, Hadfield, Hayes, McDermott, Warner

MEMBERS ABSENT: Breen, Hawkins

OTHERS PRESENT: Rachel Timlin, Cultural Arts Supervisor/Staff Liaison; Jackie Boleware, FH City Council Liaison;

APPROVAL OF AGENDA:

Motion by Blau support by Ferencz to approve the agenda as amended. If amended, list amendments:

March meeting to be held at Kickstart Gallery: 33304 Grand River Ave, Farmington, MI 48336

Carried: Unanimously

APPROVAL OF MINUTES from: January 9, 2020

Motion by Carleton support by McDermott to approve minutes as submitted.

Carried: Unanimously

ARTISTIC REFLECTIONS

Warner: Art in Kickstart Gallery; Carleton: CAA Exhibit; Blau: Continuing 5th-8th grade school “The Blau Project”

PUBLIC COMMENTS

Welcome to Jackie Boleware, new FH City Council Liaison to the Arts Commission.

ELECTIONS: FAAC CHAIR, VICE CHAIR, SECRETARY

Held elections for new Arts Commission Chair, Vice Chair, Secretary.

Chair: Celeste McDermott

Vice-Chair: Cindy Carleton

Secretary: Gradin

ART COUNCIL REPORT

Rachel Timlin attend January Arts Council meeting; Cultural Arts staff members Brooke Samelko and Karla Aren were present, as well as Commissioners Carleton and McDermott. Timlin presented information about progress at The Hawk and Cultural Arts Division history and budget information.

Timlin will present similar information to the Arts Commission at the April meeting.

CULTURAL ARTS DIVISION REPORT

200 kids participating in Farmington Hills Youth Theatre’s productions of Mamma Mia and James and the Giant Peach
Blackthorn performing final concert at Farmington Players Barn on March 6 & 7

All Summer programs, camps and concerts have been scheduled; Activities Guide will be out in early March.

The current Public Art Program will be extended for another year because of the transition to the Hawk this year.

Cultural Arts budget projected through 2023 was submitted in January.

PUBLIC ART COMMITTEE REPORT

Ted Hadfield gave report on salvaged materials from The Hawk.

HAWK GALLERY & STAGING AREA REPORT

Nothing new to report.

COMMISSION FOCUSED PROJECTS

1. Pedestal Project

Ted Hadfield presented a pedestal/podium design.

Motion by Ferencz support by Hayes to approve the design.

Carried: Unanimously

2. Student Art Awards: tabled until March meeting
3. Exhibitions Committee: Presentation by Carleton and Blau of spoken word addition “Write-on” for Public Art Program. Possible July or fall 2020 event.
4. Festival of the Arts: discuss Artist in Residence award at March meeting

COMMISSIONERS’ COMMENTS

Commissioner Ferencz: would like to discuss taking portraits of commissioners.

NEXT MEETING DATE:

March 12, 2020 Location: Kickstart Farmington, 33304 Grand River Ave, Farmington, MI 48336

ADJOURNMENT

Ajourned by: McDermott

Time: 8:45 PM

Minutes drafted by: Hadfield

Farmington City Council Staff Report	Council Meeting Date: September 21, 2020	Item Number 3B
Submitted by: Mary Mullison		
Agenda Topic: Council Meeting Minutes: 8.17.2020 Special 8.17.2020 Regular 8.24.2020 Special: Joint DDA/Council Meeting 9.2.2020 Special		
Materials: 3 sets of minutes		



Special Council Meeting
6:00 p.m., Monday, August 17, 2020
Virtual Meeting via Zoom

DRAFT

SPECIAL MEETING MINUTES

A special meeting of the Farmington City Council was held on August 17, 2020, as a Virtual Meeting via Zoom, an electronic meeting platform. Notice of the meeting was posted in compliance with Public Act 267-1976 and electronically as authorized by Executive Order 2020-129 signed by Governor Whitmer on June 18, 2020, in order to mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders by limiting in-person contact and the number of people interacting at public gatherings.

The meeting was called to order at 6:00 p.m. by Mayor Sara Bowman.

1. ROLL CALL

Attendee Name	Title	Status	Arrived
Sara Bowman	Mayor	Present	
David DeLind	Councilmember	Present	
Joe LaRussa	Mayor Pro Tem	Present	
Steve Schneemann	Councilmember	Present	
Maria Taylor	Councilmember	Present	

City Administration Present

City Clerk Mullison
City Manager Murphy

2. APPROVAL OF AGENDA

Move to approve the agenda as presented.

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Schneemann, Councilmember
SECONDER:	Taylor, Councilmember

3. PUBLIC COMMENT

No public comment was heard.

4. BOARD AND COMMISSION INTERVIEWS

A. Farmington Area Arts Commission – Claire Perko

Council asked Perko about her interest in the Arts Commission and her thoughts about how to engage the public with arts in the community.

B. Farmington Beautification Committee – Michelle Zmich

Zmich was asked about her qualifications to serve on the Beautification Committee and what she could bring to the table as a member.

C. Farmington Downtown Development Authority – Miguel Williams

Williams was interviewed for an opening as a business liaison on the DDA Board. He spoke of his affiliations and experience in the downtown.

Move to appoint Claire Perko to the Farmington Area Arts Commission for a 3-year term to end June 30, 2023.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Taylor, Councilmember
SECONDER:	DeLind, Councilmember
AYES:	Taylor, Bowman, DeLind, LaRussa, Schneemann

Move to appoint Michelle Zmich to the Farmington Beautification Committee to complete a term ending on June 30, 2022.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	LaRussa, Mayor Pro Tem
SECONDER:	Taylor, Councilmember
AYES:	Bowman, DeLind, LaRussa, Schneemann, Taylor

Move to appoint Miguel Williams to the Farmington Downtown Development Authority to complete a term, ending on February 28, 2024.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	DeLind, Councilmember
SECONDER:	Taylor, Councilmember
AYES:	DeLind, LaRussa, Schneemann, Taylor, Bowman

5. OTHER BUSINESS

No other business was heard.

6. COUNCIL COMMENT

No council comment was heard.

7. ADJOURNMENT

Move to adjourn the meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Schneemann, Councilmember
SECONDER:	Taylor, Councilmember

The meeting adjourned at 6:52 pm.

Sara Bowman, Mayor

Mary Mullison, City Clerk

Approval Date:



**Regular City Council Meeting
7:00 p.m., Monday, August 17, 2020
Virtual Meeting via Zoom**

DRAFT

REGULAR MEETING MINUTES

A regular meeting of the Farmington City Council was held on August 17, 2020, as a Virtual Meeting via Zoom, an electronic meeting platform. Notice of the meeting was posted in compliance with Public Act 267-1976 and electronically as authorized by Executive Order 2020 129 signed by Governor Whitmer on June 18, 2020, in order to mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders by limiting in-person contact and the number of people interacting at public gatherings.

The meeting was called to order at 7:00 p.m. by Mayor Bowman.

1. ROLL CALL

Attendee Name	Title	Status	Arrived
Sara Bowman	Mayor	Present	
David DeLind	Councilmember	Present	
Joe LaRussa	Mayor Pro Tem	Present	
Steve Schneemann	Councilmember	Present	
Maria Taylor	Councilmember	Present	

City Administration Present

Director Christiansen
Director Demers
Superintendent Eudy
City Clerk Mullison
City Manager Murphy
City Attorney Schultz
Director Weber

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF ITEMS ON CONSENT AGENDA

- A. Accept City of Farmington Board and Commission Minutes
- B. City of Farmington Minutes
 - a. July 20, 2020 Special
 - b. July 20, 2020 Regular
 - c. August 6, 2020 Special
- C. Farmington Monthly Payments Report
- D. Farmington Public Safety Monthly Report
- E. Accept the resignation of Jessica Bomarito from the Library Board
- F. Reappointment of Bob Hahn to the Library Board

Move to approve the consent agenda as presented.**

RESULT:	APPROVED AS PRESENTED [UNANIMOUS]
MOVER:	DeLind, Councilmember
SECONDER:	Schneemann, Councilmember

4. APPROVAL OF REGULAR AGENDA

Move to approve the regular agenda as presented. **

RESULT:	APPROVED AS PRESENTED [UNANIMOUS]
MOVER:	LaRussa, Mayor Pro Tem
SECONDER:	Taylor, Councilmember

5. NEW BUSINESS

A. Library Board Appointments

After each councilmember stated two choices from the field of five and their reasons for their choices, Council chose two appointees to fill vacancies on the Library Board to represent Farmington.

Move to appoint Megan Stryd to the Farmington Community Library Board of Directors for a term ending June 30, 2023.**

RESULT:	APPROVED AS PRESENTED [UNANIMOUS]
MOVER:	Taylor, Councilmember
SECONDER:	Schneemann, Councilmember
AYES:	Schneemann, Taylor, Bowman, DeLind, LaRussa

Move to appoint Michele Kelly to the Farmington Community Library Board of Directors for a term ending June 30, 2022.**

RESULT:	APPROVED AS PRESENTED [UNANIMOUS]
MOVER:	Schneemann, Councilmember
SECONDER:	DeLind, Councilmember
AYES:	Taylor, Bowman, DeLind, LaRussa, Schneemann

B. Historical Commission appointments

Council expressed excitement for qualified applicants and appointed both available candidates to the commission.

Move to appoint to the Farmington Historical Commission Jill Keller for a 3-year term ending March 31, 2023 and Robert Senn for a 3-year term ending March 31, 2023.**

RESULT:	APPROVED AS PRESENTED [UNANIMOUS]
MOVER:	Taylor, Councilmember
SECONDER:	DeLind, Councilmember
AYES:	Bowman, DeLind, LaRussa, Schneemann, Taylor

C. Consideration to appoint a delegate for the Annual MML Convention September 29 – October 2, 2020

City Manager Murphy requested that Council name a delegate to represent Farmington during the virtual 2020 annual meeting of the Michigan Municipal League.

Move to appoint Sara Bowman as Farmington's delegate for the annual MML meeting September 29-October 2, 2020 and Joe LaRussa as the alternate.**

RESULT:	APPROVED AS PRESENTED [UNANIMOUS]
MOVER:	Taylor, Councilmember
SECONDER:	DeLind, Councilmember
AYES:	DeLind, LaRussa, Schneemann, Taylor, Bowman

D. Purchase of LUCAS 3 Chest Compression System with FY 2020 Coronavirus Emergency Supplemental Funding (CESF) Program; Proposed Public Safety Capital Expenditure Budget Amendment

Director Demers described critically needed equipment that would be used to reduce the chances of exposure to coronavirus for officers performing cardiopulmonary resuscitation (CPR)

to patients in cardiac arrest. Demers projects that respiratory and cardiac arrest calls will increase during the COVID-19 pandemic as research has shown that cardiac damage is present in as many as one in five COVID-19 patients, leading to heart failure among those who show no signs of respiratory distress.

The Fiscal Year 2020 Coronavirus Emergency Supplemental Funding (CESF) program allocates funds to local public safety departments to assist in their efforts to prevent, prepare and respond to the coronavirus pandemic. Under this program, the department is eligible to receive funding in the amount of \$12,342. The department received preliminary approval from the Michigan State Police Grants and Community Services Division that the LUCAS 3 system was eligible for funding under the CESF program. The purchase will only proceed once it is confirmed that the total amount of funds will be allocated.

LaRussa approved the innovative idea and was happy that funds might be available for this. Schneemann clarified that the majority of the cost would be covered by a grant, though the City would be taking responsibility for about \$844.00 of the cost. Bowman asked that a demonstration or YouTube video be made available to share with Council and the public.

Move to approve purchase of LUCAS 3 Chest Compression System and accessories in the amount of \$13,185.41 and approve Budget Amendment #1 to the FY 2020/21 budget, increasing Public Safety expenditures by \$13,186 and Federal Grants by \$12,342.**

RESULT:	APPROVED AS PROPOSED [UNANIMOUS]
MOVER:	LaRussa, Mayor Pro Tem
SECONDER:	Taylor, Councilmember
AYES:	LaRussa, Schneemann, Taylor, Bowman, DeLind

E. Consideration to accept Change Order No. 2 and Construction Estimate No. 3 for the Bel-Aire Sanitary Sewer Rehabilitation Project to Pipeline Management Company

Superintendent Eudy explained that currently the project is under budget by \$60,000-\$70,000. City Administration and OHM is recommending to include additional segment cleaning, CCTV, and lining to maximize the amount of footage to be lined. Up to \$25,000 of the \$108,000 contingency funds could be used to cover the overage.

In response to a question by Schneemann, Eudy said over 50% of sewers in that area will have been lined, which includes the Twin Valley subdivision. He estimated that it would take another 20 million dollars to update the whole City sewer system. DeLind asked about cost savings if the project continued on with already mobilized teams. Eudy said that remobilization costs were minor, and the schedule needed to be followed. Eudy said that this relining will give another 50 years of life expectancy for the system. Bowman thanked Eudy for finding ways to exceed the normal lifespan of the pipe.

Move to approve Change Order No. 2 and Construction Estimate No. 3 for the Bel-Aire Sanitary Sewer Lining Project in the amount of \$219,735.96 to Pipeline Management Company Incorporated of Milford Michigan.**

RESULT:	APPROVED AS PROPOSED [UNANIMOUS]
MOVER:	DeLind, Councilmember
SECONDER:	Schneemann, Councilmember
AYES:	Schneemann, Taylor, Bowman, DeLind, LaRussa

F. Change Order No. 2 & Construction Estimate No. 3 for the Mayfield Street Reconstruction

Eudy requested Council approve a change order that includes a credit for changing from crushed limestone to crushed concrete aggregate base, and the additional installation of 3 yard drain emitters to reduce the amount of storm water from the storm water system from a private property, as well as approval for a construction estimate for work completed by V.I.L. Construction from July 1, 2020 until July 28, 2020 with an additional retainage held. Work this period includes balance of mobilization, traffic control and maintenance, balance of water main and services, aggregates, storm sewer and drainage materials.

LaRussa inquired about the completion timing and Eudy reported that it should be done by September 10th. Discussion ensued about the use of crushed concrete instead of limestone substrate. Jess Howard of OHM weighed in, assuring councilmembers that the crushed concrete was acceptable and that the cost would go down with no compromise to the quality of the road at all.

Schneemann asked engineers and city administration to always use absolute best practices and to err on the side of using the best materials and technologies in future.

Move to approve payment to V.I.L. Construction Incorporated for Change Order No. 2 & Construction Estimate No. 3 in the amount of \$540,993.70 for the Mayfield Street Reconstruction.**

RESULT:	APPROVED AS PROPOSED [UNANIMOUS]
MOVER:	Schneemann, Councilmember
SECONDER:	LaRussa, Mayor Pro Tem
AYES:	Taylor, Bowman, DeLind, LaRussa, Schneemann

G. Consideration to approve Change Order No. 2 and Construction Estimate No. 4 for the Shiawassee Streambank Stabilization

Eudy reported on the completion of the Shiawassee Streambank Stabilization begun in 2018. Tree removals, live stakes, stone rip rap, erosion control, drainage structure adjustment, turf establishment, and soil erosion permit fees are included in this payment.

Move to authorize Change Order No. 2 and Construction Estimate No. 4 and payment to Macomb Pipeline & Utilities.**

RESULT:	APPROVED AS PROPOSED [UNANIMOUS]
MOVER:	Taylor, Councilmember
SECONDER:	DeLind, Councilmember
AYES:	Bowman, DeLind, LaRussa, Schneemann, Taylor

H. Discuss next steps for Special Events on city-owned property

Murphy revisited the topic of use of the City parks and property rentals as it relates to recommended guidelines for gathering in a pandemic. He recommended beginning to allow gatherings/rentals with fifty people or less at parks and the Governor Warner Mansion, but to refrain from allowing functions at Riley Park because all events there must be open to the public. With direct proximity to Grand River, he thought more people could just walk up and make social distancing virtually impossible.

Schneemann said that if the Governor's order allowed one hundred people, he thought Farmington should also allow that. He suggested that Farmington does not have any better science than the State does and that the City should follow along with the State guidelines. Murphy stated that he had suggested fifty rather than one hundred as a limit so that there would be less chance of an event accidentally exceeding the limit. Schneemann said that City guidelines should be clear on the event application, the rules need to be enforced, and the application needs to be clear about consequences. He said it was great that Council is looking for ways to bring back some normalcy. He indicated support for including Riley Park into consideration because it's supposed to be attractive to people, and activity in our town attracts people here.

In response to a question by LaRussa, Demers explained what enforcement needs would be required in order to verify that the rules have been upheld at approved events. He said that best practice starts with direct communication with each event's organizer, making sure that they are well aware of the requirements of the Governor's Executive Orders and making sure they are aware of the consequences of their actions.

Discussion ensued about allowing Swing Farmington to open under the City's prior approval, and whether a more restrictive guideline set now would obligate the City to enforce differently than they were obligated to under the Governor's Orders.

Taylor indicated that she was not in favor of reopening anything for Special Event use, renting park facilities, or opening the Governor's Mansion yet. She cited health risks for older volunteers as one reason. She would like to maintain the status quo as the City shouldn't be encouraging gathering.

Schneemann reiterated that he thought that the City should not be instituting stricter guidelines than the State.

Bowman said that the administration was trying to be conservative and that these are not normal times even though we all want them to be. She liked the idea of following the Governor's guidelines, but would like to figure out how to enforce those guidelines to keep residents' health, safety, and wellbeing foremost. She indicated that she was comfortable with opening Shiawassee and Drake Parks and not comfortable with events at Riley Park Yet. She reminded the public that Farmington parkas have been open throughout the pandemic and that just the reservation of specific areas had been suspended for the time being. She would like to see the outside grounds of the Warner Mansion able to be used.

DeLind noted that we were all in uncharted territory, and that he was not comfortable with City sanctioned events yet.

Council directed administration to reopen reservations for Shiawassee Park and the Governor Warner Mansion grounds in accordance with State guidelines. Special Event applications will be reviewed on an individual basis.

6. PUBLIC COMMENT

Jeff Pavlik, 34016 Edmonton Street, Farmington Hills, owner of Sunflour Bakehaus, thanked the Library Board for eliminating materials fines and commented on bullying within the Library Board.

Jim White, 33204 Oakland Street, President of the Farmington Community Library Board, thanked all who applied for the open positions and thanked Council for making thoughtful appointments. He is looking forward to reaching out to the new members.

Jennifer Chiles, 33760 Shiawassee Street, supported library comments made by Jeff Pavlik. She also commented about speeding on Shiawassee Street between Farmington Road and Grand River.

Joe O'Connor, 33431 Shiawassee, agreed with Jennifer Chiles about speeding, and also spoke against Bill Largent on the Library Board.

Eric Bruns, 29732 Linden, Farmington Hills, spoke against Bill Largent on the Library Board.

Kelly Goldberg, 29995 High Valley Road, Farmington Hills, spoke in support of the library. She asked City Council to exert whatever pressure they have to remove Largent.

7. CITY COUNCIL COMMENT

DeLind expressed ardent support for library staff and recounted the ways his family has benefitted from and had positive interactions with the library. He noted that some of the current discourse is inflammatory, and rhetoric being expressed by some is not improving the community. He hoped that a more civil approach to discourse and view of staff could arise as new board members begin their tenure.

Taylor read her recent Facebook post calling for the resignation of Library Board member Bill Largent into record as her comment. She wished best of luck to the two newly appointed Library Board members.

LaRussa added supporting comments for the library staff. Despite the murky set of circumstances, the library staff continue to carry themselves with professionalism and the dutiful service they have always provided. He called it unfortunate to have to act on a situation that, through no fault of ours, that Council has to deal with. He reminded Council that they need to reinstate the practice of an annual visit from all of Farmington's Boards and Commissions to update Council of the status of their goings-on. LaRussa announced that Ladies Night Outside, sponsored by the DDA, would occur on Thursday, August 20th. He also asked administration where an old Code of Ordinances should be donated.

Schneemann expressed support for library staff. He has great respect for how they the libraries are run. He shouted out support for Farmington Library Board members presently serving; current Board President Jim White, Bob Hahn, and the two newest members Megan Stryd and Michelle Kelly. He believes that a full representation from Farmington will bring a healing and a righting of the direction of the Library Board.

Bowman recalled the rather full agenda and reviewed several accomplishments from this evening. City Council appointed three new members to three different boards, as well as appointing two new members to the Farmington Community Library Board. She stated that she was proud of the quality of people stepping forward to serve, and that it was Council's role to speak through these appointments by appointing individuals who are put through a rigorous interview process to determine the best fit. Council got to hear them, ask questions of them, and get to know them before making decisions as to who to nominate. She was proud of the work Council did to be able to make all of the appointments at this meeting, and stated that by focusing on the job and focusing on what these boards and commissions are designed to do is how Farmington will move forward and how Council will be heard.

8. ADJOURNMENT

Move to adjourn the meeting.

RESULT:	APPROVED AS PRESENTED [UNANIMOUS]
MOVER:	Taylor, Councilmember
SECONDER:	LaRussa, Mayor Pro Tem

Meeting adjourned 9:24 p.m.

Sara Bowman, Mayor

Mary J. Mullison, City Clerk

Approval Date:

**To view approved documents, please see the Agenda Packet link that is relevant to this meeting at <http://farmgov.com/City-Services/Government/Agendas-and-Minutes/City-Council.aspx> or contact the City Clerk.



Special Joint City Council and DDA Board Meeting
 6:30 p.m., Monday, August 24, 2020
 Virtual Meeting via Zoom

DRAFT

SPECIAL JOINT CITY COUNCIL AND DDA BOARD MEETING MINUTES

A special meeting of the Farmington City Council and Downtown Development Authority Board was held on August 24, 2020, as a Virtual Meeting via Zoom, an electronic meeting platform. Notice of the meeting was posted in compliance with Public Act 267-1976 and electronically as authorized by Executive Order 2020-129 signed by Governor Whitmer on June 18, 2020, in order to mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders by limiting in-person contact and the number of people interacting at public gatherings.

The meeting was called to order at 6:31 p.m. by Mayor Sara Bowman.

1. ROLL CALL

Attendee Name	Title	Status	Arrived
Sara Bowman	Mayor	Present	
David DeLind	Councilmember	Present	
Joe LaRussa	Mayor Pro Tem	Present	
Steve Schneemann	Councilmember	Present	
Maria Taylor	Councilmember	Present	

DDA Board Members Present

Chris Halas
 Thomas Pascaris
 Todd Craft
 Agnes Skrzycki
 Sean Murphy
 Miguel Williams

DDA Board Members Absent

Tom Buck
 Rachel Gallagher

Others Present

Director Christiansen
 DDA Executive Director Knight
 City Clerk Mullison
 City Manager Murphy
 City Attorney Saarela
 City Attorney Schultz
 Director Weber

2. APPROVAL OF AGENDA

Move to approve the agenda as presented.

RESULT:	APPROVED AS PRESENTED [UNANIMOUS]
MOVER:	LaRussa, Councilmember
SECONDER:	Taylor, Councilmember

3. DISCUSS FARMINGTON ROAD STREETScape

DDA Executive Director Knight gave an overview of the project in its early stages. She summarized what needed to be done in the near term and what had yet to be done for grants and TAP projects for planning. She requested discussion on what the best path forward would be.

Councilmember Schneemann asked if there was anything needing attention in order to meet State Historic Preservation Office (SHPO) deadlines. Knight indicated that there was enough time to get the approvals needed, though committing to a construction year was important. City Manager Murphy said the pandemic might make SHPO's slow response even slower, though he indicated that the project was already in their queue. Schneemann asked administration to continue to monitor progress so that the project would not get pushed back.

Councilmember LaRussa asked whether having SHPO approval in the front of the proposed timeline might throw off the whole timeline, as MDOT approvals are contingent on SHPO approval. Matt Parks, OHM, suggested that all that has been done so far is already approved, but that he would feel better with SHPO approval.

Councilmember DeLind and Parks discussed how much float was available in the proposed schedule, concluding that there would be an optimal path but that contingencies have been included in the current timing of the project.

DDA Boardmember Murphy asked what issues were from SHPO the last time this project had been planned. Jessica Howard, OHM, replied that the current project has scaled back on some of the elements like trees to revise and improve the submitted plan. She said that past concerns shouldn't be a showstopper this time around.

Discussion ensued about specific revisions to plans made for grant funding, confirmation of expectations, easement concerns, and options moving forward. Legal opinions were obtained about getting title for the easements in question and using eminent domain for access, as well as options in payment for access.

Knight requested approval for funding to go forward. After discussion about expenditures for professional services and cost sharing between the City and the DDA, Knight clarified that this request was meant to move forward on planning now, with more specific decisions on drawings and expenditures made at a future date. City Attorney Schultz advised that expenditures for both bodies would need approval by both bodies. Director Weber reminded all that final plans would still need to come back to City Council and the DDA Board.

Move to authorize the city administration and attorney to order appraisals and title work and prepare good faith offer documents for easement holders as necessary, up to \$10,000 with the cost to be split 50/50 between the DDA and the City.

RESULT:	APPROVED AS PRESENTED [UNANIMOUS]
MOVER:	Schneemann, Councilmember
SECONDER:	Taylor, Councilmember
AYES:	Bowman, DeLind, LaRussa, Schneemann, Taylor

Move to authorize the city administration and attorney to order appraisals and title work and prepare good faith offer documents for easement holders as necessary, up to \$10,000 with the cost to be split 50/50 between the DDA and the City.

RESULT:	APPROVED AS PRESENTED [UNANIMOUS]
MOVER:	Murphy, DDA Boardmember
SECONDER:	Skrzycki, DDA Boardmember
AYES:	Halas, Pascaris, Craft, Skrzycki, Murphy, Williams
ABSENT:	Buck, Gallagher

4. OTHER BUSINESS

Murphy reported that a tour of RRRASOC was available as Council previously requested and that the tour would take approximately an hour. He requested that any interested Councilmembers contact the Assistant to the City Manager, Melissa Andrade.

Bowman requested a Special Meeting be called on September 2, 2020 at 7:00 pm for Community Image Builders to brief Council on their prepared Request For Qualifications for Maxfield Training Center. Also on the agenda would be a discussion to move forward with Founders Festival planning.

5. PUBLIC COMMENT

No public comment was heard.

6. BOARD & COUNCIL COMMENT

LaRussa thanked all involved for the opportunity to collaborate, stating that he believed a joint meeting was more than warranted and that he would like to see it happen again.

Halas supported LaRussa's comment. He then raised a question about whether Chase Bank would have to close off their drive through area with the present plans. Parks answered that the

drive approach would be changed, requiring a recirculation of their traffic but that the modification would make the intersection safer in the long run.

DDA Board President Craft agreed that the two entities should meet on a more regular basis, perhaps twice a year, and could cover other topics as well.

Bowman commented that she was ecstatic about moving forward with the Farmington Streetscape project. She said that the opportunities available to increase mobility and safety as well as to add parking and business access are incredible, and the same benefits Farmington has seen from the Grand River streetscape project will now be available on Farmington Road.

7. ADJOURNMENT

Move to adjourn the meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Taylor, Councilmember
SECONDER:	DeLind, Councilmember

The meeting adjourned at 7:48 pm.

Sara Bowman, Mayor

Mary Mullison, City Clerk

Approval Date:



Special Council Meeting
7:00 p.m., Wednesday, September 2, 2020
Virtual Meeting via Zoom

DRAFT

SPECIAL MEETING MINUTES

A special meeting of the Farmington City Council was held on September 2, 2020, as a Virtual Meeting via Zoom, an electronic meeting platform. Notice of the meeting was posted in compliance with Public Act 267-1976 and electronically as authorized by Executive Order 2020-129 signed by Governor Whitmer on June 18, 2020, in order to mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders by limiting in-person contact and the number of people interacting at public gatherings.

The meeting was called to order at 7:03 p.m. by Mayor Sara Bowman.

1. ROLL CALL

Attendee Name	Title	Status	Arrived
Sara Bowman	Mayor	Present	
David DeLind	Councilmember	Present	
Joe LaRussa	Mayor Pro Tem	Present	
Steve Schneemann	Councilmember	Present	
Maria Taylor	Councilmember	Present	

City Administration Present

Director Christiansen
City Clerk Mullison
City Manager Murphy
City Attorney Schultz

2. APPROVAL OF AGENDA

Move to approve the agenda with the removal of Item 8 – Closed Session to Discuss Confidential Correspondence from the City Attorney.

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	DeLind, Councilmember
SECONDER:	LaRussa, Mayor Pro Tem

3. COMMUNITY IMAGE BUILDERS TO PRESENT FINAL DRAFT OF RFQ FOR MAXFIELD TRAINING CENTER (MTC)

Carmine Avantini of Community Image Builders (CIB) and Eric Helzer presented a proposed Request for Qualifications for the Maxfield Training Center property that they have been developing with City Administration since hired on March 16, 2020. He explained that they had tried to keep the RFQ as brief as possible to have it actually looked at by developers because if the document was too lengthy they might lose interest. Helzer reported on the process for meeting the city's goals and find a way to select the most qualified developer for the property. He then walked Council through the draft RFQ and explained why some items were included and why some were not. After the RFQ process, Council can ask for more information and do a second submittal process, hold community neighborhood meetings, and set clear expectations.

Council questioned Avantini and Helzer on design build, a proposed link between parks, what items to possibly leave for negotiation, possible public/private partnerships, parking concerns, and adjustments in the wording of the RFQ. Avantini cautioned that an RFQ should leave room for both the developer and the community to collaborate, and Helzer said that he will work with staff to modify the suggested timeline to include the opportunity for Council to identify developers from a short list.

Participants discussed scheduling, possible deadlines, and the purchase and development process. Specifics such as requesting clarity about the ends of the proposed promenade and a request for the equivalency between owner occupied and multi-family use proposals were also discussed. Helzer agreed to do an analysis that backs into a worst-case scenario that restricts the amount of acreage available to use in the development. He also agreed that the creativity piece needed to be elaborated upon.

City owned properties on Grand River were discussed for use as public access to the development, and the number of proposed units was debated. Avantini stated that capping the number of units at this stage might limit a developer's interest, as they must still be able to develop the property for a profit.

Bowman cited the huge risk that the purchase engendered for the City and said a balance needed to be found between what the City hopes for the property and the opportunity for profit for a developer. She commended CIB for their work and stated that she was pleased with links to all Master Plans and overviews already developed by the City. Bowman reminded Council that if this RFQ is not put out soon, Council will not have anyone to have detailed discussions with. She noted that the City is on a tight financial clock.

Council requested that CIB bring back a revised RFQ for consideration at the next Council meeting.

Bowman called a brief recess from 8:20 pm until 8:25 pm.

4. DISCUSSION ON FOUNDERS FESTIVAL

Mayor Bowman led a discussion exploring different ways to organize the Founders Festival for next year and years forward. Murphy updated Council on possible organizational and

operational methods, listing four ways it could be run: City owned and operated, City authorized but hiring an event planner, City authorized with event planner in charge of getting financing, or non-profit owned and run.

Bowman followed up with a report on her efforts in gathering a group of interested citizens who were available to take on aspects of the Festival. She started reaching out to administration in both Farmington and Farmington Hills and put that together with her institutional knowledge, narrowing down key aspects. She spoke to several people to spearhead certain parts of the Festival: Roger Avie will come back and assist with the parade aspect; Dan and Colleen Irvin will organize and operate the beer tent; vendors and crafters might be recruited through Walt Gajewski and the Farmers Market; the American Legion might take the Ox Roast; Farmington Hills will provide support via Dave Boyer and Ken Massey; Duane Hayes from KickstART would be a liaison with businesses; Andrew Buck from the Jaycees also offered help. Bowman said that the Festival would be on a much smaller scale for 2021 and will be a Downtown event. Julie Law from 360 event planners gave Bowman advice from her perspective as the event planner for the last several years.

Bowman recommended to go with a hybrid city sponsored event for 2021 using an event planner. She suggested using Julie Law, 360 Productions, to operate the Festival in the downtown. Volunteers will be key downtown residents who are willing to step up and provide their expertise in organizing volunteers.

LaRussa presented data gathered by a survey he put out independently. It concluded that Council is the best source of leadership this event will need.

Schneemann thanked Bowman for the huge amount of work put in and supports Bowman's suggestions. DeLind echoed Schneemann and asked about outlay of monies. Bowman replied that she would like to relinquish the financial risk and give it to a production company. She suggested Council could tailor how the event would be produced.

LaRussa wondered why the City had not put bids out there for a production company and Bowman replied that for 2021 time was running out. LaRussa indicated that might be a concern to the public for single sourcing production companies.

Further discussion on retaining a single production company followed.

Move to pursue a one-year contract with 360 Productions to organize, on behalf of the City of Farmington, the Founders Festival for the 2021 year.

RESULT:	APPROVED AS PRESENTED [UNANIMOUS]
MOVER:	DeLind, Councilmember
SECONDER:	Taylor, Councilmember
AYES:	Taylor, Bowman, DeLind, LaRussa, Schneemann

5. OTHER BUSINESS

No other business was heard.

6. PUBLIC COMMENT

No public comment was heard.

7. COUNCIL COMMENT

No Council comment was heard.

8. ADJOURNMENT

Move to adjourn the meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Taylor, Councilmember
SECONDER:	Schneemann, Councilmember

The meeting adjourned at 9:10 pm.

Sara Bowman, Mayor

Mary Mullison, City Clerk

Approval Date:



FARMINGTON PUBLIC SAFETY DEPARTMENT

23600 Liberty Street
Farmington, MI 48335
248-474-4700

Frank J. Demers, Public Safety Director



MONTHLY PUBLIC SAFETY REPORT AUGUST, 2020

Harassing Communication

On August 4th an officer responded to a residence on Beacon Dr. for a report of a harassing text message. Upon arrival the officer learned that the complainant had received 5 text photos of decapitated bodies from an unknown person. The complainant also received a texted threat from the suspect which caused him to call the police. A check of the phone number revealed that it is a bandwidth.com phone number, which is untraceable to an individual.

Solicitor Complaint

On August 4th an officer responded to the area of Laurelwood and Meadowlark for a report of two white males soliciting without a permit. Upon arrival, the officer located the two subjects and learned that they were going door to door to sell windows for the Majic Window Company. Both subjects did not have a permit to sell door to door so both were cited for soliciting without a permit.

Trespassing Complaint

On August 10th officers were dispatched to the Starbucks on Grand River for a report of a customer refusing to leave. Upon arrival officers spoke with management and learned that the customer had been begging for money from other customers, smoking too close to the building, and refusing to wear a mask when inside. Management asked the woman to leave and she refused. Officers spoke with the woman and she was issued a "No Trespassing" order. The woman complied and left the scene.

Suspicious Circumstance

On August 11th an officer was dispatched to a residence on James Ct. for a report of a possible blackmailing. Upon arrival the officer learned that the reporting person had started chatting with an unknown person on a popular social media platform. The reporting person exchanged several sexually explicit photos with the other person and soon received a blackmail notice to pay the other person \$400 or the photos that were sent would be posted on the reporting person's Facebook, Twitter, and other accounts. The case was turned over to the detective bureau for further investigation.

Identity Theft

On August 11th a Saxony Rd. resident reported that an unknown person had opened two credit card accounts in his name. The accounts were opened in Texas and the complainant has no suspects.

Fraud

On August 15th an officer responded to a residence on Lansbury Lane for a report of a fraud. Upon arrival the officer met with the victim who advised that he had received a phone call from a man claiming to work for AT&T. The man advised that he could lower the victim's cellular bill but in order to do so, the victim would have to purchase several eBay gift cards and provide the man with the numbers. The victim purchased the cards and was told that he had purchased the wrong ones once he had provided the numbers. The victim purchased a total of \$1,855 worth of gift cards before he realized that he was being scammed. The incident was turned over to the detective bureau for further investigation.

Malicious Destruction of Property

On August 14th an officer responded to a residence on Lee Lane for a report of a malicious destruction of property. Upon arrival the officer learned from the homeowner that sometime overnight an unknown suspect had stolen the victim's "All Lives Matter" lawn sign and shattered her large front living room window with an unknown object.

Missing Juvenile Recovered

On August 16th an officer responded to the downtown center for a report of a teen matching the description of a missing runaway from Garden City. Upon arrival the officer confronted the teen and verified that he was the missing juvenile. The teen was turned over to his mother.

Assist Other Police Agency

On August 18th a Sergeant on patrol observed a vehicle running blocking a parking lot in Farmington Hills. The Sergeant noticed that the driver appeared to be asleep behind the wheel. The Sergeant went to check on the man and noticed that there appeared to be a pistol visible in the front console. The Sergeant woke the man and ordered him away from the pistol. As the man exited the vehicle, two packets of suspected crack cocaine fell to the ground. The man was arrested and turned over to FHPD police. The pistol turned out to be an airsoft toy.

Fraud

On August 18th a Chatham Hills Apartments resident reported at the police station that an unknown person had debited \$300 from the victim's bank account through a phone app called "CashApp". The case was forwarded to the Detective Bureau.

Suspicious Person

On August 18th a State St. resident reported at the Police station that on August 17th she had heard her front door open and then slam shut. The resident checked her front door and didn't

MONTHLY PUBLIC SAFETY REPORT
AUGUST 2020

see anyone. On August 18th the resident watched her Ring camera surveillance video and noted that an unknown white male had opened the front door, and then suddenly run from the residence, leaving the area in an unknown compact car. The incident was documented and the male is pictured below:



Covid 19 Complaint

On August 27th an officer was dispatched to a complaint that a local area gym was holding an indoor class in violation of the Governor’s Emergency Order prohibiting indoor fitness activities. Officers observed the violation and advised the gym owner that the incident will be forwarded to the Attorney General’s office for review.

Animal Complaint

On August 27th an officer was dispatched to a residence on Kirby St for a report of a dog that had attacked another dog. Upon arrival the officer learned that the suspect dog had bitten the victim dog when the victim dog and his owner had walked by the house. The owner of the suspect dog was cited for the dog bite.

Fraud

On August 28th a Brookdale Condo resident reported at the Police Desk that she had been the victim of a fraud. The victim reported that she had located a home for rent on Craigslist and contacted the alleged owner via text. The owner advised the victim that she had to pay a deposit of \$550 and a date was arranged for the victim to view the home. The victim sent the money via “CashApp” and was soon notified by her Credit Union that they believed she had been scammed. The victim requested her money back and soon learned that the suspect had blocked her on CashApp and disconnected his phone. The case was turned over to the detective bureau for further investigation.

Stolen Vehicle

On August 31st a Lakeway resident came into the police department to report that her 2006 Chevrolet Uplander had been stolen out of the parking lot at the end of her street. The victim advised that she believes that the vehicle had been stolen sometime during the month of July but she was not aware that the vehicle was gone until recently. The case was turned over to the detective bureau for further investigation.



Additional Information

During the month of August, all sworn public safety personnel participated in defensive tactics refresher training. Public Safety cadets also participated to act as role players for scenarios. Defensive tactics training is held annually to ensure that officers are utilizing tactics in compliance with the department's use of force policy.

As promised, the public safety department conducted a follow-up speed summary on Shiawassee Avenue between Farmington Road and Grand River Avenue between August 20th and September 5th. For the purpose of this speed study, the portable speed sign was programmed to collect data in "ghost" mode. This means that no vehicle speeds were displayed, but the sign continued to collect and analyze data.

The previous speed report collected data in "display" mode between August 10th and August 16th. The average speed for that time period was 20.67 mph with the 85th percentile recorded as 26.29 mph.

Below are the results of the "ghost" mode speed report. This report confirms that, with a few exceptions, the vast majority of drivers on Shiawassee between Farmington Road and Grand River Ave. are traveling at or below the 25mph posted speed limit.



Speed Summary Report

Generated by Todd Anderson from Farmington Police Department on Sep 9, 2020 at 9:9:40 AM

Time of Day: 0:00 to 23:59
Dates: 8/20/2020 to 9/5/2020

Site: Shiawassee Ave, Shiawassee /
grace wb, WB

Overall Summary

Total Days of Data: 5	Minimum Speed: 5.0
Speed Limit: 25	Maximum Speed: 44.0
Average Speed: 25.27	Display Status: Display Off, Speed Display
50th Percentile Speed: 25.46	Average Volume per Day: 946.8
85th Percentile Speed: 28.51	Total Volume: 4734.0
Pace Speed Range: 21.0-31.0	

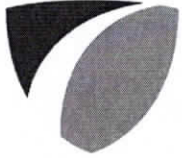
MONTHLY PUBLIC SAFETY REPORT
AUGUST 2020

AUGUST 2020 ABBREVIATED CRIME SUMMARY

Crime Part	Crime Category	Aug-2020	Jul-2020	Percent Change	Percent Change	YTD 2020	YTD 2019	Percent Change
A	ASSAULT - AGGRAVATED	0	0	-	-	1	2	-50.0%
A	ASSAULT - SIMPLE	2	2	0.0%	0.0%	20	15	33.3%
A	BURGLARY - ALL OTHER	0	0	-	-100.0%	2	7	-71.4%
A	BURGLARY - RESIDENTIAL	0	0	-	-100.0%	0	4	-100.0%
A	DAMAGE TO PROPERTY	2	1	100.0%	0.0%	6	7	-14.3%
A	DRUG OFFENSES	0	0	-	-100.0%	1	7	-85.7%
A	EMBEZZLEMENT	0	0	-	-	2	1	100.0%
A	FORGERY / COUNTERFEITING	0	0	-	-	2	2	0.0%
A	FRAUD	3	1	200.0%	50.0%	10	23	-56.5%
A	INTIMIDATION / STALKING	1	0	-	-	2	8	-75.0%
A	LARCENY - ALL OTHER	2	1	100.0%	-33.3%	9	23	-60.9%
A	LARCENY - FROM AUTO (LFA)	0	1	-100.0%	-100.0%	9	16	-43.8%
A	LARCENY - RETAIL FRAUD	0	0	-	-100.0%	2	7	-71.4%
A	MOTOR VEHICLE THEFT / FRAUD	0	1	-100.0%	-100.0%	3	2	50.0%
A	SEX CRIME (VIOLENT)	0	0	-	-	1	2	-50.0%
A	WEAPONS OFFENSE	1	0	-	-	1	6	-83.3%
A	Total	11	7	57.1%	-35.3%	72	132	-45.5%
B	ACCIDENT - HIT & RUN	0	0	-	-	1	0	-
B	BURGLARY - ALL OTHER	0	0	-	-	1	0	-
B	FAMILY OFFENSE	0	0	-	-	0	3	-100.0%
B	FRAUD	0	0	-	-100.0%	0	5	-100.0%
B	HEALTH AND SAFETY	0	0	-	-	1	4	-75.0%
B	LIQUOR LAW VIOLATION	1	2	-50.0%	-	9	20	-55.0%
B	MISSING PERSON / RUNAWAY	0	0	-	-	2	0	-
B	OBSTRUCTING JUSTICE	1	0	-	-50.0%	10	9	11.1%
B	OBSTRUCTING POLICE	0	3	-100.0%	-100.0%	6	9	-33.3%
B	OUI OF LIQUOR / DRUGS	1	6	-83.3%	-83.3%	24	54	-55.6%
B	PUBLIC PEACE	2	2	0.0%	-71.4%	13	14	-7.1%
B	SEX OFFENSES - OTHER	0	1	-100.0%	-	1	0	-
B	TRESPASSING / INVASION OF PRIVACY	2	0	-	-	4	3	33.3%
B	Total	8	15	-46.7%	-57.9%	80	133	-39.8%
C	ACCIDENT	14	13	7.7%	-46.2%	104	212	-50.9%
C	ALL OTHER OFFENSES	697	608	14.6%	-23.6%	4,583	7,060	-35.1%
C	FAMILY OFFENSE	8	1	700.0%	14.3%	40	38	5.3%
C	MISSING PERSON / RUNAWAY	0	0	-	-100.0%	0	9	-100.0%
C	MOTOR VEHICLE THEFT / FRAUD	0	0	-	-100.0%	1	3	-66.7%
C	SUSPICIOUS	64	62	3.2%	1.6%	383	418	-8.4%
C	WARRANT	19	8	137.5%	-53.7%	67	250	-73.2%
C	Total	814	702	16.0%	-24.7%	5,239	8,232	-36.4%

MONTHLY PUBLIC SAFETY REPORT
AUGUST 2020

Farmington City Council Staff Report	Council Meeting Date: Sept. 21, 2020	Item Number 5A
Submitted by: Frank Demers, Public Safety Director		
<u>Agenda Topic:</u> Shiawassee Avenue Speed Study Follow-up to City Council		
<u>Proposed Motion:</u> N/A		
<p><u>Background:</u></p> <p>In the July 2020 Public Safety Monthly report, Council was advised of the results of a speed study that was conducted on Shiawassee Avenue between Farmington Road and Grand River Avenue. As a part of that study, the department utilized the portable speed sign to monitor speeds and collect additional traffic data. The speed study ran from July 30th thru August 8th. The results of the study confirmed that the average speed was 22.9 mph. While there were some excessive speeds recorded, however, most vehicles were traveling at or near the 25mph posted speed limit.</p> <p>At the August 17th City Council Meeting, during the public comment session, a resident voiced her concerns about excessive speeding vehicles on Shiawassee in the same area that the speed study was collected. It was decided that a follow-up study would be conducted. However, for this new study, the portable speed sign was set to “ghost” mode, whereby it monitors speeds and traffic volumes but does not provide a visual speed display to oncoming traffic. The follow-up study was conducted from August 20th thru September 5th. The results of the study revealed that the average speed was 25.46 mph. Again, there were some excessive speeds recorded, but most vehicles were found to be traveling at or near the 25mph posted speed limit.</p> <p>This follow-up study confirms that, with a few exceptions, drivers on Shiawassee between Farmington Road and Grand River Ave. are traveling at or near the 25mph posted speed limit.</p>		
Materials: Study results		



Speed Summary Report

Generated by Frank Demers from Farmington Police Department on Sep 11, 2020 at 5:17:16 PM

Initial Study

Time of Day: 0:00 to 23:59

Dates: 7/30/2020 to 8/8/2020

Site: Shiawassee Ave, Shiawassee
WB/Cass, WB

Overall Summary

Total Days of Data: 8

Speed Limit: 25

Average Speed: 22.9

50th Percentile Speed: 23.67

85th Percentile Speed: 27.67

Pace Speed Range: 20.0-30.0

Minimum Speed: 5.0

Maximum Speed: 57.0

Display Status: Speed Display

Average Volume per Day: 1435.5

Total Volume: 11484.0



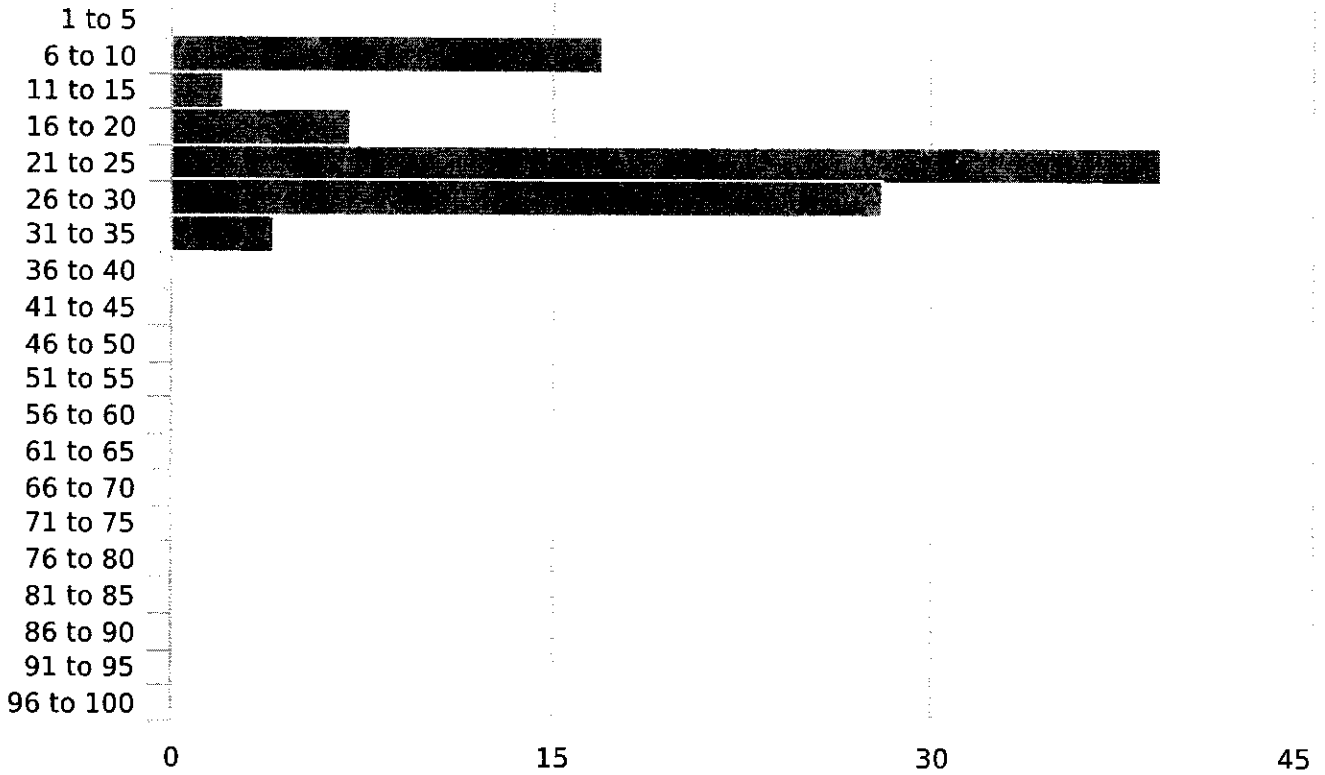
Volume By Speed Report

Generated by Frank Demers from Farmington Police Department on Sep 11, 2020 at 5:18:55 PM

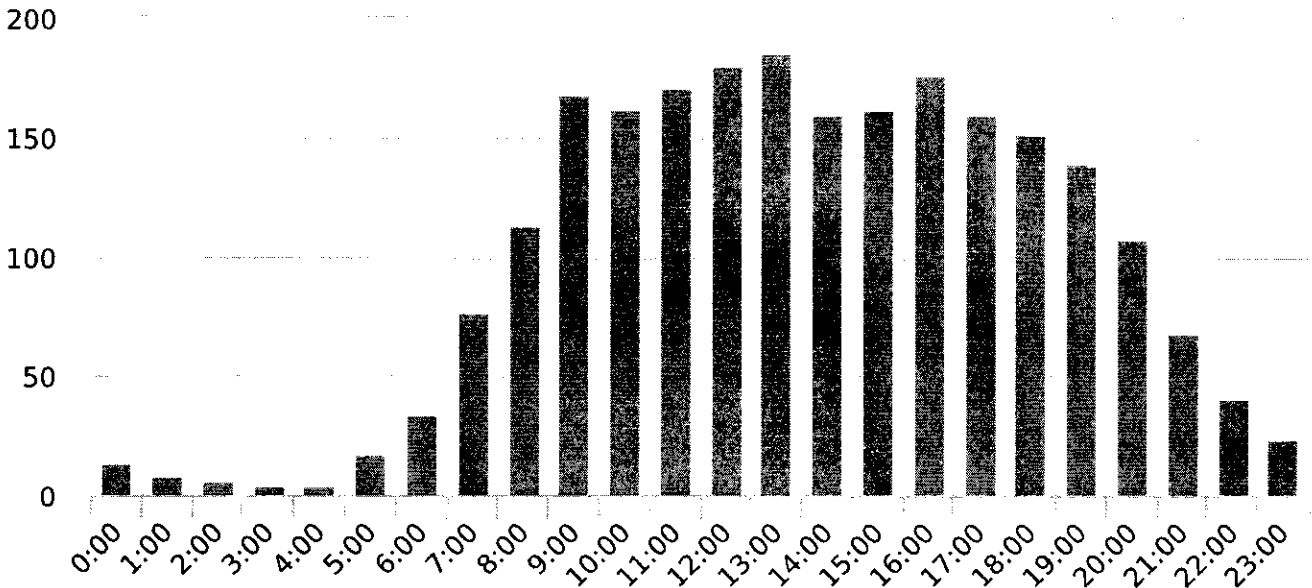
Time of Day: 0:00 to 23:59
 Dates: 7/30/2020 to 8/8/2020

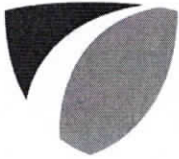
Time View: By Hour (Avg Volumes)
 Speed Bins: Size 5, Range 1 to 100
 Site: Shiawassee Ave, Shiawassee WB/Cass, WB

Average Vehicles by Speed Bin



Average Volume by Hour





Speed Summary Report

Generated by Frank Demers from Farmington Police Department on Sep 11, 2020 at 5:14:41 PM

Follow-Up Study

Time of Day: 0:00 to 23:59

Dates: 8/20/2020 to 9/5/2020

Site: Shiawassee Ave, Shiawassee /
grace wb, WB

Overall Summary

Total Days of Data: 5

Speed Limit: 25

Average Speed: 25.27

50th Percentile Speed: 25.46

85th Percentile Speed: 28.51

Pace Speed Range: 21.0-31.0

Minimum Speed: 5.0

Maximum Speed: 44.0

Display Status: Display Off, Speed Display

Average Volume per Day: 946.8

Total Volume: 4734.0

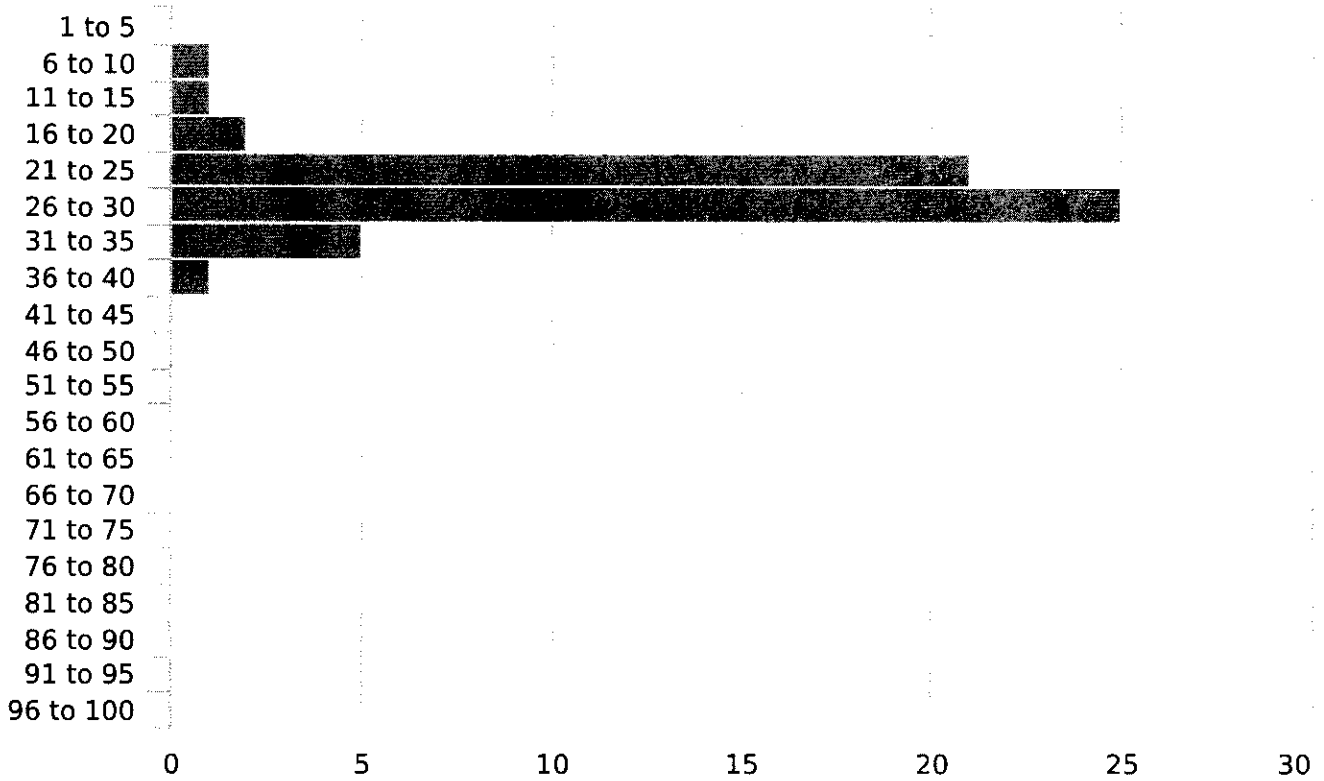


Generated by Frank Demers from Farmington Police Department on Sep 11, 2020 at 5:20:7 PM

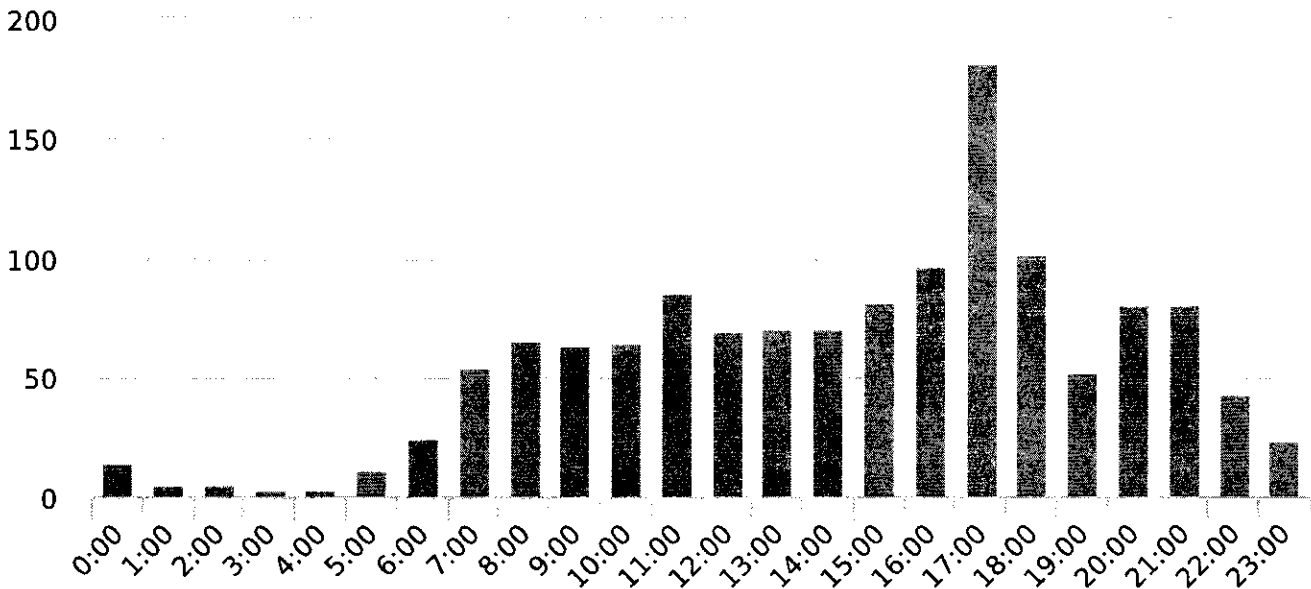
Time of Day: 0:00 to 23:59
 Dates: 8/20/2020 to 9/5/2020

Time View: By Hour (Avg Volumes)
 Speed Bins: Size 5, Range 1 to 100
 Site: Shiawassee Ave, Shiawassee / grace wb, WB

Average Vehicles by Speed Bin



Average Volume by Hour



**Farmington City Council
Staff Report**

**Council Meeting
Date: September 21, 2020**

**Item
Number
5B**

Submitted by: City Manager David Murphy

Agenda Topic:

Update on progress to Flanders Park

Proposed Motion:

N/A

Background: At the Council April 27 budget meeting, Mayor Pro Tem Joe LaRussa requested funding to build a Flanders Park playscape be included in the budget. At that meeting, Council indicated that funding should be moved a year forward in the Capital Improvement Plan to build the playscape in the coming fiscal year. Discussion about where to adjust the budget to make that happen included using already planned contingency funds and redirecting funds already allocated to the Flanders Park walking path in this budget. Bowman summarized that there was a majority intention to move the playscape forward to this budget year and requested that administration make that adjustment.

Materials:

Farmington City Council Agenda Item	Council Meeting Date: September 21,2020	Item Number 6A
Submitted by: Frank J. Demers, Public Safety Director		
Agenda Topic: Amendment to Traffic Control Order – No Left Turn at E/B Shiawassee at Raphael; No Left Turn S/B Raphael at Shiawassee During School Days.		
<p>Proposed Motion: Approve Amendment to Chapter 8 of the Traffic Control Oder to prohibiting left turns from southbound Raphael Street to eastbound Shiawassee Avenue – School Days Only – from 7:30 a.m. to 9:00 a.m. and 3:30 p.m. to 4:30 p.m. and Approve Amendment to Chapter 8 of the Traffic Control Order prohibiting left turns from eastbound Shiawassee to northbound Raphael Street – School Days Only – from 3:00 p.m. to 4:00 p.m.</p>		
<p>Background: In August, Our Lady of Sorrows School administrators contacted the public safety department for assistance in resolving traffic congestion during the morning drop off and evening pick up times. Because busing has been suspended, more parents are driving their children to school, causing additional traffic congestion problems. There is continued uncertainty as to when or if busing will resume for the remainder of the school year.</p> <p>It was determined that prohibiting left turns from southbound Raphael to eastbound Shiawassee and from eastbound Shiawassee to northbound Raphael during the suggested times would aid in relieving traffic congestion during school days. A Temporary Traffic Control Order was issued on August 26th and No Left Turn signs were installed at these locations. After a two-week monitoring period, a significant reduction in traffic congestion during the above noted times was observed. The department recommends the amendment of the traffic control order to include the above referenced No Left Turn restrictions as a means to provide a long-term solution to the traffic congestion problems at Our Lady of Sorrows School while school is in session.</p>		
<p>Materials:</p> <ul style="list-style-type: none"> -Resolution to amend Traffic Control Order -Photographs of Shiawassee at Raphael -Photographs of Raphael at Shiawassee 		

CITY OF FARMINGTON
OAKLAND COUNTY, MICHIGAN

RESOLUTION NO.

**A RESOLUTION OF THE FARMINGTON CITY COUNCIL TO AMEND
TRAFFIC CONTROL ORDERS**

The Farmington City Council resolves that the Traffic Control Order issued by the Director of Public Safety of the City Of Farmington, dated February 1972, is hereby amended as follows: as provided for in Section 28-1153 of the Uniform Traffic Code, as adopted in Section 31-51 of the City Code of the City Of Farmington, and Section 31-60 of the City Code of the City of Farmington.

Chapter 8: Traffic Controls Prohibiting U-Turns and Left and Right Turning Movements

ADD:

Section 8.7.1 (a) - Raphael Street

Left turns shall be prohibited southbound Raphael Street to eastbound Shiawassee – School days only from 7:30 a.m. to 9:00 a.m. and 3:30 p.m. to 4:30 p.m.

ADD:

Section 8.8 (b) – Shiawassee Avenue

Left turns shall be prohibited from eastbound Shiawassee to northbound Raphael – School days only from 3:00 p.m. to 4:00 p.m.

RESULT:
MOVER:
SECONDER:
AYES:

I, Mary Mullison, duly authorized City Clerk for the City of Farmington do hereby certify that the foregoing is a true and correct copy of a motion adopted by the Farmington City Council at a regular meeting held on this 21st day of September 2020, in the City of Farmington, Oakland County, Michigan.

Mary Mullison, City Clerk

Raphael/Shiawassee





Farmington City Council Staff Report	Council Meeting Date: September 21, 2020	Item Number 6B
Submitted by: Kate Knight and Kevin Christiansen		
Agenda Topic: Consideration to adopt Resolution extending the City Council-approved Resolution 06-20-016 regarding relaxation of certain requirements for reopening retail and restaurant/bar businesses in light of COVID-19 Pandemic		
Proposed Motion: Consideration to adopt a Resolution extending Resolution 06-20-016 regarding relaxation of certain requirements for reopening retail and restaurant/bar businesses in light of COVID-19 Pandemic from Nov. 1, 2020 through April 14, 2021.		
Background: At its June 1 meeting, City Council approved resolution 06-20-016 regarding special event authorization and requirements for reopening certain retail and restaurant/bar businesses in light of the COVID-19 pandemic. This special authorization is set to expire on October 31, 2020, “unless extended by the City Council.		
Materials: Resolution		

CITY OF FARMINGTON
COUNTY OF OAKLAND, MICHIGAN

**RESOLUTION EXTENDING JUNE 1, 2020 RESOLUTION REGARDING SPECIAL EVENT
AUTHORIZATION AND REQUIREMENTS FOR REOPENING CERTAIN RETAIL AND
RESTAURANT/BAR BUSINESSES IN LIGHT OF COVID-19 PANDEMIC**

Minutes of a Meeting of the City Council of the City of Farmington, County of Oakland, Michigan, held in the City Hall of said City on _____, _____, at ____ o'clock P.M. Prevailing Eastern Time.

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

The following preamble and Resolution were offered by Councilmember _____ and supported by Councilmember _____.

WHEREAS, on June 1, 2020, the City adopted a resolution that granted special event approval for certain outdoor activities as a result of the COVID-19 situation; and

WHEREAS, the Resolution was to expire on October 31, 2020; and

WHEREAS, the City has determined that it is appropriate for that date to be extended.

NOW, THEREFORE, the City council hereby amends Resolution No. 06-20-016 to extend the date set forth in paragraph 8 from October 31, 2020 to _____.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

Mary Mullison, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Farmington, County of Oakland, and State of Michigan, at a regular meeting held this ____ day of _____, 2020, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, and that the minutes of said meeting have been kept and made available to the public as required by said Act.

Mary Mullison, City Clerk
City of Farmington

Farmington City Council Staff Report	Council Meeting Date: September 21, 2020	Item Number 6C
Submitted by: Charles Eudy, Superintendent		
Agenda Topic: Construction Estimate No. 4 for the Mayfield Street Reconstruction		
Proposed Motion: Move to Approve payment to V.I.L. Construction Incorporated for Construction Estimate No. 4 in the amount of \$179,487.86 for the Mayfield Street Reconstruction.		
<p>Background: In conjunction with the city’s consulting engineer’s Orchard Hiltz & McCliment Advisors (OHM), bids were solicited for the Mayfield Street reconstruction. The selection of Mayfield Street was based upon PASER ratings, other upcoming construction projects, and the recent increased frequency of street flooding during heavy rain events. The project was awarded to V.I.L. Construction Incorporated of Sterling Heights Michigan at the March 2020 Council Meeting.</p> <p><u>Construction Estimate No.4:</u> In the amount of \$179,487.86 for work completed from July 28, 2020 until August 27, 2020 with an additional \$19,943.10 being held as retainage, which has increased retainage to \$97,582.017. Work this period includes sidewalk, driveway, curb & gutter removal and replacement, road base aggregates, storm sewer and drainage materials.</p> <p>To date VIL Construction has earned \$975,821.74 of the revised contract sum of \$1,228,023.00.</p>		
Materials: OHM Payment Application No. 4		



September 2, 2020

Mr. Chuck Eudy **(via e-mail)**
Public Works Superintendent
City of Farmington
23600 Liberty Street
Farmington, Michigan 48335

Regarding: Mayfield Street Reconstruction
OHM Job No. 0111-19-0060
Payment Application No.3

Dear Mr. Eudy:

Enclosed are Payment Application No. 4 and a Contractor's Declaration for the referenced project.

V.I.L. Construction, Inc. has completed the work shown on the attached payment application for the period ending August 27, 2020 and we would recommend payment to the Contractor in the amount of **\$179,487.86**.

Sincerely,
OHM Advisors

A handwritten signature in black ink, appearing to read "Matt Parks".

Matt Parks, P.E.
Project Manager

cc: Jeff Bowdell, Building Official, City of Farmington (via email)
Anthony Vani, V.I.L. (via email)
Clay Stokes, OHM Advisors (via email)
Jessica Howard, OHM Advisors (via email)
File

P:\0101_0125\0111190060_Mayfield_St_Reconstruction_Construction\Pay App_CO\Pay Apps\No.4\Mayfield St Recon_PA#4.docx

OHM Advisors
34000 PLYMOUTH ROAD
LIVONIA, MICHIGAN 48150

T 734.522.6711
F 734.522.6427

OHM-Advisors.com

PAYMENT APPLICATION



Project: City of Farmington - Mayfield Street Reconstruction

Job Number: 0111-19-0060

OWNER: City of Farmington
 23600 Liberty Street
 Farmington, MI 48335
 (248) 474-5500

CONTRACTOR: V.I.L. Construction, Inc.
 6670 Sims Drive
 Sterling Heights, MI 48313
 (586) 979-6020

Number: 4
 Period End Date: 8/27/2020
 Status: Approved
 Contract Start Date: 5/26/2020
 Contract End Date: 9/15/2020
 Contract Duration: 112
 Print Date: 9/22/2020

SCHEDULE On
 STATUS:

NOTE:

Original Contract Amount: \$1,227,759.50
 Change Orders Amount: \$263.50
 Current Contract Amount: \$1,228,023.00

Change Order 1: \$9,019.50
 Change Order 2: (\$8,756.00)
 \$263.50

Retainage: 10 % of Total Earnings

Earnings This Period: \$199,430.95
 Earnings To Date: \$975,821.74
 Previous Retainage Amount: \$77,639.08
 Retainage This Period: \$19,943.10
 Less Total Retained To Date: \$97,582.17
 Net Earned: \$878,239.57
 Previous Earnings: \$698,751.71
 Amount Due Contractor: \$179,487.86

Approved By


Chuck Eudy - Public Works Superintendent - City of Farmington

Date

Recommended By

Clay Stokes, PE, Project Engineer

Date

 Clayton E. Stokes, PE

Digitally signed by Clayton E. Stokes
 DN: cn=Clayton E. Stokes, email=claystokes@ohm-advisors.com, o=State of Michigan, c=US
 Reason: I am approving this document
 Date: 2020.08.02 13:47:12-04'00'

Items

Item	Description	Original Quantity	Quantity Authorized	Unit Price	Quantity This Period	Quantity Held	Amount This Period	Quantity To Date	Amount To Date
Division: A - Miscellaneous									
1	Mobilization, Max 5%	1.00 Ls	1.00	\$55,000.00	0.00	0.00	\$0.00	1.00	\$55,000.00
2	Audio Video Route Survey	1.00 Ls	1.00	\$900.00	0.00	0.00	\$0.00	1.00	\$900.00
3	Permit Fees Allowance	3000.00 Dir	3000.00	\$1.00	0.00	0.00	\$0.00	0.00	\$0.00
4	Traffic Maintenance and Control	1.00 Ls	1.00	\$153,000.00	0.00	0.00	\$0.00	1.00	\$153,000.00
5	Sidewalk, Rem	184.00 Syd	184.00	\$4.50	157.04	0.00	\$706.68	157.04	\$706.68
6	Subgrade Undercutting, Type II (Modified)	200.00 Cyd	200.00	\$42.00	40.10	0.00	\$1,684.20	40.10	\$1,684.20
7	Subgrade Undercutting, Type II (Special)	200.00 Cyd	200.00	\$34.00	0.00	0.00	\$0.00	0.00	\$0.00
8	Exploratory Excavation, Trench	60.00 Ft	60.00	\$10.00	0.00	0.00	\$0.00	0.00	\$0.00
9	Erosion Control, Inlet Protection, Fabric Drop	13.00 Ea	13.00	\$70.00	0.00	0.00	\$0.00	13.00	\$910.00
10	Silt Fence	1160.00 Ft	1160.00	\$1.00	0.00	0.00	\$0.00	0.00	\$0.00
11	Maintenance Aggregate, 21AA	740.00 Ton	740.00	\$22.00	0.00	0.00	\$0.00	455.65	\$10,024.30
12	Trench Undercut and Backfill	114.00 Cyd	114.00	\$30.00	0.00	0.00	\$0.00	0.00	\$0.00
13	Utility/Drainage Structure, Adj, Add Depth	5.00 Ft	5.00	\$100.00	0.00	0.00	\$0.00	0.00	\$0.00
14	Hand Patching	15.00 Ton	15.00	\$135.00	0.00	0.00	\$0.00	0.00	\$0.00
15	Sidewalk, Conc, 4 inch	1650.00 Sft	1650.00	\$4.50	1738.50	0.00	\$7,823.25	1738.50	\$7,823.25
16	Sprinkler Line, up to 1 inch	150.00 Ft	150.00	\$12.00	0.00	0.00	\$0.00	0.00	\$0.00
17	Sprinkler Head, Remove and Reset	8.00 Ea	8.00	\$170.00	0.00	0.00	\$0.00	0.00	\$0.00
18	Sprinkler Head, Replace	8.00 Ea	8.00	\$220.00	0.00	0.00	\$0.00	0.00	\$0.00
19	Lower Proposed Water Main	3.00 Ea	3.00	\$600.00	0.00	0.00	\$0.00	0.00	\$0.00
20	Remove Water Service Lead	3.00 Ea	3.00	\$800.00	0.00	0.00	\$0.00	0.00	\$0.00
21	Private Water Service, Type K Copper, 3/4 inch, Long	3.00 Ea	3.00	\$1,700.00	0.00	0.00	\$0.00	2.00	\$3,400.00
28	Yard Pop Up Emitters	0.00 Dir	385.00	\$1.00	0.00	0.00	\$0.00	0.00	\$0.00
A - Miscellaneous Sub-Total:							\$10,214.13		\$23,448.43
Retainage							\$1,021.41		

Division: B - Removals

22	Tree, Rem, 19 inch to 36 inch	1.00 Ea	1.00	\$2,700.00	0.00	0.00	\$0.00	1.00	\$2,700.00
23	Dr Structure, Rem	2.00 Ea	2.00	\$800.00	0.00	0.00	\$0.00	2.00	\$1,600.00
24	Sewer, Rem, Less than 24 inch	348.00 Ft	348.00	\$9.00	0.00	0.00	\$0.00	342.00	\$3,078.00
25	Water Main, Rem	1503.00 Ft	1503.00	\$9.00	0.00	0.00	\$0.00	1483.00	\$13,347.00
26	Curb and Gutter, Rem	3014.00 Ft	3014.00	\$7.00	2974.00	0.00	\$20,818.00	2974.00	\$20,818.00
27	Pavt, Rem	5505.00 Syd	5505.00	\$4.50	800.97	0.00	\$3,604.37	5233.67	\$23,551.52
28	Sidewalk, Rem	772.00 Syd	772.00	\$4.50	772.00	0.00	\$3,474.00	772.00	\$3,474.00
29	Gate Wall, Rem	1.00 Ea	1.00	\$900.00	0.00	0.00	\$0.00	1.00	\$900.00
30	Hydrant, Rem	1.00 Ea	1.00	\$900.00	1.00	0.00	\$900.00	1.00	\$900.00
31	Sign, Rem	4.00 Ea	4.00	\$50.00	0.00	0.00	\$0.00	0.00	\$0.00

OHM Advisors

34000 Plymouth Road
Livonia, MI 48150

(734) 522-6711

OHM-Advisors.com

Item	Description	Original Quantity	Quantity Authorized	Unit Price	Quantity This Period	Quantity Held	Amount This Period	Quantity To Date	Amount To Date
32	Cold Milling HMA Surface	319.00 Syd	319.00	\$16.00	0.00	0.00	\$0.00	0.00	\$0.00
73	22814 Mayfield additional tree removal	0.00 Ls	1.00	\$2,585.00	0.00	0.00	\$0.00	1.00	\$2,585.00
74	22805 Mayfield additional tree removal	0.00 Ls	1.00	\$1,160.00	0.00	0.00	\$0.00	1.00	\$1,160.00
75	22847 Mayfield additional tree removal	0.00 Ls	1.00	\$2,875.00	0.00	0.00	\$0.00	1.00	\$2,875.00
76	22880 Mayfield additional tree removal	0.00 Ls	1.00	\$1,819.50	0.00	0.00	\$0.00	1.00	\$1,819.50
77	22932 Mayfield additional tree removal	0.00 Ls	1.00	\$580.00	0.00	0.00	\$0.00	1.00	\$580.00
B - Removals Sub-Total:							\$28,796.37		\$79,398.02
Retainage							\$2,879.64		
Division: C - Road									
33	Station Grading	16.50 Sta	16.50	\$1,900.00	0.00	0.00	\$0.00	0.00	\$0.00
34	Aggregate Base, 21AA (Limestone), 8 inch	2814.00 Ton	0.00	\$22.00	0.00	0.00	\$0.00	0.00	\$0.00
34	Aggregate Base, 21AA (Limestone), 8 inch	0.00 Ton	2814.00	\$19.00	1754.07	0.00	\$33,327.33	2153.23	\$40,911.37
35	Aggregate Base, 21AA (Limestone), Drive Approach, 6 inch	233.00 Ton	0.00	\$22.00	0.00	0.00	\$0.00	0.00	\$0.00
35	Aggregate Base, 21AA (Limestone), Drive Approach, 6-inch	0.00 Ton	233.00	\$19.00	203.36	0.00	\$3,863.84	203.36	\$3,863.84
36	Underdrain, Subgrade, Open-Graded, 6 inch	800.00 Ft	800.00	\$23.50	0.00	0.00	\$0.00	505.00	\$11,867.50
37	MDOT HMA 13A, 2 inch	36.00 Ton	36.00	\$135.00	0.00	0.00	\$0.00	0.00	\$0.00
38	MDOT HMA 13A, 4 inch (2 Lifts)	1089.00 Ton	1089.00	\$111.00	0.00	0.00	\$0.00	0.00	\$0.00
39	Driveway, Nonreinf Conc, 6 inch	543.00 Syd	543.00	\$49.50	570.09	0.00	\$28,219.46	570.09	\$28,219.46
40	Driveway, Nonreinf Conc, Det F4	3014.00 Ft	3014.00	\$18.00	2954.00	0.00	\$53,172.00	2954.00	\$53,172.00
41	Detectable Warning Surface	24.00 Ft	24.00	\$70.00	23.30	0.00	\$1,631.00	23.30	\$1,631.00
42	Sidewalk Ramp, Conc, 6 inch	290.00 Sft	290.00	\$7.00	277.94	0.00	\$1,945.58	277.94	\$1,945.58
43	Sidewalk, Conc, 4 inch	4138.00 Sft	4138.00	\$4.50	4138.00	0.00	\$18,621.00	4138.00	\$18,621.00
44	Sidewalk, Conc, 6 inch	2579.00 Sft	2579.00	\$5.50	2625.50	0.00	\$14,440.25	2625.50	\$14,440.25
45	Post, Steel, 3 lb	26.00 Ft	26.00	\$15.00	0.00	0.00	\$0.00	0.00	\$0.00
46	Sign	4.00 Ea	4.00	\$100.00	0.00	0.00	\$0.00	0.00	\$0.00
47	Turf Establishment	16.50 Sta	16.50	\$400.00	0.00	0.00	\$0.00	0.00	\$0.00
C - Road Sub-Total:							\$155,220.46		\$174,672.00
Retainage							\$15,522.05		

Division: D - Utilities

48	Storm Sewer, CI IV, RCP, 12 inch, Tr Det B	103.00 Ft	103.00	\$110.00	0.00	0.00	\$0.00	92.00	\$10,120.00
49	Storm Sewer, CI IV, RCP, 18 inch, Tr Det B	27.00 Ft	27.00	\$120.00	0.00	0.00	\$0.00	24.00	\$2,880.00
50	Storm Sewer, CI IV, RCP, 24 inch, Tr Det B	469.00 Ft	469.00	\$150.00	0.00	0.00	\$0.00	465.00	\$69,750.00
51	Dr Structure Cover, Type B	3.00 Ea	3.00	\$500.00	0.00	0.00	\$0.00	0.00	\$0.00
52	Dr Structure Cover, Type K	4.00 Ea	4.00	\$600.00	4.00	0.00	\$2,400.00	4.00	\$2,400.00
53	Dr Structure Cover, Type Q	5.00 Ea	5.00	\$500.00	0.00	0.00	\$0.00	0.00	\$0.00
54	Dr Structure, 24 inch dia	4.00 Ea	4.00	\$2,300.00	0.00	0.00	\$0.00	4.00	\$9,200.00
55	Dr Structure, 48 inch dia	1.00 Ea	1.00	\$3,300.00	0.00	0.00	\$0.00	1.00	\$3,300.00
56	Dr Structure, 60 inch dia	2.00 Ea	2.00	\$4,500.00	0.00	0.00	\$0.00	2.00	\$9,000.00

OHM Advisors

34000 Plymouth Road
Livonia, MI 48150

(734) 522-6711

OHM-Advisors.com

Item	Description	Original Quantity	Quantity Authorized	Unit Price	Quantity This Period	Quantity Held	Amount This Period	Quantity To Date	Amount To Date
57	Df Structure, Tap, 12 inch	5.00 Ea	5.00	\$500.00	0.00	0.00	\$0.00	5.00	\$2,500.00
58	Df Structure, Tap, 24 inch	1.00 Ea	1.00	\$900.00	0.00	0.00	\$0.00	1.00	\$900.00
59	Utility/Drainage Structure, Adj	13.00 Ea	13.00	\$700.00	4.00	0.00	\$2,800.00	4.00	\$2,800.00
60	Irrigation Valve, Adjust	1.00 Ea	1.00	\$400.00	0.00	0.00	\$0.00	0.00	\$0.00
61	Polyethylene Encasement	1533.00 Ft	1533.00	\$1.00	0.00	0.00	\$0.00	1532.00	\$1,532.00
62	Temporary Water Supply System, 2 inch	3240.00 Ft	3240.00	\$3.00	0.00	0.00	\$0.00	3263.10	\$9,789.30
63	Water Main, Class 54, DI, 6 inch, Tr Det G	40.00 Ft	40.00	\$171.00	0.00	0.00	\$0.00	28.00	\$4,788.00
64	Water Main, Class 54, DI, 8 inch, Tr Det G	1493.00 Ft	1493.00	\$184.00	0.00	0.00	\$0.00	1481.00	\$272,504.00
65	Connection to Existing Water Main	2.00 Ea	2.00	\$6,400.00	0.00	0.00	\$0.00	2.00	\$12,800.00
66	Fire Hydrant Assembly	3.00 Ea	3.00	\$6,800.00	0.00	0.00	\$0.00	3.00	\$20,400.00
67	Gate Valve and Well, 8 inch	2.00 Ea	2.00	\$6,300.00	0.00	0.00	\$0.00	2.00	\$12,600.00
68	Temporary Hydrant Connection	2.00 Ea	2.00	\$200.00	0.00	0.00	\$0.00	2.00	\$400.00
69	Temporary Water Service Connection	33.00 Ea	33.00	\$50.00	0.00	0.00	\$0.00	33.00	\$1,650.00
70	Water Main Line Stop, 8 inch	2.00 Ea	2.00	\$600.00	0.00	0.00	\$0.00	2.00	\$1,200.00
71	Curb Stop and Box, 3/4 inch	33.00 Ea	33.00	\$300.00	0.00	0.00	\$0.00	33.00	\$9,900.00
72	Water Service, Jumper Connect, 3/4 inch	33.00 Ea	33.00	\$900.00	0.00	0.00	\$0.00	31.00	\$27,900.00
D - Utilities Sub-Total:							\$5,200.00		\$488,313.30
Retainage							\$520.00		

CONTRACTOR'S DECLARATION

I hereby declare that I have not, during the period July 29, 2020 .
to August 27 A.D. , 20 20 , performed any work,
furnished any material, sustained any loss, damage or delay for any reason,
including soil conditions encountered or created, or otherwise done anything
for which I shall ask, demand, sue for, or claim compensation from
City of Farmington .

The owner, or his agents, in addition to the regular items set forth in the
contract numbered 0111-19-0060 and dated May .
A.D., 20 20 , for Mayfield Street Reconstruction .

executed between myself and the Owner, and in the Change Orders for work
issued by the Owner in writing as provided thereunder, except as I hereby
make claim for additional compensation and/or extension of time as set forth.
There (is) (is not) an the itemized statement attached.

Date: September 2, 2020 .

Company: V.I.L. Construction, Inc.

By:  .

Position: President .

Farmington City Council Staff Report	Council Meeting Date: September 21, 2020	Reference Number 6D	
Submitted by: City Manager/City Attorney			
<u>Description</u> Consideration to Approve Grant Agreement for 2021 Between the Michigan Indigent Defense Commission (MIDC) and the Cities of Farmington and Farmington Hills			
<u>Requested Action</u> Move to approve the Grant Agreement for 2021 between the Michigan Indigent Defense Commission (MIDC) and the Cities of Farmington and Farmington Hills, subject to final form as approved by the City Manager and City Attorney’s Office.			
<p><u>Background</u></p> <p>The Michigan Indigent Defense Commission (MIDC) was created by state legislation passed in 2013 after an advisory commission recommended improvements to the state’s legal system as relates to securing legal representation (defense attorneys) for indigent individuals. The advisory commission was created by Governor Rick Snyder in 2011.</p> <p>In a nutshell, the MIDC is charged under the state law with developing uniform minimum standards in Michigan courts for providing indigent criminal defense services; it is also responsible for ensuring compliance with those standards. The MIDC Act (Public Act 93 of 2013, as amended recently by Public Act 214 of 2018) provides for state grants to assist the governmental units responsible for the various courts in complying with these standards. As the two funding units for the 47th District Court, the cities of Farmington and Farmington Hills are ultimately responsible for compliance with the minimum standards established by the Commission and are proposed to be the joint recipient of the grant as the “indigent criminal defense system” for the 47th District Court.</p> <p>City Council approved the original agreement on February 19, 2019 and the 2020 agreement on February 18, 2020. Both Farmington and Farmington Hills are proposed to be parties to the Agreement; however, because Farmington is the entity through which the money to fund the 47th District Court runs, it has been designated as the “fiduciary” entity.</p> <p>For the one-year period from October 1, 2018 to September 30, 2019 the budget for providing these indigent defense services is estimated to be \$187,828.22. The vast majority of that would be funded through the state grant. Most of the funds are expected to be used to pay defense attorneys and to offset court costs.</p>			
Agenda Review			
Department Head	Finance/Treasurer	City Attorney	City Manager



MICHIGAN INDIGENT
DEFENSE COMMISSION

Dear Grantee:

Attached is the fiscal year 2021 indigent defense grant contract for your local funding unit. If you are receiving this letter, the Michigan Indigent Defense Commission (MIDC) has approved your plan and cost analysis for compliance with approved MIDC Standards.

Fiscal Year 2021 Grant Contract

This contract covers any spending occurring between **October 1, 2020 and September 30, 2021** that has been approved as part of the cost analysis. Please read the grant contract and review the attachments carefully.¹ The contract should be shared with any person in your funding unit that may be responsible for implementation, compliance reporting, or financial reporting related to the grant. The grant contract contains important information and dates regarding distribution of grant funds, compliance, and requirements for reporting.

Once the grant contract is signed by the authorized signatory for the funding unit, please return the signed contract by email to **LARA-MIDC-Info@michigan.gov**. You should include your Regional Manager on this email. The contract will be signed by MIDC and LARA upon appropriation of sufficient funds and then entered into SIGMA for payment. You will receive a fully executed copy of the contract by email.

Funding, Disbursements and Unexpended Funds

Please note that the funding for this grant is contingent upon an appropriation by the legislature that is signed by the Governor. As noted in Section 1.0 - Statement of Work, in the event that the funds appropriated by the legislature is insufficient to fully fund this grant, “the amount of the grant will be reduced by the Grantor and the funding unit will not be required to fully comply with the minimum standards the original approved grant was designed to allow.”

The initial state grant disbursement will be processed for advance payment once the contract is fully executed. Pursuant to section 1.4 – Payment Schedule, the second and third disbursements of funds will be equally reduced to reflect the amount of any unexpended grant funds from the prior fiscal year.

Grant Reporting and Webinars

The first quarterly compliance and financial reports will be due **January 31, 2021**. This report should reflect compliance and financial information for the period of October 1, 2020 through December 31, 2020. *Budget adjustment and substantial plan change requests should only be submitted with the quarterly reports.* In submitting requests for budget adjustments and plan changes, I encourage you to review the [grant manual](#) approved by the Commission in June 2020 and to work with your Regional Manager in submitting those requests.

¹ Attachment A shows the state travel rates for FY20. Please note that the applicable FY21 travel rates will be published October 1, 2020.

MIDC staff will host informational webinars regarding first quarter reporting prior to the due date. Registration information for the webinars will be distributed and posted on the MIDC website.

Please do not hesitate to contact me if you have any feedback, or your Regional Manager if you have questions about implementation under the grant contract. We encourage you to continue to check our [website](#) regularly, where you can find information regarding the Commission's meetings, grants and other updated information.

Sincerely,

Loren Khogali, Executive Director
Michigan Indigent Defense Commission
Phone: (517) 275-2845

GRANT BETWEEN
THE STATE OF MICHIGAN
MICHIGAN INDIGENT DEFENSE COMMISSION (MIDC)
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS (LARA)
AND
The City of Farmington

GRANTEE/ADDRESS:

David Murphy
City Manager, Farmington
23600 Liberty Street
Farmington, MI 48335
248-474-5500 ext. 2221

GRANTOR/ADDRESS:

Michigan Indigent Defense Commission
Department of Licensing and Regulatory Affairs
200 N. Washington Square 3rd Floor
Lansing, MI 48933
517-657-3060

GRANT PERIOD:

From October 1, 2020 to September 30, 2021

TOTAL AUTHORIZED BUDGET: \$187,828.22

State Grant Contribution: \$165,938.72
Local Share Contribution: \$21,889.50

ACCOUNTING DETAIL: Accounting Template No.: 6411113T032

SIGMA Vendor Code: 0047851

GRANT

This is Grant #2021-13 between the Michigan Indigent Defense Commission (MIDC) (Grantor), and the City of Farmington (Grantee), subject to terms and conditions of this grant agreement (Agreement).

1.0 Statement of Purpose

The purpose of this Grant is to provide funding to assist the Grantee to comply with the Compliance Plan and Cost Analysis approved by the MIDC for the provision of indigent criminal defense services through the Standards approved by LARA on May 22, 2017, and the process described in the Michigan Indigent Defense Act. The funding for this grant is contingent upon an appropriation by the legislature that is signed by the Governor. Consistent with the MIDC Act, in the event that the funds appropriated apply to less than all of the minimum standards, the funding unit will not be required to fully comply with all of the minimum standards. In the event that an appropriation is insufficient to fully fund this grant, the amount of the grant will be reduced by the Grantor and the funding unit will not be required to fully comply with the minimum standards the original approved grant was designed to allow.

1.1 Definitions

- A. Budget means a detailed statement of estimated costs consistent with the Grantee's approved Cost Analysis and required to implement the Compliance Plan.
- B. Budget Category means the aggregate of all funds in each of the high-level categories within Attachment B to the funding unit's grant budget.
- C. Compliance Plan is the plan submitted by the local funding unit and approved by the MIDC that specifically addresses how the Grantee shall meet the approved minimum standards established by the MIDC.
- D. Cost Analysis is a statement of the types of expenditures and funding necessary to bring Grantee's indigent defense system into compliance with the approved minimum standards established by the MIDC, including a statement of the funds in excess of the Grantee's local share as defined under the MIDC Act and as outlined in the Compliance Plan.
- E. MIDC Act means the Michigan Indigent Defense Commission Act, Public Act 93 of 2013, MCL 780.991 *et seq* as amended, enacted for the purpose of creating the Michigan Indigent Defense Commission and creating minimum standards for the local delivery of indigent criminal defense services that meet the constitutional requirements for the effective assistance of counsel.
- F. MIDC means the Michigan Indigent Defense Commission.

- G. Subgrantee means a governmental agency or other legal entity to which an MIDC subgrant is awarded by the Grantee. Attorneys representing indigent defendants, including both public defenders and attorneys contracted to represent indigent defendants, public defender office employees, judges, magistrates, court personnel, and professional service contract vendors shall not be considered subgrantees.
- H. “Substantial Change” to a Compliance Plan is a change to the plan or cost analysis that alters the method of meeting the objectives of the standard(s) in the approved plan.

1.2 Statement of Work

The Grantee agrees to undertake, perform and complete the services described in its approved Compliance Plan and in accordance with the Michigan Indigent Defense Act, MCL 780.991 *et seq.*, specifically Standards 1 through 4. The Parties to this Agreement enter into this Agreement to facilitate the process described in the MIDC Act, which controls or supersedes any terms of this Agreement. Consistent with the Act and when applicable, an indigent criminal defense system shall comply with the terms of the grant in bringing its system into compliance with the minimum standards established by the MIDC within 180 days after receiving funds from the MIDC. Grantee may exceed 180 days for compliance with a specific item needed to meet minimum standards as set forth in the Act. Grantee’s Compliance Plan, as submitted and approved by the MIDC (Attachment A), addresses the prescribed methods the grantee has chosen to provide indigent criminal defense services pursuant to MCL 780.993(3). Any substantial changes to the work described in the Compliance Plan must be submitted to the MIDC for approval as set forth in this Agreement prior to any changes being implemented. All provisions and requirements of this Agreement shall apply to any agreements the Grantee may enter into in furtherance of its obligations under this Agreement and Grantee shall be responsible for the performance of any Subgrantee work, as defined in subsection 1.1.

1.3 Detailed Budget

- A. This Agreement does not commit the State of Michigan (State) or the Department of Licensing and Regulatory Affairs (LARA) to approve requests for additional funds at any time.
- B. If applicable, travel expenses will not be reimbursed at rates greater than the State Travel Rates, Attachment C, without the prior written consent of the MIDC.
- C. Attachment B is the Budget. The Grantee agrees that all funds are to be spent as detailed in the Budget, unless a budget adjustment request is approved, in accordance with section 1.3(E).

- D. Grantee will maintain a restricted fund within their Local Chart of Accounts for the sole purpose of accounting for the expenses and revenue sources for operation of this grant and the local adult indigent defense system.
- E. All requests for a budget adjustment or substantial changes to the Grantee's Compliance Plan will be submitted quarterly with the Grantee's quarterly report. MIDC staff shall respond to a request in writing within 30 days of receipt.
 - 1) Budget adjustments less than or equal to 5% of the Budget Category total, including adjustments between Budget Categories, do not require approval by MIDC staff, but must be reported quarterly in the next financial status report.
 - 2) A Budget adjustment involving greater than 5% of the aggregate of all funding within a Budget Category requires prior written approval by MIDC Staff and must be reported to the MIDC as soon after the Grantee is aware of the necessity of the Budget adjustment and reported in the Grantee's quarterly report.
 - 3) Any substantial change to a Compliance Plan requires prior approval by MIDC staff and MIDC Commission.

1.4 Payment Schedule

The maximum amount of grant assistance approved is \$165,938.72.

The Grantee must report and certify to Grantor by October 31st of each year the balance of any unexpended indigent defense grant funds from the prior fiscal year grant plus any interest earned on the advancement of the state grant funds in the previous fiscal year. Any funds from the previous fiscal year contained in an approved extension of the previous fiscal year's grant for projects that will be completed after September 30, 2020 will be carried over into the current fiscal year and shall not be considered unexpended funds, nor be included in the balance of unexpended funds. The current fiscal year indigent defense grant funds advanced will be reduced by the amount of unexpended funds from the prior fiscal year's grant by reducing the 2nd and 3rd disbursement equally.

An initial advance of 50% of the State Grant shall be made to the Grantee upon receipt by the Grantor of a signed Agreement. The Grantor shall make subsequent disbursements of 25% up to the total state grant amount in accordance with the following schedule:

Initial Advance of 50% of total grant – Within 15 days of receipt of executed agreement
25% disbursement – May 15, 2021
25% disbursement – August 14, 2021 (final payment).

The above schedule of disbursement of funds is contingent after receipt of quarterly reporting as addressed in this section and section 1.5 of this document. Any disputed matters shall not cause delay in remitting any disbursements or in issuing a grant contract and funds for the next fiscal year. Disputed matters shall be acted on independently from undisputed matters.

The financial status report (FSR) report must be submitted on the form provided by the MIDC/LARA and indicate:

- Grant funds received to date;
- Expenditures for the reporting period by budget category;
- Cumulative expenditures to date by budget category;

The quarterly FSR must be supported and accompanied by documentation of those grant funded expenditures incurred for the reporting period, including but not limited to:

- The general ledger for the restricted local indigent defense fund, including a detailed expenditure report with all expenditure detail within the budget categories, which must include documentation of payments to contract attorneys either by individual invoice or by report of payments made, by attorney;
- All invoices related to experts and investigators;
- All invoices related to construction;
- Personnel detail including full-time equivalency of any grant funded positions, including total compensation for that position;

Upon request, the Grantee shall provide the MIDC with additional documentation/verification of expenditures under the grant within 30 days of the making of the request. Any additional documentation/verification of expenditures shall not delay issuance of a grant contract or grant disbursements. Documentation of expenditures shall be maintained according to record retention policies for audit purposes in order to comply with this Agreement. Grantee will be held to the full contribution of the Local Share within the original one-year grant period.

The quarterly FSR as provided in Attachment D and standards compliance report as addressed in Section 1.5, shall be provided in accordance with the following schedule:

- Initial FSR and compliance report for 10/1/20–12/31/20 – January 31, 2021
- 2nd FSR and compliance report for 1/1/21-3/31/21 – April 30, 2021
- 3rd FSR and compliance report for 4/1/21-6/30/21 – July 31, 2021
- Final FSR and compliance report for 7/1/21-9/30/21 – October 31,2021

1.5 Monitoring and Reporting Program Performance

A. Monitoring. The Grantee shall monitor performance to assure that time schedules are being met and projected work is being accomplished.

B. Quarterly Reports. The Grantee shall submit to the Grantor quarterly progress reports on compliance with the Standards and participate in follow up and evaluation activities. Compliance reports include narrative responses containing a description of the Grantee's compliance with standards 1-4, identifying problems or delays, actual, real or anticipated and any significant deviation from the approved Compliance Plan. The grantee will use its best efforts to provide data relevant to assessing compliance as

contained in the compliance reporting template requested by MIDC. If Grantee is unable to provide the information requested on the template, Grantee will demonstrate in writing the steps taken to assess what information is currently available and how to retrieve it. Grantee also agrees to work with MIDC Research staff to seek additional options or ideas for the collection and retrieval of this information.

PART II - GENERAL PROVISIONS

2.1 Project Changes

Grantee must obtain prior written approval for substantial changes to the compliance plan from the Grantor.

2.2 Delegation

Grantee must notify the MIDC at least 90 calendar days before the proposed delegation with reasonable detail of subgrantee and the nature and scope of the activities delegated. If any obligations under this grant are delegated, Grantee must: (a) be the sole point of contact regarding all contractual project matters, including payment and charges for all Grant activities; (b) make all payments to the subgrantee; and (c) incorporate the terms and conditions contained in this Grant in any subgrant with a subgrantee. Grantee remains responsible for the completion of the Grant activities and compliance with the terms of this Grant.

2.3 Program Income

To the extent that it can be determined that interest was earned on advances of funds, such interest shall be recorded in the Grantee's restricted Indigent Defense fund and included in the quarterly FSRs. The grant award shall not be increased by the amount of interest earned. Any grant funds attributable to interest and not spent at the end of the grant period shall be returned to the State or included in future grant awards from the MIDC consistent with MCL 780.993(15), as amended 12/23/18.

2.4 Share-in-savings

The Grantor expects to share in any cost savings realized by the Grantee in proportion of the grant funds to the local share.

2.5 Purchase of Equipment

The purchase of equipment must be made pursuant to the Grantee's established purchasing policy and if not specifically listed in the Budget, Attachment B, must have prior written approval of the Grantor. Equipment is defined as non-expendable personal property having a useful life of more than one year. Such equipment shall be retained by the Grantee unless otherwise specified at the time of approval.

2.6 Accounting

The Grantee must establish and maintain a restricted indigent defense fund in their local chart of accounts to record all transactions related to the indigent defense grant. The restricted

fund will not lapse to the local general fund at the close of the Grantee's fiscal year. The Grantee shall adhere to the Generally Accepted Accounting Principles and shall maintain records which will allow, at a minimum, for the comparison of actual outlays with budgeted amounts. The Grantee's overall financial management system must ensure effective control over and accountability for all indigent defense funds received. Accounting records must be supported by source documentation of expenditures including, but not limited to, balance sheets, general ledgers, payroll documents, time sheets and invoices. The expenditure of state funds shall be reported by line item and compared to the Budget.

2.7 Records Maintenance, Inspection, Examination, and Audit

The State or its designee may audit the Grantee and the restricted indigent defense fund account to verify compliance with this Grant. Grantee must retain, and provide to the State or its designee upon request, all financial and accounting records related to the Grant through the term of the Grant and for 7 years after the latter of termination, expiration, or final payment under this Grant or any extension ("Audit Period"). If an audit, litigation, or other action involving the records is initiated before the end of the Audit Period, Grantee must retain the records until all issues are resolved.

Within 10 calendar days of providing notice, the State and its authorized representatives or designees have the right to enter and inspect Grantee's premises or any other places where Grant activities are being performed, and examine, copy, and audit all records related to this Grant. Grantee must cooperate and provide reasonable assistance. If any financial errors have occurred, the amount in error must be reflected as a credit or debit on subsequent disbursements until the amount is paid or refunded. Any remaining balance must be reported by the Grantee to the Grantor by October 31 of each year as required under the MIDC Act.

This Section applies to Grantee, any parent, affiliate, or subsidiary organization of Grantee, and any subgrantee that performs Grant activities in connection with this Grant.

2.8 Competitive Bidding

The Grantee agrees that all procurement transactions involving the use of state funds shall be conducted in a manner that provides maximum open and free competition, consistent with Grantee's purchasing policies. Sole source contracts should be negotiated to the extent that such negotiation is possible. Attorney contracts, including managed assigned counsel contracts for representation of indigent or partially indigent defendants, are exempt from a competitive bid process, but must meet standard internal procurement policies, as applicable.

3.0 Liability

The State is not liable for any costs incurred by the Grantee before the start date or after the end date of this Agreement. Liability of the State is limited to the terms and conditions of this Agreement and the total grant amount.

3.1 Safety

The Grantee, and all subgrantees are responsible for insuring that all precautions are exercised at all times for the protection of persons and property. Safety provisions of all Applicable Laws and building and construction codes shall be observed. The Grantee, and every subgrantee are responsible for compliance with all federal, state and local laws and regulations in any manner affecting the work or performance of this Agreement and shall at all times carefully observe and comply with all rules, ordinances, and regulations. The Grantee, and all subgrantees shall secure all necessary certificates and permits from municipal or other public authorities as may be required in connection with the performance of this Agreement.

3.2 Indemnification

Each party to this grant must seek its own legal representation and bear its own legal costs; including judgments, in any litigation which may arise from the performance of this Grant and/or Agreement. It is specifically understood and agreed that neither party will indemnify the other party in any such litigation.

3.3 Failure to Comply and Termination

- A. Failure to comply with duties and obligations under the grant program as set forth in Public Act 93 of 2013, as amended, is subject to the procedures contained in sections 15 and 17 of said Act.
- B. Termination for Convenience

The State may immediately terminate this Grant in whole or in part without penalty and for any reason, including but not limited to, appropriation or budget shortfalls. If the State terminates this Grant for convenience, the State will pay all reasonable costs, for State approved Grant responsibilities. If parties cannot agree to the cost to be paid by the State, the parties shall attempt to resolve the dispute by mediation pursuant to MCL 780.995. The Grantee's duty to comply with MIDC standards is limited to funding covering the cost of compliance as set forth in section 17 of Public Act 93 of 2013, as amended.

3.4 Conflicts and Ethics

Grantee will uphold high ethical standards and is prohibited from: (a) holding or acquiring an interest that would conflict with this Grant; (b) doing anything that creates an appearance of impropriety with respect to the award or performance of the Grant; (c) attempting to influence or appearing to influence any State employee by the direct or indirect offer of anything of value; or (d) paying or agreeing to pay any person, other than employees and consultants working for Grantee, any consideration contingent upon the award of the Grant. Grantee must immediately notify the State of any violation or potential violation of this Section. This Section applies to Grantee, any parent, affiliate, or subsidiary organization of Grantee, and any subgrantee that performs Grant activities in connection with this Grant.

3.5 Non-Discrimination

Under the Elliott-Larsen Civil Rights Act, 1976 PA 453, MCL 37.2101 to 37.2804, and the Persons with Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101, et seq., Grantee and its subgrantees agree not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, marital status, partisan considerations, or a disability or genetic information that is unrelated to the person's ability to perform the duties of a particular job or position. Breach of this covenant is a material breach of this Grant.

3.6 Unfair Labor Practices

Under MCL 423.324, the State may void any Grant with a Grantee or subgrantee who appears on the Unfair Labor Practice register compiled under MCL 423.322.

3.7 Force Majeure

Neither party will be in breach of this Grant because of any failure arising from any disaster or acts of god that are beyond their control and without their fault or negligence. Each party will use commercially reasonable efforts to resume performance. Grantee will not be relieved of a breach or delay caused by its subgrantees except where the Commission determines that an unforeseeable condition prohibits timely compliance pursuant to MCL 780.993, Sec. 13(11).

4.0 Certification Regarding Debarment

The Grantee certifies, by signature to this Agreement, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this Agreement by any federal or State department or agency. If the Grantee is unable to certify to any portion of this statement, the Grantee shall attach an explanation to this Agreement.

4.1 Illegal Influence

The Grantee certifies, to the best of his or her knowledge and belief that:

- A. No federal appropriated funds have been paid nor will be paid, by or on behalf of the Grantee, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this grant, the Grantee shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The Grantee shall require that the language of this certification be included in the award documents for all grants or subcontracts and that all subrecipients shall certify and disclose accordingly.

The State has relied upon this certification as a material representation. Submission of this certification is a prerequisite for entering into this Agreement imposed by 31 USC § 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Grantee certifies, to the best of his or her knowledge and belief that no state funds have been paid nor will be paid, by or on behalf of the Grantee, to any person for influencing or attempting to influence an officer or employee of any State agency, a member of the Legislature, or an employee of a member of the Legislature in connection with the awarding of any state contract, the making of any state grant, the making of any state loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any state contract, grant, loan or cooperative agreement.

4.2 Governing Law

This Grant is governed, construed, and enforced in accordance with Michigan law, excluding choice-of-law principles, and all claims relating to or arising out of this Grant are governed by Michigan law, excluding choice-of-law principles. Any dispute arising from this Grant must be resolved as outlined in Sec. 15 of PA93 of 2013, as amended.

4.3 Disclosure of Litigation, or Other Proceeding

Grantee must notify the State within 14 calendar days of receiving notice of any litigation, investigation, arbitration, or other proceeding (collectively, "Proceeding") that arises during the term of the Grant against a public defender office, an attorney employed by a public defender office, or an attorney contracted to perform indigent defense functions funded by the Grantee that involves: (a) a criminal Proceeding; (b) a civil Proceeding involving a claim that, after consideration of Grantee's insurance coverages, would adversely affect Grantee's viability; (c) a civil Proceeding involving a governmental or public entity's claim or written allegation of fraud related to performance of the Grant; or (d) a Proceeding challenging any license that an attorney practicing on behalf of a public defender office or an attorney practicing pursuant to a contract to perform indigent defense functions for the Grantee is required to possess in order to perform under this Grant.

4.4 Assignment

Grantee may not assign this Grant to any other party without the prior approval of the State. Upon notice to Grantee, the State, in its sole discretion, may assign in whole or in part, its rights or responsibilities under this Grant to any other party. If the State determines that a novation of the Grant to a third party is necessary, Grantee will agree to the novation, provide all necessary documentation and signatures, and continue to perform, with the third party, its obligations under the Grant.

4.5 Entire Grant and Modification

This Grant is the entire agreement and replaces all previous agreements between the parties for the Grant activities. Pursuant to the MIDC Act, the MIDC shall promulgate policies necessary to carry out its powers and duties. The MIDC may also provide guides, instructions, informational pamphlets for the purpose of providing guidance and information with regard to the Grant and MIDC policies. This Grant Agreement supersedes all terms of MIDC policies, guides, instructions, informational pamphlets and any other explanatory material that is in conflict with the Grant Agreement. This Grant may not be amended except by a signed written agreement between the parties.

4.6 Grantee Relationship

Grantee assumes all rights, obligations and liabilities set forth in this Grant. Grantee, its employees, and agents will not be considered employees of the State. No partnership or joint venture relationship is created by virtue of this Grant. Grantee, and not the State, is responsible for the payment of wages, benefits and taxes of Grantee's employees. Prior performance does not modify Grantee's status as an independent Grantee.

4.7 Dispute Resolution

The parties will endeavor to resolve any Grant dispute in accordance with section 15 of Public Act 93 of 2013. The dispute will be referred to the parties' respective representatives or

program managers. Such referral must include a description of the issues and all supporting documentation. The parties will continue performing while a dispute is being resolved, unless the dispute precludes performance or performance would require Grantee to spend in excess of its local share as defined by MCL 780.983(h).

5.0 Severability

If any part of this Grant is held invalid or unenforceable, by any court of competent jurisdiction, that part will be deemed deleted from this Grant and the severed part will be replaced by agreed upon language that achieves the same or similar objectives. The remaining Grant will continue in full force and effect.

5.1 Signatories

The signatories warrant that they are empowered to enter into this Agreement and agree to be bound by it.

LeAnn Droste, Director
Bureau of Finance and Administrative Services
Department of Licensing and Regulatory Affairs
State of Michigan

Date

Loren Khogali, Executive Director
Michigan Indigent Defense Commission
Department of Licensing and Regulatory Affairs
State of Michigan

Date

David Murphy, City Manager (Fiduciary)
City of Farmington

Date

David Boyer, City Manager
City of Farmington Hills

Date

Submitter Information

Funding Unit(s)/System Name: Farmington/Farmington Hills

Submitted By (include name, title, email address and phone number):

Dave Walsh, D47 Court Administrator, dwalsh@fhgov.com, (248) 871-2973

FINAL SUBMISSION

Date: May 21, 2020

Signature: _____

Please identify the following points of contact (include name, title, email address and phone number):

Authorizing official who will sign the contract:

David Murphy, Farmington City Manager
23600 Liberty St.
Farmington, MI 48335

David Boyer, Farm. Hills City Manager
31555 W. Eleven Mile Rd.
Farmington Hills, MI 48336

Primary point of contact for implementation and reporting:

Dave Walsh, D47 Court Administrator

Financial point of contact:

Dave Walsh, D47 Court Administrator

Please identify any other person in the system who should receive communications from MIDC about compliance planning and reporting, including name, title, and email address:

Delivery System Model

What type of indigent defense delivery system do you have in 2020? (indicate all that apply):

- Public Defender Office (county employees)
- Public Defender Office (non-profit/vendor model)
- Managed Assigned Counsel System
Name of MAC Attorney Manager and P#:
- Assigned Counsel System XX
- Contract Defender System
- Other, please describe: House Counsel for attorney at first appearance

Are you planning to change the type of indigent defense delivery system uses?

Yes

No XX

Unsure

If yes, what model do you plan to use in FY21?

Standard 1

Training of Attorneys

Number of attorneys as of October 1, 2020 40

Please include in the cost analysis a list of all attorneys who accept adult criminal defense case assignments in your system, including conflict counsel and counsel for youths charged as adults.

Number of attorneys with less than 2 years of Michigan criminal defense experience as of October 1, 2020 0

Any changes in your training plan from FY20? Yes | No

Please describe your plan, including any changes:

Any changes in your funding needs from FY20 for Standard 1? Yes | No

If yes, please describe: Funding for all County courts is done through the County submission based on interlocal agreement.

Standard 2

Initial Client Interviews

How and when are defense attorneys notified of new assignments?

Attorneys are either present at appointment or contacted/advised by telephone or email.

How are you verifying that in-custody attorney client interviews occur within three business days?

The responsibility to fulfill the 3 day mandate or the introductory communication is on the attorney as an officer of the court. Nothing in the language of the Standards places that burden of tracking responsibility on the funding unit/court. Rather the language clearly says "Counsel shall" and as an officer of the Court, that is his/her duty. As a comparison, the court does not track the prosecutor to ensure he/she is fulfilling his/her responsibilities/duties. We will add language to the Order of Appointment advising the appointed attorney of his/her duty to conduct an initial client intake interview within the guidelines established for in-custody/non-custody clients.

In addition, as a means of ensuring attorney compliance, we will modify the court's court appointed attorney invoice form to include the following required fields: 1) Date of Appointment, and 2) Initial Client Contact Date. This will help the court ensure at the time of payment that the attorney has fulfilled his/her requirements under the MIDC standard.

If the fields are not completed as required or the dates cited are not in compliance with the Standard, the court will address the issue with the attorney prior to issuing payment. In addition, the court will investigate any complaint regarding an attorney failing to be compliance with the Standard.

How are you verifying introductory communications from the attorney with defendants who are not in custody?

See above

How are you compensating attorneys for initial interviews? Please provide details:

House counsel will be paid \$300/half day and \$600/full day. Weekend arraignment house counsel will be paid the half day rate.

Any change in the initial interview procedure from your FY20 plan? Yes | No

Please describe your policy:

See above

Any change from your FY20 funding needs for initial interviews? Yes | No

Please explain:

Confidential Meeting Spaces

How many confidential meeting spaces are in the jail? 1 in each city facility

Please explain or describe:

How many confidential meeting spaces are in the courthouse for *in-custody* attorney-client meetings? 6

Please explain or describe: There are two for each of the 3 courtrooms.

How many confidential meeting spaces are in the courthouse for *out-of-custody* attorney-client meetings? 6

Please explain or describe:

There are a total of 8, however the prosecutor uses one and the city attorney uses one.

Any change from the FY20 plan for meeting spaces? Yes | No

Please explain or describe:

Any change in FY20 funding needs for meeting spaces? Yes | No

Please explain or describe:

Standard 3

Experts and Investigators

Describe your policy for attorneys to request expert witness assistance:

Requests can be made in writing to the Court or directly to the judge during an event such as a pretrial.

Any change in the process from FY20? Yes | No

If yes, please explain:

Describe your policy for attorneys to request investigative assistance: Same as above.

Any change in the process from FY20? Yes | No

If yes, please explain:

How are you tracking requests for experts and investigators by assigned counsel?

Special code in the case processing system on the Register of Actions for each case.

Any change in your *funding needs* from FY20 for Standard 3? Yes | No

If yes, please explain:

Reducing the grant amount based on current experience.

Standard 4

Counsel at First Appearance and Other Critical Stages

How are you providing counsel at first appearance and all arraignments in the District Court? And in the Circuit Court (if applicable)? Please provide details:

Prior to MIDC, the Court held walk-in arraignments throughout the day, Monday through Friday. In addition, in-custody arraignments were held each morning and afternoon. The magistrates conducted arraignments on the weekends, typically once each day at each station as needed. **In order to ensure the presence of an attorney at first appearance, these patterns were altered to allow for the planned presence of an attorney.**

To minimize the need to reduce the availability of arraignment times, the Court made available to defendants a “Waiver of Attorney at First Appearance Form” as an option they could choose if they did not wish to wait or come back for a scheduled arraignment time.

The Court adopted a “house counsel” weekday schedule, where an attorney is designated to handle all arraignments and other appointments for half a day. House counsel is regularly scheduled all day Monday, Tuesday and Thursday mornings, and Wednesday and Friday afternoon. House counsel is paid \$300 for a half day and \$600 for a full day.

Prior to MIDC, the magistrates conducted arraignments on the weekends at each police station, recording them with a handheld recorder. No court appointments took place at weekend arraignments, although requests for appointments were processed and forwarded back with all paperwork to the clerk’s office for Monday morning, at which time appointments were processed for future hearing dates.

This system could not continue with the incorporation of available house counsel for the arraignments for the following reasons: 1) there simply is not functional, safe and secure space at the police stations to add house counsel into the process there, 2) the house counsel have to be planned and scheduled in advance and it is too costly and cumbersome to plan for counsel to appear on call at either police station throughout the weekend, and 3) with the likelihood of legal/bond issues being raised by counsel, a proper recording by a certified recorder is needed rather than the old handheld recording done by the magistrate. Because of the complexity and variability of the needed paperwork, the magistrate requires the assistance of the clerk for this as well.

Weekend arraignments are scheduled for a single time slot on each Saturday and Sunday. The **magistrate conducts arraignments via video from the courthouse with both police departments. House counsel is at the courthouse and has an opportunity to interview clients via video and/or telephone in advance of arraignment.** Counsel is paid the half day rate of \$300.

House counsel appointments are not be vertical. At first appearance, defendants requesting counsel for future proceedings complete a Request for Assignment form and counsel for the remainder of the case is assigned from the Court’s attorney assignment list, unless there is reason for house counsel to remain as assigned counsel. In either event, assigned counsel is paid \$200 for the case (based on an estimated 2 hours of expected time investment). This flat fee system is supplemented by a written requests for additional fees based on actual hours invested over and above 2 hours. These invoices are considered by the judges on a case by case basis.

In addition, **a court clerk/recorder is required to operate the video and recording equipment and process the necessary paperwork on the weekends.** This is done with a rotation of clerk/CEO staff from the Clerk’s Office requiring overtime pay.

MIDC FY21 COMPLIANCE PLAN AND COST ANALYSIS RENEWAL

The Court participates in an interlocal agreement with Oakland County and the other county district courts for counsel at video arraignments from the Oakland County Jail (OCJ). All funding for this will be submitted by Oakland County for FY 2020-21 under the agreement.

How are you providing counsel at all other critical stages? Please provide details:

The Court maintains a vertical assignment list. Attorneys may apply to be added to the list.

How are you calculating compensation for Standard 4? Please provide details:

House Counsel at \$300/half day, \$600/full day. Vertically assigned counsel after first event at \$200/case (based on estimated average investment of two hours) with process for requesting additional fees based on individual case time.

Do you have a prison in your County? How is counsel provided to people charged with crimes while incarcerated in the prison? Do you seek reimbursement for the cost of counsel from the Michigan Department of Corrections?

No

Are there any misdemeanor cases where your court accepts pleas without the defendant appearing before a magistrate or a judge? For example, pleas by mail, over the counter pleas, etc. Yes | No

Please describe how counsel is offered under these circumstances:

Currently there is not process for offering counsel upon receipt of a plea by mail or for a payable traffic misdemeanor.

Will there be any change from FY20 in this process? Yes | No

If yes, please explain:

Any change from FY20 in how you are paying attorneys for Standard 4? Yes | No

If yes, please explain:

No

Will there be any change from FY20 in your funding needs for this standard?

Yes | No

If yes, please explain:

We have added minimal funds to cover vertical attorney requests for extraordinary fees over and above the standard \$200, which was not previously budgeted. Also, we have added minimal funds for circumstances when house counsel is required to appear outside of the standard times for emergency situations.

Personnel

In the cost analysis please provide detail about all personnel employed by the funding unit. This should include DIRECT SERVICE PROVIDERS (Public Defender Chief, Deputy Chief, Assistant Defenders, and staff of the defender office employed by the system) as well as ANCILLARY STAFF (court clerks, sheriff employees, etc.)

For existing ANCILLARY STAFF are there any personnel positions/hours eliminated, reduced, or increased from FY20? Yes | No

If yes, please explain in cost analysis.

Any additional ANCILLARY STAFF positions/hours requested for FY21? Yes | No

If yes, please explain in cost analysis.

Any change from FY20 in fringe benefits? Yes | No

If yes, please explain in the cost analysis. This can include economics, cost of living increases, increased premiums, etc.

Percentages haven't changed; only affected by increases in compensation due to cost of living increases and/or step increases.

Supplies & Other

Please list any supplies or equipment requested, and provide a brief explanation of need or use in FY21. None

Supplies:

Equipment:

Case-related travel expenses (please include the system's policy for reimbursement):

Reimbursement Costs for Creating Plan

An indigent criminal defense system may submit to the MIDC an estimate of the cost of developing a plan and cost analysis for implementing the plan under MCL 780.993(2). Please attach documentation of planning time for FY21, if seeking reimbursement under this provision.

Are you submitting a request for reimbursement of planning costs? Yes | No

If yes, do you have receipts showing that non-funding unit employees have been paid?
 Yes | No

What is the amount you are seeking in reimbursement? \$ _____

Attachments Submitted

- ✓ Have you attached your FY21 cost analysis? Yes | No
- ✓ Did you include a list of the attorneys providing services with the cost analysis template? Yes | No
- ✓ If applicable, did you attach documentation supporting reimbursement for compliance planning? Yes | No N/A

Indigent Defense System Cost Analysis

Grant Year October 1, 2020 - September 2021

Funding Unit Name(s)

DATE SUBMITTED: May 21, 2020

Farmington/Farmington Hills

Personnel	Position	Calculation and rate	hours	Total
Susan Gierucki	Senior Clerk/CEO	\$37.25 x 4 x 26		3,874.00
Susan Gierucki	Senior Clerk/CEO	\$49.46 x 4 x 4		791.36
Patricia Bartlett	Senior Clerk/CEO	\$34.17 x 4 x 12		1,640.16
Patricia Bartlett	Senior Clerk/CEO	\$45.56 x 4 x 2		364.48
Patricia Bartlett	Senior Clerk/CEO (step incr)	\$35.67 x 4 x 14		1,997.52
Patricia Bartlett	Senior Clerk/CEO (step incr)	\$47.56 x 4 x 1		190.24
Mary Ebel	Deputy Clerk/CEO	\$32.07 x 4 x 26		3,335.28
Mary Ebel	Deputy Clerk/CEO	\$42.76 x 4 x 3		513.12
Crystal Gutierrez	Deputy Clerk/CEO	\$32.07 x 4 x 26		3,335.28
Crystal Gutierrez	Deputy Clerk/CEO	\$42.76 x 4 x 3		513.12
Category Summary				16,554.56

A court clerk/recorder would be required to operate the video and recording equipment and process the necessary paperwork on the weekends (prior to MIDC, the magistrates used a hand held recorder and process paperwork by hand). This is done with a rotation of clerk/CEO staff from the Clerk's Office requiring overtime pay and double time on holidays. Assuming a minimum shift of 4 hours per weekend day (4 hours of arraignments per weekend day) and 4 hours on each of 13 court holidays (so a total of 4 hours for 116 days counting weekends and holidays) .
March 18, 2021 step increase shown for Patricia Bartlett.

Fringe Benefits	Percentage	Amount
Employer FICA	0.0765	1,266.42

Retirement	0.2054	3,400.31
Workers Compensation	0.0045	74.50
Life Insurance	0.0018	29.80
Disability	0.006	99.33
Accidental Death & Dismemberment	0.0002	3.31

Category Summary 4,873.66

Based on personnel costs above.

Contractual

Contracts for Attorneys	Services Provided	Calculation hours and rate	Total
Attorneys - Private Bar	House Counsel (T-F)	\$300 x 4 x 52	62,400.00
Attorneys - Private Bar	House Counsel (M)	\$600 x 52	31,200.00
Attorneys - Private Bar	House Counsel (Wknd-Hol)	\$300 x 116	34,800.00
Attorneys - Private Bar	Assigned cases	\$200/case x 125 cases	25,000.00
Attorneys - Private Bar	Assigned cases - Approved extraordinary fees	\$100/hour x 20 cases	2,000.00
Attorneys - Private Bar	House Counsel (T-F)		
Attorneys - Private Bar	Emergency	\$300 x 10 cases	3,000.00
Category Summary			158,400.00

Amounts increase to cover vertical appointment requests for extraordinary fees and house counsel emergency coverage outside of standard scheduled time slots.

Coverage outside of standard scheduled time slots.

Contracts for Experts and Investigators	Services Provided	Calculation and rate	hours	Total
Investigators (TBD)	Investigation services	\$75 x 40 hours		3,000.00
Experts (TBD)	Expert Services	Per MIDC guidelines		5,000.00

Category Summary 8,000.00

Amounts adjusted downward as we are not seeing expected level of requests.

Contracts for Construction Projects	Services Provided	Calculation	Total
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Category Summary 0.00

Contracts Other	Services Provided	Calculation	Total
Oakland County	Video arraignments from OCJ	Per cost calculation by Cou	0.00

Category Summary			0.00
Under Interlocal agreement, Oakland County will submit for funding for all County courts beginning with the 2020-21 grant year.			

Equipment	Vendor	Calculation	Total
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Category Summary			0.00

Training/Travel	Vendor	Calculation	Total
Oakland County Plan	6th Circuit/OCBA		

Category Summary	0.00
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Training program for attorneys administered through the Oakland County Bar Association. Funding to be part of Oakland County plan under interlocal agreement.

Supplies/Services	Vendor	Calculation	Total
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Category Summary	0.00
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Budget Total	187,828.22
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Attorneys Accepting Assignments

Name of Attorney

P#

If known, please include title, type of office, and years of practicing
criminal defense in Michigan

DEPARTMENT OF TECHNOLOGY, MANAGEMENT & BUDGET

**VEHICLE AND TRAVEL SERVICES (VTS)
SCHEDULE OF TRAVEL RATES FOR CLASSIFIED AND UNCLASSIFIED
EMPLOYEES
Effective October 1, 2019**

MICHIGAN SELECT CITIES *

	Individual	Group Meeting pre-arranged and approved
Lodging**	\$85.00	\$85.00
Breakfast	\$10.25	\$13.25
Lunch	\$10.25	\$13.25
Dinner	\$24.25	\$27.25

MICHIGAN IN-STATE ALL OTHER

	Individual	Group Meeting pre-arranged and approved
Lodging**	\$85.00	\$85.00
Breakfast	\$ 8.50	\$11.50
Lunch	\$ 8.50	\$11.50
Dinner	\$19.00	\$22.00
Per Diem	\$87.00	
Lodging	\$51.00	
Breakfast	\$ 8.50	
Lunch	\$ 8.50	
Dinner	\$19.00	

OUT-OF-STATE SELECT CITIES *

	Individual	Group Meeting pre-arranged and approved
Lodging**	Contact Conlin Travel	Contact Conlin Travel
Breakfast	\$13.00	\$16.00
Lunch	\$13.00	\$16.00
Dinner	\$25.25	\$28.25

OUT-OF-STATE ALL OTHER

	Individual	Group Meeting pre-arranged and approved
Lodging**	Contact Conlin Travel	Contact Conlin Travel
Breakfast	\$10.25	\$13.25
Lunch	\$10.25	\$13.25
Dinner	\$23.50	\$26.50
Per Diem	\$97.00	
Lodging	\$51.00	
Breakfast	\$10.25	
Lunch	\$10.25	
Dinner	\$23.50	

Incidental Costs (per overnight stay) \$5.00

Mileage Rates

Premium Rate	\$0.580 per mile
Standard Rate	\$0.340 per mile

*See Select High Cost City Listing

**Lodging available at State Rate, or call Conlin Travel at 877-654-2179 or www.somtravel.com

**DEPARTMENT OF TECHNOLOGY, MANAGEMENT & BUDGET
VEHICLE AND TRAVEL SERVICES (VTS)
SELECT HIGH COST CITY LIST**

**TRAVEL RATE REIMBURSEMENT FOR CLASSIFIED and UNCLASSIFIED EMPLOYEES EFFECTIVE
October 1, 2019**

Michigan Select Cities / Counties

Cities	Counties
Ann Arbor, Auburn Hills, Detroit, Grand Rapids, Holland, Leland, Mackinac Island, Petoskey, Pontiac, South Haven, Traverse City	Grand Traverse Oakland Wayne

Out of State Select Cities / Counties

State	City / County	State	City / County
Arizona	Phoenix, Scottsdale, Sedona	Maryland	Baltimore City, Ocean City (Counties of Montgomery & Prince Georges)
California	Los Angeles (Counties Los Angeles, Orange, Mendocino & Ventura) Edwards AFB, Arcata, McKinleyville, Mammoth Lakes, Mill Valley, San Rafael, Novato, Monterey, Palm Springs, San Diego, San Francisco, Santa Barbara, Santa Monica, South Lake Tahoe, Truckee, Yosemite National Park	Massachusetts-Boston (Suffolk County), Burlington Cambridge, Woodburn Martha's Vineyard	
		Minnesota	Duluth, Minneapolis/St. Paul (Hennepin and Ramsey Counties)
		Nevada	Las Vegas
Colorado	Aspen, Breckenridge, Grand Lake, Silverthorne, Steamboat Springs, Telluride, Vail	New Mexico	Santa Fe
Connecticut	Bridgeport, Danbury	New York	Lake Placid, Manhattan (boroughs of Manhattan, Brooklyn, Bronx, Queens and Staten Island), Melville, New Rochelle, Riverhead, (Suffolk County), Ronkonkoma, Tarrytown, White Plains
DC	Washington DC, Alexandria, Falls Church, Fairfax (Counties of Arlington & Fairfax in Virginia) (Counties of Montgomery & Prince George's in Maryland)	Ohio	Cincinnati
		Pennsylvania	(Bucks County) Pittsburgh
Florida	Boca Raton, Delray Beach, Fort Lauderdale, Jupiter, Key West	Rhode Island	Bristol, Jamestown, Middletown, Newport (Newport County), Providence
Georgia	Brunswick, Jekyll Island	Texas	Austin, Dallas, Houston, LB Johnson Space Center
Idaho	Ketchum, Sun Valley	Utah	Park City (Summit County)
Illinois	Chicago (Cook & Lake Counties)	Vermont	Manchester, Montpelier, Stowe (Lamoile County)
Kentucky	Kenton	Virginia	Alexandria, Falls Church, Fairfax
Louisiana	New Orleans	Washington	Port Angeles, Port Townsend, Seattle
Maine	Bar Harbor, Kennebunk, Kittery, Rockport, Sanford	Wyoming	Jackson, Pinedale

**Department of Licensing and Regulatory Affairs
Michigan Indigent Defense Commission
FINANCIAL STATUS REPORT**

1. Name and Address of Grantee	2. Funding Unit(s)			3. Grant Number		4. Grant/Contract Period From: _____ To: _____								
	5. Current Report Period From: _____ To: _____			6. Amended Report YES _____ NO _____		7. Total Grant Amount State Grant _____ Local Share _____								
	Contracts													
8. Expenditure Categories	Salaries Fringes	Contract Attorneys	Experts Investigators	Construction	Other	Equipment	Travel Training	Supplies Services	Total					
9a. Expenditures for Report Period 10/1/19 -12/31/19	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00					
b. Expenditures for Report Period 1/1/20 - 3/31/20	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00					
c. Expenditures for Report Period 4/1/20 - 6/30/20	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00					
d. Expenditures for Report Period 7/1/20 - 9/30/20	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00					
e. Total Expenditures to date	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00					
10 State Grant Advancements		11. Certified Local Share												
a. Received this reporting period		\$0.00	a. Deposited to the local MIDC fund this reporting period		\$0.00									
b. Received to date this grant year		\$0.00	b. Deposited to the local MIDC fund to date this grant year		\$0.00									
12. Remarks	13. Certification: I certify that to the best of my knowledge and belief this report is correct and complete and that all expenditures are for the purposes set forth in the approved compliance plan and consistent with the grant contract and attachments.				14. MIDC Approval									
	_____ Authorizing Signature									_____ Grant Manager's Signature				
	_____ Date									_____ Date				
	_____ Position									_____ State Office Admin. Signature				
				_____ Date										
				_____ Phone										