

Special City Council Meeting 7:00 PM, MONDAY, JUNE 29, 2015 Conference Room Farmington City Hall 23600 Liberty St Farmington, MI 48335

SPECIAL MEETING AGENDA

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Roll Call

- 2. APPROVAL OF AGENDA
- 3. PUBLIC COMMENT
- 4. BEAUTIFICATION COMMITTEE INTERVIEW MEG DAY
- 5. BEAUTIFICATION COMMITTEE INTERVIEW GAYATHRI ELANGO
- 6. OTHER BUSINESS
 - A. Consideration to Amend Fiscal Year 2014/15 Budget
 - B. Consideration of PUD Plan Amendment for the Tile Shop
 - C. Consideration to Proceed with WiFi in City Hall/Police and the DPW
 - D. Consideration to Approve Operating Agreement to Relocate the Farmers Market to the Huron River Club on Saturday July 18
- 7. REVIEW
 - A. Charter Review Committee Update
- 8. COUNCIL COMMENT
- 9. **CLOSED SESSION LAND ACQUISITION**
- 10. ADJOURNMENT

Motion To Adjourn

Farmington City Council Staff Report

Council Meeting Date: June 29, 2015

Reference Number

Submitted by: Chris Weber,

<u>Description:</u> Consideration to Amend Fiscal Year 2014/15 Budget

Requested Action:

Move to adopt resolution amending Fiscal Year 2014/15 Budget.

Background:

At the June 15 Council Meeting, Council adopted a resolution amending the Fiscal Year 2014/15 Budget to the amounts projected in the Fiscal Year 2015/16 Budget. In addition, there were a couple of additional items in the General Fund that increased revenue \$20,000 and had no net change on expenditures. There is one item that was omitted from this amendment. General Government expenditures should be increased \$17,000 for the Michigan Municipal League's City Manager's Search. This amount was approved at the December 15, 2014 meeting, but the budget was not amended at that time.

Financial Impact

Funds are available for the requested budget amendment.

Recommendations

Move to approve Budget Amendment No. 2 for Fiscal Year 2014/15.

Attachments

Budget Amendment Resolution

Agenda Review

Review:

Chris Weber Pending

City Manager Completed 06/25/2015 11:53 AM

City Council Pending 06/29/2015 7:00 PM

Updated: 6/24/2015 9:57 AM by Chris Weber

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RESOLUTION NO. (ID # 1926)	
ated: 6/24/2015 9:57 AM by Chris Weber	Page 1

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CITY OF FARMINGTON

RESOLUTIO			
Motion by,	seconded by,		
Budget Amendment No. 2			
Fund: General Fund General Government		\$17,000	
Appropriation, Fund Balance		Ψ17,000	\$17,000

To adjust for Michigan Municipal League's City Manager Search

Farmington City Council Staff Report

Council Meeting Date: June 29, 2015

Reference Number (ID # 1930)

Submitted by: David Murphy, City Manager

Description: Consideration of PUD Plan Amendment for the Tile Shop

Requested Action:

Review

Background:

This item is consideration of a PUD Plan Amendment for The Tile Shop. The property owner, Tom Duke, is requesting to modify the PUD Site Plan that was previously approved by the Planning Commission and City Council. The approved plan calls for removing the existing concrete screening wall along the rear/east side of The Tile Shop site and replacing it with a new 8-foot high brick embossed concrete wall. He is now proposing to remove and replace a portion of the existing concrete screening wall located along the rear/east side of The Tile Shop site with a new wall. The new wall will be an 8-foot high concrete screening wall with a new pre-cast concrete cap and will run approximately 136 feet along the rear/east side of The Tile Shop site. A 141-foot long portion of the existing 4 to 5-foot high screening wall and the existing concrete retaining wall is intended to remain. A 20-foot long, 3.5-foot high section of the screening wall at Grand River is intended to be removed.

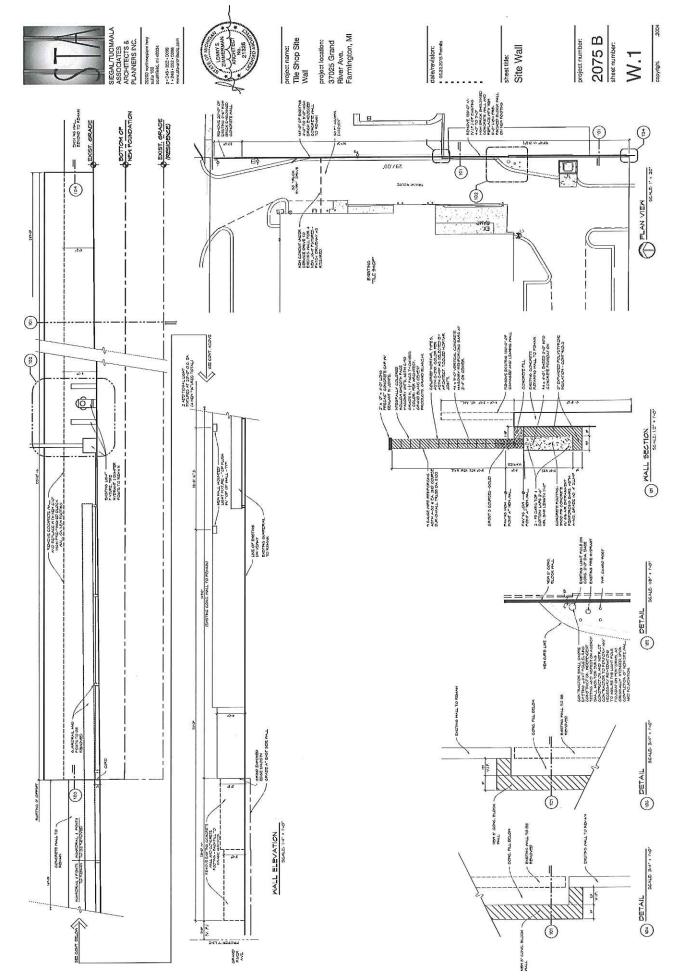
Agenda Review

Review:

David M. Murphy Pending City Manager Pending

City Council Pending 06/29/2015 7:00 PM

Updated: 6/26/2015 11:11 AM by Melissa Andrade



Farmington Planning Commission Staff Report

Planning Commission Date: February 9, 2015

Reference Number 1784

Submitted by: Kevin Christiansen, Economic and Community Development Director

Description Final Site Plan Review - PUD Planned Unit Development: The Tile Shop

Background

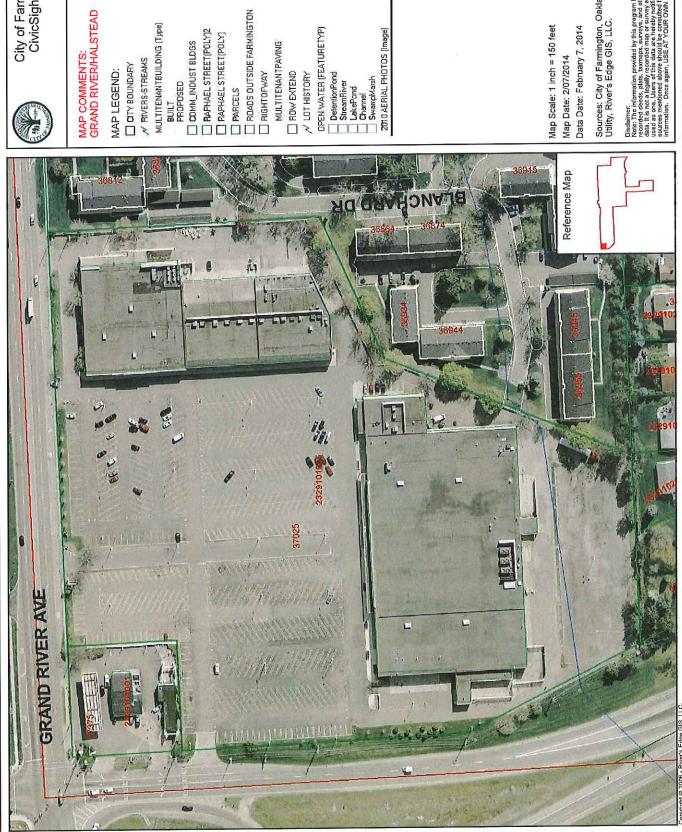
This item is a Final Site Plan Review on a proposed PUD Planned Unit Development Plan for the redevelopment of The Tile Shop at the Grand River-Halsted Plaza (former Kmart Shopping Center site). At the September 8, 2014 Planning Commission Meeting, the Commission held a pre-application conference (discussion and review) with the applicant on a proposed PUD planned unit development concept plan for the redevelopment of Grand River-Halsted Plaza. At the September 22, 2014 Planning Commission meeting, the Commission held the required PUD Public Hearing and recommended approval of the preliminary/conceptual PUD Plan to the City Council. At their October 20, 2014 meeting, the City Council approved the preliminary/conceptual PUD plan and PUD agreement for Grand River-Halsted Plaza.

The applicant, Grand River Project LLC, has submitted a Final PUD Site Plan for the redevelopment of The Tile Shop at the Grand River-Halsted Plaza. The final site plan includes an existing conditions and demolition plan, a final site plan, an overall PUD plan, a grading & drainage plan, a utility plan, a landscape planting plan, a lighting plan, existing/proposed floor plans and existing/proposed building elevations. Also attached is an aerial photo of the site. The following additional information is attached:

- A Final PUD Site Plan review letter from LSL Planning dated 2/3/15.
- A Final PUD Site Plan review letter from City engineering consultant OHM dated 2/4/15.

The applicant will be at the February 9, 2015 meeting to present the Final PUD Site Plan to the Commission.

Attachments

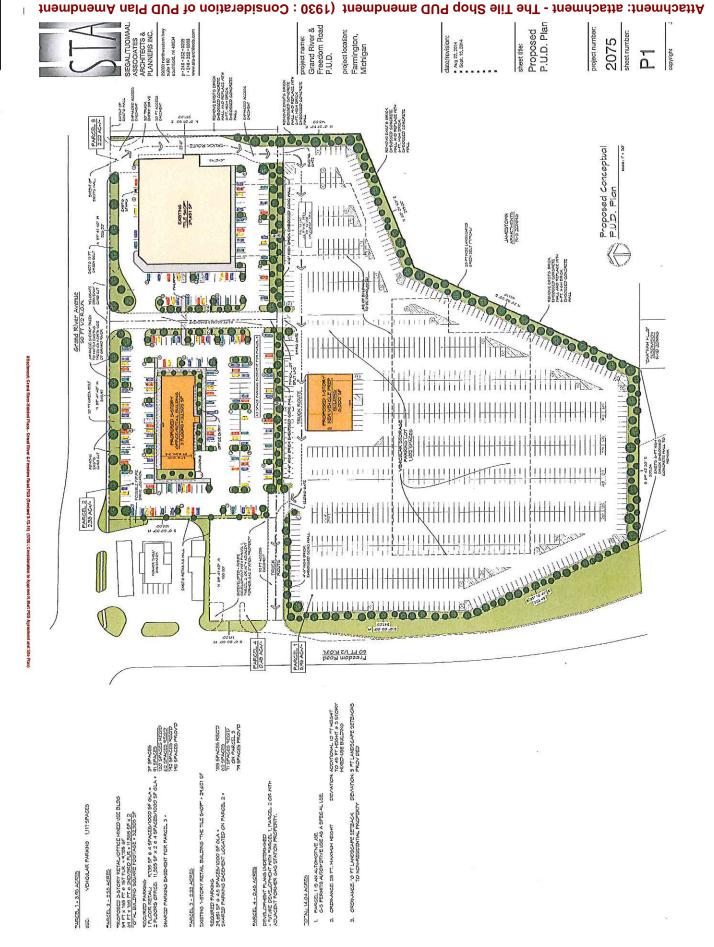


City of Farmington CivicSight Map

MAP COMMENTS: GRAND RIVER/HALSTEAD

Sources: City of Farmington, Oakland County GIS Utility, River's Edge GIS, LLC.

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February 3, 2015

Planning Commission

Attn: Kevin Christiansen, Community and Economic Development Director

City of Farmington 23600 Liberty Street

Farmington, Michigan 48335

Subject:

Grand River & Freedom Road PUD Review

Date of Site Plan:

01/09/2015

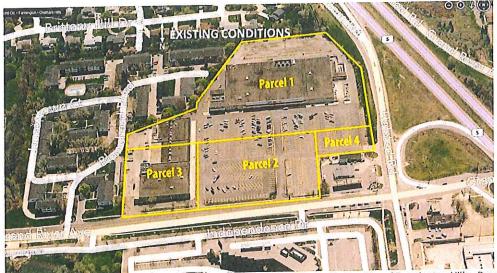
Location:

37175 Grand River Avenue (former Kmart plaza)

Dear Mr. Christiansen:

At your request we have completed a site plan review for the proposed PUD redevelopment of the former Kmart located at the southeast corner of Grand River and Freedom Road (M-5). The redevelopment Concept Plan included four lots: renovations to the existing Tile Shop (parcel 3), construction of a new 3 story office/retail building and parking lot (parcels 2 and 4), and a new vehicle preparation building for The Suburban Collection auto dealerships (parcel 1). The City Council recently approved the PUD Concept Plan. Their approval mirrors the Planning Commission's finding that this development met PUD standards and that it can move forward with final site plan review and a PUD Development Agreement.

Typically Final Site Plan review would be for the entire site, in this case the Final Site Plan review is for parcels 2, 3, and 4. Only the overall landscape plan included with the Tile Shop plans included parcel 1. An additional site plan review should be required before commencement of construction on parcel 1. The site is zoned C3, General Commercial. This report provides the Planning Commission with our recommendations for final site plan approval.



The site is located at the city's west end. The property across Grand River Avenue is located in the City of Farmington Hills. Property directly to the north of this site contains a financial institution; to the east are the Jamestown Apartments and to the south is the Chatham Hills neighborhood. To the west lies Freedom Road and the M-5 freeway.

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City of Farmington Grand River/Freedom PUD Review February 3, 2015

SITE PLAN REVIEW

In accordance with ARTICLE 13 and Sec. 35-162, site plan approval is required from the Planning Commission. The Final Site Plan is reviewed based on City ordinance, consistency with the PUD Concept Plan, and the PUD Agreement approved by the City Council. The following contains our review of the site plan:

- 1. Site Design Characteristics. The ordinance requires that the proposed development take into account its surroundings. The proposed redevelopment will be compatible with surrounding development, and should improve the condition of the existing screening between this site and adjacent residential sites, as well as an overall improvement in the appearance of the front of the site. By bringing the 3 story office/retail building closer to Grand River Avenue and adding similar landscaping to the development across Grand River, the buildings on this site will improve the aesthetic appeal along Grand River Ave.
- 2. Building Design. The existing Tile Shop building will remain, and two new buildings will be constructed. The Tile Shop will be re painted and receive additional landscaping that will improve the building appearance from the parking lot as well as from Grand River Avenue. The PUD does allow for deviations from the zoning ordinance and the Planning Commission may consider this an existing use, but it will need to be determined if the proposed modifications to the exterior of the Tile Shop is satisfactory.

The new retail/office building will have a more contemporary character with a mostly glass and metal façade. However, the building design does not meet a variety of zoning ordinance requirements, including the following:

Deviations of Section 35-53, Non-Residential Design Requirements:

- The façade design is required to incorporate architectural features and a variety of building materials for at least 30% of its length. The original proposed building maintains a flat façade with little variation to distinguish one storefront from another. The new Final Site Plan includes Terra Cotta details that break up the commercial spaces and add architectural details to the overall structure, it also includes a variety of materials including glass, terra cotta, EIFIS, granite, concrete, and aluminum.
- The original façade consisted primarily of glass and EIFS materials, both of which are specifically discouraged in the ordinance. Section 35-53.D.1. specifically states that "highly reflective or metallic tinting of windows shall not be permitted." The Final Site Plan depicts tinted black glass in combination with the above materials.

Deviations of Section 35-103, Lot and Yard Requirements:

- The proposed building is 42 feet in height, higher than the maximum height of 35 feet typically allowed. This height modification was approved through the PUD Agreement.
- The proposed parking lot will be closer than the required 20 feet from residential districts. The inclusion of a new masonry screen wall allows the Planning Commission to reduce this setback, but it also requires landscaped islands be provided along the edge at a rate of 1 per 50 feet, also agreed upon in the PUD Agreement
- 3. Traffic. The applicants prepared a Traffic Impact Study for the project that concluded the following:
 - The project will generate half of the total traffic that the existing retail center would generate if it were operating.
 - The reduction in Grand River Ave. curb cuts from 3 to 2, which is a benefit to the public.
 - Site exiting onto Freedom Road provides alternate access, alleviating congestion on Grand River Ave.
- 4. Parking. The site plan shows there will be 201 parking spaces provided for parcels 2 and 4, where 139 would be required (see table). The plans show a shared parking easement between the parcel 3 and parcels 2 and 4. The

City of Farmington Grand River/Freedom PUD Review February 3, 2015

Tile Shop requires 134 spaces per ordinance and 78 are provided. The additional 56 will be supplied through a shared parking agreement per article 14 of the code. The following summarizes the amount of parking required for the development proposed on parcels 2 and 3:

	Area	Required	Proposed
New Retail	9,992 sq ft	40	40
New Office	24,663 sq ft	99	161
Tile Shop	29,651 sq ft	134	78
1110011-1	Total	273	279

Per ordinance parcel 2 will require two loading zones. The location of the loading zones at the southwest (rear) corner of the building is well hidden, but provides somewhat difficult turning movements for the depicted semi-truck. The maneuvers required in order to access the site, traverse the parking lot, and then reverse into the loading zones (across a two lane drive aisle) are difficult. Should the applicant expect a high amount of semi-truck traffic, such as with restaurants, the configuration may need to be reconsidered. If the delivery vehicles are expected to be smaller in scale the concern might not be as much of an issue.

- 5. Waste Receptacles. Proposed dumpster locations are provided for both buildings. The Tile Shop will retain its current waste receptacle location. The proposed three story building has placed the waste receptacle at the southwest corner of the development. The placement is well hidden and away from the street, but is located within one of the loading zone spaces. This location creates a space conflict should delivery and refuse pick-up occur simultaneously. The applicant should stagger delivery and refuse collection times in order to avoid circulation problems within the parking lot. One waste receptacle may not be enough if a use such as a restaurant should occupy the retail space. If additional waste receptacles are needed the placement and screening of the new receptacles would need to be approved.
- 6. Access. Access is provided via two driveways from Grand River Avenue and one driveway from Freedom Road that will serve all 4 parcels in the PUD. The applicant submitted easement documents that will need to be executed to maintain legal access to all parcels we defer review of those legal documents to the City Attorney.

We offer the following comments regarding the proposed access:

- a. The number of driveways is appropriate given the scale of the site, nearby transportation conditions, and potential truck traffic.
- b. Driveways are spaced as far from the intersection at Grand River Avenue and Freedom Road as possible, and their spacing should limit conflicts with opposing driveways.
- c. MDOT approval will be needed for access points on Grand River Ave. The existing easternmost driveway alignment is confusing, requiring drivers to turn right or left upon entering, and realignment should be considered. The City should work with the applicant and MDOT to reconfigure this access point.
- d. The proposed new driveway that will serve the future development on parcel 4 should be removed in favor of cross-access with the gas station to the north and the new service road proposed with this development. The additional driveway is not permitted in the ordinance if indirect access can be provided, especially where it will minimize impacts of future development on traffic conditions along Freedom Road. The PUD Agreement states that this will be determined at a later date when Final Site Plans are submitted for parcel 4. There should be cross access easements included for future redevelopment of the gas station.

City of Farmington Grand River/Freedom PUD Review February 3, 2015

- 7. Landscaping. The Final Site Plan must include a detailed Landscape Plan that shows the size and type of all proposed plants. The following summarizes the landscaping requirements:
 - a. Frontage. This site is located at the city's western boundary and acts as a gateway site to the city. As such, the ordinance calls for there to be special entrance features that distinguish the site. The Concept Plan showed 18 cherry trees along the Grand River Avenue frontage, which were intended to mirror those on the north side of Grand River. The Final Site Plan only shows 13 along Grand River in front of parcel 2 and 3, with an additional 3 cherry trees along Freedom Road. This is a nice way to create a sense of entry to the city. The ordinance also suggests the site include a "Welcome to Farmington" sign that will further identify this gateway.
 - b. Buffer. The project includes replacement of the 6 foot masonry screen wall that runs along the south and eastern property lines between the site and the adjacent neighborhoods. The Plans show repairs and additions to the existing 6 foot high wall on the East property line to raise the overall height to 8 ft. Plans for the south wall have not been included and will need to be addressed with the Final Site Plan for that site. Sections of the wall that are visible from the adjacent property should be brought up to 8 feet in height. The ordinance requires that landscaped islands be located every 50 feet where a buffer is narrower than required. In this case, the perimeter of the site is also heavily landscaped with trees.
 - c. Parking Lot. Parking lots must include a parking island for each 8 spaces provided. This standard has been met for the parking areas on parcels 2 and 3, but not in the rear vehicle preparation area. Because of the nature of the use and the low visibility of the parking lot, the city may waive this requirement in the PUD Agreement.

8. Pedestrian Circulation.

- a. The existing sidewalk along Grand River Avenue will be retained. Per PUD Agreement the City is requiring a frontage sidewalk along Freedom Road, but this sidewalk is not depicted in the Site Plans. While there is no sidewalk located immediately to the south of the site, they do begin again south of the Chatham Hills subdivision. An option would be for the City to waive this sidewalk requirement through a PUD modification in the Agreement and instead divert the funds to be used elsewhere on site to provide for pedestrian and bicycle improvements, such as bike racks and additional pedestrian amenities.
- b. One internal crosswalk is shown to provide access between the Tile Shop and new office/retail building and sidewalks are shown around the entire new office/retail building and along the front of the Tile Shop building. These Pedestrian crossings and pathways should be wider than 5'.
- c. There are two pedestrian connections shown from the sidewalk on Grand River connecting to the Tile Shop parking lot and to the mixed use building parking lot. Details of these paths (size, materials etc...) have not been provided. These pathways are appreciated, but the landscape plan shows shrubs proposed in the center of the mixed use building path and an existing sign in the middle of the Tile Shop path. These plans should be modified and more clearly drawn.
- 9. Exterior Lighting. Maximum light level for parcels 2, 3, and 4 is 8.9 F.C. and maximum level at property line is 1 F.C. (.5 where the property abuts residential) falling within the allowable values per the ordinance.
- 10. Signs. Sign details have not been submitted for review, but are required per ordinance and PUD Agreement.
- 11. Outdoor Seating. The Concept Plan anticipated a potential restaurant and outdoor seating area, this space is not provided on the Final Site Plan. It is recommended that the PUD Agreement be updated to require site plan approval should an outdoor seating area be added at a later date.

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City of Farmington Grand River/Freedom PUD Review February 3, 2015

SUMMARY

While we agree the proposed project will be a benefit to Farmington by reusing a large underutilized and obsolete site, but the following items must first be met:

- 1. The limited Tile Shop architectural improvements need to be discussed as to whether they are at an acceptable level of improvement for the PUD.
- 2. MDOT approval needed for access points on Grand River Ave and the City should work with the applicant on realigning the apron more appropriately with the site.
- 3. Location of loading zones and conflict with waste receptacles should be discussed.
- 4. The lack of sign details will need to be addressed for final approval.
- 5. The required sidewalk on Freedom Road is not presented on the site plan and should be remedied.
- 6. The landscaping requirements per the PUD Agreement are not met. The PUD Agreement requires 18 cherry trees along the property frontage and only 13 are shown.
- 7. Additional pedestrian connections from Grand River into the development area should be detailed prior to approval.
- 8. Access easement to the gas station should be added for future redevelopment of that site.
- 9. Provisions for outdoor seating should be added to the PUD Agreement.

We look forward to discussing this with you at your meeting on February 9.

Sincerely,

LSL Planning, a SAFEbuilt Company

Bradley K. Strader, AICP, PTP

Planning Division Manager

Caitlin A Malloy-Marcon

Senior Planner



ARCHITECTS. ENGINEERS. PLANNERS.

memorandum

Date: February 4, 2015

To: Kevin Christiansen, Economic and Community Development Director

City of Farmington

cc: City of Farmington Planning Commission

From: Matthew Parks, P.E.

OHM Advisors

Regarding: Tile Shop Renovation Final Site Plan Review

The Tile Shop is located in the existing strip mall located on the southeast corner of Halsted Road and Grand River Avenue. On September 24, 2014, plans were reviewed for this site and proposed demolition of the abandoned KMART building and strip mall, keeping only the Tile Shop business. It is understood that demolition is currently taking place.

The applicant is proposing to remove and replace the parking lot and sidewalk on its property, as well as proposing new storm sewer on the site.

The following comments are items that shall be considered during the review process prior to construction commencing:

SITE PLAN COMMENTS

- An overall plan separation between this plan set, the Tile Shop plan set, and the Suburban Collection Parking plan set should be completed or additional detail on what plan is responsible for what should be outlined better. There is some confusion on limits and perhaps an <u>overall</u> site plan delineating limits and scope responsibility would be helpful.
- ▼ Plans shall show ingress/egress easements between Parcel 1 and Parcel 3, and potentially Parcel 4.
- Clarification is needed on the proposed pavement removal west of the Owner's property line. The plans do not include any proposed pavement in this area.
- The proposed westerly driveway off of Grand River Ave. will need approval from MDOT.
- Turn movements have been provided; however, additional turn movements shall be provided illustrating how trucks will exit the site. It appears the loading dock for the Tile Shop cannot make the turn to exit the site unless the truck goes through Parcel 1.
- Proposed grades have been provided in the plan set. It appears the westerly drive is fairly flat and should include a crown to promote positive drainage. Additional catch basins and storm sewer may be needed. Additional spot elevations near loading areas and sidewalk ramps/ADA barrier areas are necessary.
- Additional grades are needed at the southwest corner of the site where pavement meets Parcel 1.
- Calculations shall be provided for the required number of handicap spaces.
- We defer to the City Planner for shared parking spaces.
- The existing hydrant on the east side of the building, near the dumpster, shall be relocated behind the proposed curb.

Tile Shop – FSP Review Page 2 of 2



DETAILED ENGINEERING COMMENTS

- Calculations and details for the proposed retaining wall should be included in the plan set. An easement from the adjacent property may be required to install the proposed retaining wall.
- The proposed storm should include labels of proposed top of pipe and bottom of pipe where crossing existing underground utilities.
- Underground utilities should be shown on the landscape plan to ensure no planting are proposed directly over the utility.
- Clarification is needed for the common area landscape plan and who is responsible for planting what is proposed.
- Details on how the hydrant relocation and necessary shut down will be performed shall be included in the plan set.
- Pavement markings for pedestrian crosswalks shall indicate material type, etc.

It shall be noted that additional comments may be generated from information presented in future submittals. If you have any questions, please feel free to contact me by phone at (734) 522-6711 or by email at matt.parks@ohm-advisors.com.

Sincerely, OHM Advisors

Matthew D. Parks, P.E.

MDP/jlh

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ARCHITECTURAL DRAWINGS

FLOOR PLAN (EXISTING)
ELEVATIONS
PERSPECTIVE / PHOTOGRAPHS

222

LOCATION MAP NO SCALE

SHEET INDEX

DESCRIPTION

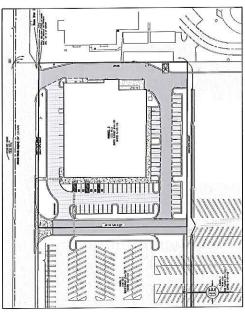
SHEET NO.

SITE PLAN FOR

TILE SHOP RENOVATION

PART OF NE 1/4 CORNER, SECTION 29 CITY OF FARMINGTON, OAKLAND COUNTY, MICHIGAN

PROPERTY DESCRIPTION:



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GRAND RIVER PROJECT, ILC 37000 GRAND RIVER AVE, SUITE 360 FARMINGTON HILLS, MI 48335 CONTACT: MR. TOM DUKE PHONE: (248) 476-3700

TILE SHOP RENOVATION

PREPARED FOR:

SIEGAL/TUOMAALA ASSOCIATES 29200 NORTHWESTERN HIGHWAY, SUITE 160 SOUTHFIELD, MI 48034 CONTACT: MR. LONNY ZIMMERMAN PHONE: (248) 352-0099



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NO SCALE (SEE SHEET 7A FOR OVERALL LANDSCAPE PLAN) OVERALL SITE MAP

ARCHITECT

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Engineering Figures 3noyon Planor Listings Acidstat 3121 E. GRAND RIVER AVE. HOWIELL, NI., 46843 8001.246,6735 FAX 517.548,1670					
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INDEMNIFICATION STATEMENT

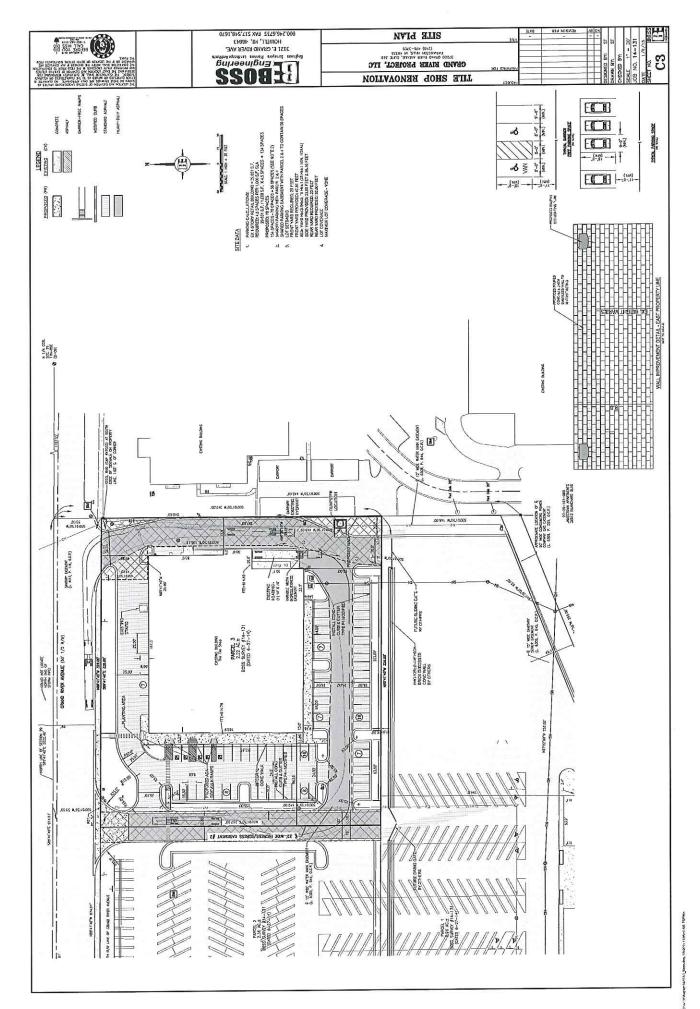
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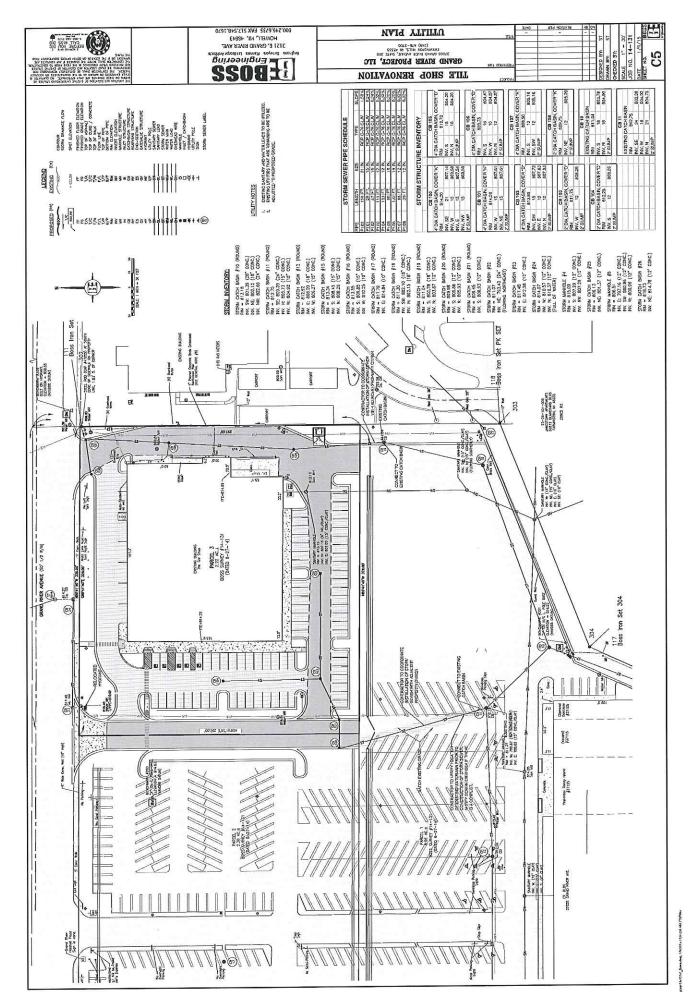
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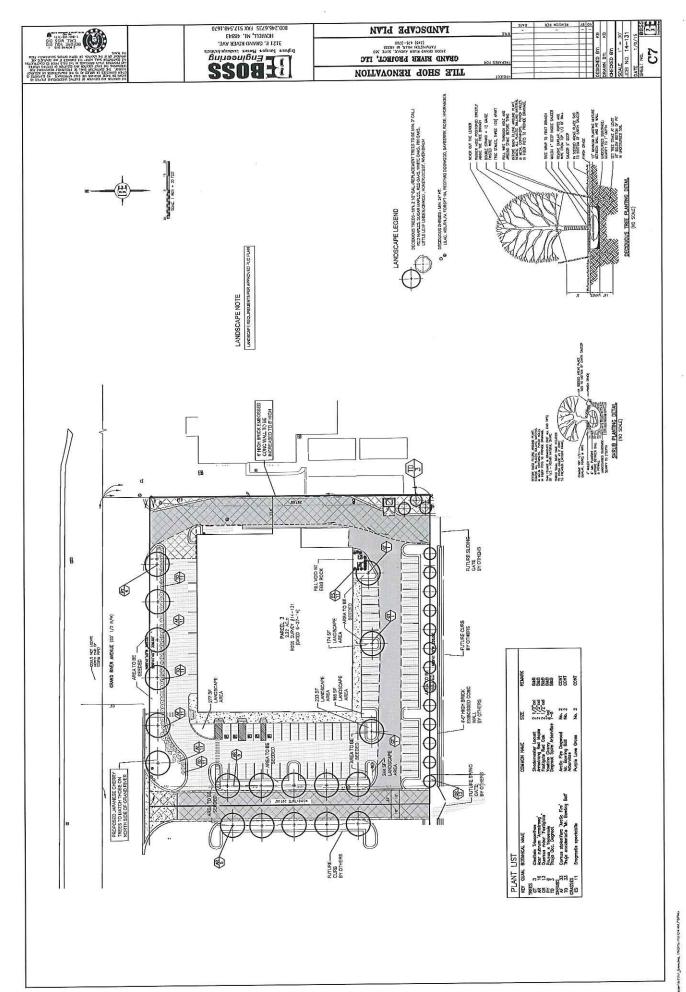
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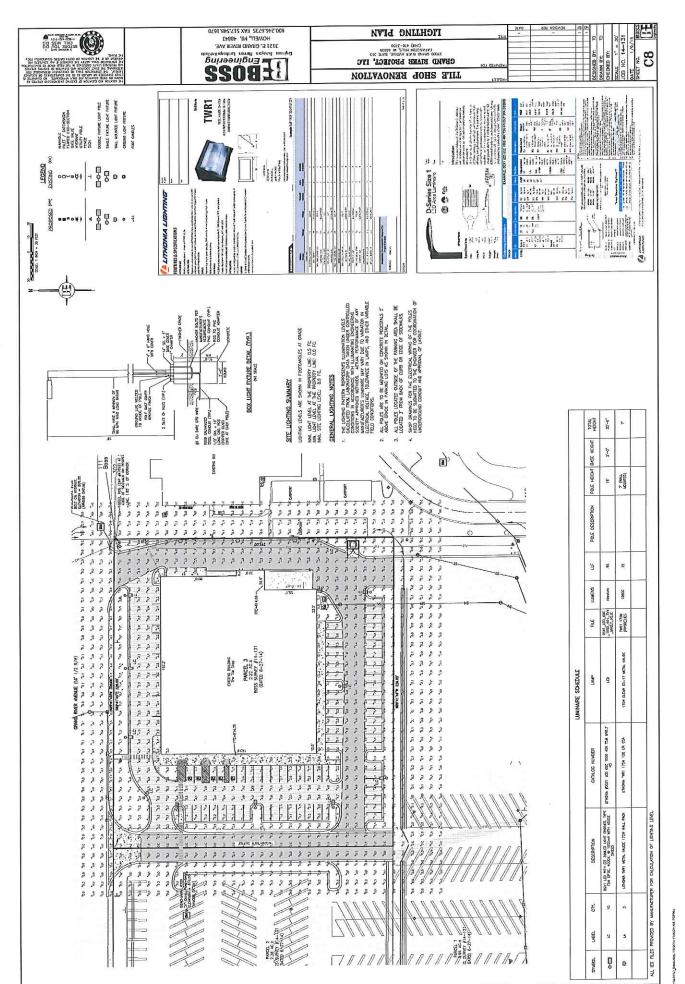
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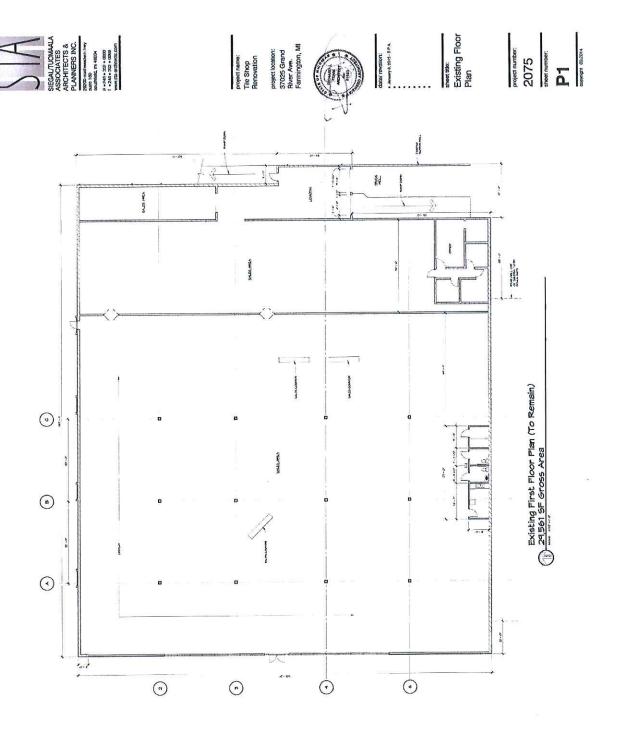
Attachment: attachment - The Tile Shop PUD amendment (1930 : Consideration of PUD Plan Amendment







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Perspective























Farmington City Council Staff Report

Council Meeting Date: June 29, 2015

Reference Number (ID # 1929)

Submitted by: David Murphy, City Manager

Description: Consideration to Approve Proceeding with WiFi in City Hall/Police and the DPW

Requested Action:

Move to approve an amount not to exceed \$15,000 for the installation of WiFi at City Hall/Police Station and the DPW.

Background:

Now that Farmington has completed the transition of its IT over to Farmington Hills, they can now proceed to outfit City Hall/Police with WiFi. At this time we only have rough cost estimates, but we should have better numbers by Monday evening. Farmington Hills is estimating that we will need 3 access points in City Hall/Police and 2 points at the DPW at a cost of \$700 to \$1,000 for each access point. Licensing will cost \$3,000 and \$600 per drop and a "few thousand" for configuration. Therefore, I am asking City Council to approve a not-to-exceed amount of \$15,000 to put WiFi in City Hall and the DPW.

Agenda Review

Review:

David M. Murphy Completed 06/25/2015 2:41 PM

City Manager Pending

City Council Pending 06/29/2015 7:00 PM

Updated: 6/26/2015 10:41 AM by Melissa Andrade

Farmington City Council Staff Report

Council Meeting Date: June 29, 2015

Reference Number (ID # 1928)

Submitted by: David Murphy, City Manager

<u>Description:</u> Consideration to Approve Operating Agreement to Relocate the Farmers Market to the Huron River Club on Saturday July 18

Requested Action:

Move to approve the agreement for the operation of the Farmington Farmers & Artisans Market on Huron River Club property on Saturday, July 18 during the Greater Farming Area Founders Festival.

Background:

The 2015 Founders Festival will utilize Riley Park and the Sundquist Pavilion in downtown Farmington on Saturday, July 18, thereby displacing the Farmington Farmers & Artisans Market. As it did in 2014, the Market would like to relocate on that date to The Huron River Club, located at 22575 Farmington Road in Farmington.

The Huron River Club has proposed the attached agreement in order to accommodate this arrangement.

In 2014, the market was well received at the Club during Festival. There were no issues.

Agenda Review

Review:

David M. Murphy Completed 06/25/2015 11:53 AM City Manager Completed 06/25/2015 11:54 AM City Council Pending 06/29/2015 7:00 PM

Updated: 6/24/2015 11:04 AM by Melissa Andrade

AGREEMENT FOR THE OPERATION OF THE FARMINGTON FARMERS AND ARTISANS MARKET ON HURON RIVER CLUB PROPERTY

This Agreement is made and entered into this ____ day of June, 2015 by and between the CITY OF FARMINGTON, a Michigan Municipal Corporation with offices at 23600 Liberty Street, Farmington, Michigan 48335 (the "City") and the HURON RIVER CLUB, L.L.C., a Michigan Limited Liability Company with its registered office at 2267 Shankin, Wolverine Lake, Michigan 48390 ("HRC") that does business at 22575 Farmington Road, Farmington, Michigan 48336 as the Huron River Hunting & Fishing Club (the "Club").

RECITALS

WHEREAS, the City has for many years operated the Farmington Farmers and Artisans Market, an outdoor seasonal weekly market for the enjoyment of residents of the City and surrounding communities; and

WHEREAS, the Market currently operates on Saturdays from May to November in the Walter E. Sundquist Pavilion in downtown Farmington; and

WHEREAS, the annual Greater Farmington Founders Festival will be held from July 16 -19, 2015 in downtown Farmington; and

WHEREAS, the City desires to find an alternate location for the Market during the weekend of the Founders Festival; and

WHEREAS, HRC allowed the Market to be held at the Club during the 2014 Festival; and

WHEREAS, the City has asked HRC to allow the Market to be held at the Club again in 2015; and

WHEREAS, HRC has agreed, subject to the execution of a written agreement providing for the City to indemnify and hold HRC harmless for any and all claims arising out of the operation of the Market at the Club;

THEREFORE, in consideration for the mutual covenants contained herein, the City and HRC agree as follows:

 HRC hereby agrees to allow the Farmington Farmers and Artisans Market to be held on HRC property at 22575 Farmington Road on Saturday, July 18, 2015. The Market may make use of HRC' parking lot and adjacent grounds but shall not have access to HRC's building except as expressly authorized by the HRC's general manager in her sole discretion. The Market shall maintain HRC property in good repair, and shall vacate HRC property by no later than 5 p.m.

- 2. The City hereby agrees to defend, pay on behalf of, indemnify and hold harmless HRC, its directors, employees, agents, representatives, and others working on behalf of HRC from any and all claims, demands, causes of action, or damages of any kind or nature against HRC, its directors, employees, agents, representatives, or others working on behalf of HRC arising out of or in any way related to the operation of the Market on HRC property on July 18, 2015.
- 3. The City shall maintain the following insurance coverages throughout the term of this Agreement, shall name the HRC as an additional insured for Commercial General Liability and Motor Vehicle Liability but not for Workers' Compensation & Employers' Liability Insurance, and shall provide adequate evidence of same:
 - A. Workers' Compensation & Employers' Liability Insurance, Michigan Statutory Limits of Liability.
 - B. Commercial General Liability Insurance on an occurrence basis with limits of liability not less than one million dollars (\$1,000,000.00) per occurrence and aggregate.
 - C. Motor Vehicle Liability Insurance, including Michigan No-Fault Coverage, with limits of liability not less than one million dollars (\$1,000,000.00) per occurrence combined single limit for Bodily Injury and Property Damage. Coverage shall include all owner vehicles, all non-owned vehicles, and all hired vehicles.
- 4. This Agreement shall be binding upon, and inure to the benefit of the parties and their successors and assigns. However, neither party shall assign this Agreement in whole or in part without the prior written approval of the other.
- 5. This Agreement is not intended to confer any benefit on any person or entity that is not a party to this Agreement.
- 6. If any section, subsection, clause, phrase or portion of this Agreement is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be considered a separate, distinct and independent portion of this Agreement, and the remaining portions of this Agreement shall remain in full force and effect.
- 7. This Agreement may be amended at any time, in writing, by mutual consent of the Parties.
- 8. The actions of the City under this Agreement are a governmental function. It is the intention of the Parties hereto that this Agreement shall not, in any manner, be construed to waive the defense of governmental immunity, which the City possessed prior to the execution of this Agreement.

9.	This	Agreement	may	be	terminated	by	either	party	for	any	reason,	including
convenience, upon 30 days written notice.					е.							

WITNESSES	CITY OF FARMINGTON
	By: Its: Mayor
	By: Its: City Clerk
Tod TRUXELL	HURON RIVER CLUB, L.L.C. Rombrege By: JAMES R. CAMBRIBGE Its: PRESIDENT
Della Asam	



RISK MANAGEMENT

CERTIFICATE OF COVERAGE

This certificate is issued as a matter of information only and confers no rights upon the certificate holder except to the extent shown below. This certificate does not amend, extend, or alter the coverage contained in the Authority's Joint Powers Agreement and coverage attachments thereto.

This is to certify that a Self-Insured Program has been undertaken by the member listed below through the Authority pursuant to Act 138 P.A. 1982.

The coverage provided by the Authority is as follows:

- 1. Liability coverage for general liability, automobile (including Michigan No-Fault), law enforcement, and public officials liability; in the sum of \$15,000,000 each occurrence inclusive of loss adjustment and defense costs.
- Property Coverage including loss to real & personal property, to amounts stipulated in coverage documents and overview for this member.
- 3. Motor Vehicle Physical Damage Coverage for the vehicles stipulated in the Coverage Document.
- 4. ___ Information only.
- 5. X The entity named below is included in the scope of protection as respects claims arising from a COVERED CONTRACT as defined in the MMRMA Liability and Motor Vehicle Physical Damage Coverage Document. HURON RIVER HUNTING AND FISHING CLUB 2015 AGREEMENT FOR USE OF PROPERTY ON SATURDAY, JULY 18, 2015.
- Other (as described here):

This certificate is issued in accordance with and is subject to all provisions of the Joint Powers Agreement, Coverage Documents, reinsurance agreements, MMRMA rules, regulation and administrative procedures. Should the member identified below withdraw from the Authority, or its Authority Membership be otherwise terminated, the Authority shall endeavor to notify the certificate holder in writing thirty (30) days in advance thereof, but failure to furnish such notice shall impose no obligation or liability of any kind upon the Authority, or its representatives.

Certificate Holder: HURON RIVER HUNTING AND FISHING CLUB 22575 FARMINGTON ROAD FARMINGTON, MI 48336

Certificate Expiration Date: July 19, 2015

Date Issued: June 4, 2015

Distribution: Mr. Vince D. Pastue, City of Farmington MMRMA Underwriting Member:

CITY OF FARMINGTON 23600 LIBERTY STREET FARMINGTON, MI 48335

Member Number: # M0001037

Effective Date of Membership: August 1, 1981

Authorized Representative



SECTION 4 DEFINITIONS

A. The following meanings shall apply to all coverages in this Coverage Document.

1. ACTUAL CASH VALUE

means cost of replacing damaged or destroyed covered property with comparable new property minus depreciation and obsolescence.

2. ALLOCATED LOSS ADJUSTMENT EXPENSES

means all costs to adjust, defend, or settle a specific claim or lawsuit, including, by way of illustration but not limitation, attorney fees and related costs, expert witness fees, and any other expense related to the claim or lawsuit.

3. BODILY INJURY

means bodily injury, harm, sickness, or disease sustained by a natural person, including death resulting therefrom.

4. COVERED CONTRACT

means any agreement or contract under which the Member assumes the tort liability only of another to pay damages to a third party. The contract or agreement must precede the occurrence and is subject to all of the terms and conditions of this Coverage Document, the Joint Powers Agreement, MMRMA rules and MMRMA administrative procedures. A covered contract shall not: a) indemnify any architect, attorney, engineer, surveyor or other consultant or advisor providing professional services, b) indemnify any person for damage by fire to premises lessed, rented, or loaned to the Member, c) guarantee or promise performance.

5. DAMAGES

means any or all of the following:

- a. All money damages within the Subjects of Coverage stated in Section 1 the Member becomes legally obligated to pay for any claim or lawsuit covered and defended by MMRMA. Damages also includes all interest on any judgment resulting from a lawsuit covered and defended by MMRMA;
- premiums on appeal bonds required in any lawsuit defended by MMRMA and the cost of ball bonds required of the Member because of an accident or traffic law violation arising out of the use of any vehicle to which this coverage applies. MMRMA shall have no obligation to apply for or furnish ball bonds;

Damages does not include the cost to acquire any real or personal property the title or ownership of which is, at any time, held directly, indirectly, or beneficially by a Member.

Farmington City Council Staff Report

Council Meeting Date: June 29, 2015 Reference Number (ID # 1925)

Submitted by: Susan Halberstadt,

<u>Description:</u> Charter Review Committee Update

Requested Action:

Background:

Background

At the May 18th Special Council Meeting, former City Manager Pastue recommended City Council place on the November 2015 ballot a charter amendment to increase Council compensation from \$1,800 to \$3,000 per year. It was noted that Council last received an increase in November 1999. Pastue also recommended Council consider an ad hoc committee to review the proposed increase amount and instruct the City Attorney to prepare draft ballot language accordingly.

At that meeting the consensus of Council was to refer this issue to the Charter Review Committee for their review and recommendation.

Charter Review Committee Recommendation

The Charter Review Committee met on Wednesday, June 17th at City Hall. Committee members included: Tom Buck, Arnie Campbell, City Clerk Halberstadt, Councilmember McShane and City Attorney Schultz.

The Committee focused on two issues: 1) two-tier compensation for Mayor and City Council; and 2) compensation amount(s).

The Committee concluded that compensation should remain the same for both Mayor and Council for a number of reasons including: the Mayor is not an elected position, but rather is appointed by Councilmembers on a rotating basis; and that all Councilmembers take on additional responsibilities.

The Committee held considerable discussion on the matter of compensation. They expressed concern regarding employee perception of the proposed significant increase in Council compensation given the 5% wage reduction they sustained during the recent recession. They also noted this may not be the time to increase pay given a continuing tight City budget. They discussed deferring this matter until a future time when the City budget is in a better position supported by a stable and growing financial outlook.

The Committee unanimously passed the following motion:

A recommendation to City Council *not* to place an amendment to the City Charter regarding Council compensation on the November 2015 ballot; and that this matter may be revisited next year at Council's request.

Agenda Review

Review:

Susan Halberstadt Pending

City Manager Completed 06/25/2015 11:53 AM

Updated: 6/24/2015 9:50 AM by Susan Halberstadt

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