

COUNCIL PROCEEDINGS

A regular meeting of the Farmington City Council was held on Monday, June 2, 2003 in Council Chambers, 23600 Liberty Street, Farmington, Michigan. Notice of the meeting was posted in compliance with Public Act 267-1976.

The meeting was called to order at 8:00 p.m. by Mayor Mitchell.

PRESENT: Bush, Campbell, Harrison, McShane, Mitchell.

ABSENT: None.

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

APPROVAL OF AGENDA

06-03-143 MOTION by Bush, seconded by Campbell, to amend the agenda to add line 10G, "Appointments to Boards and Commissions". MOTION CARRIED UNANIMOUSLY.

MINUTES OF PREVIOUS MEETING

06-03-144 MOTION by Harrison, seconded by McShane, to approve the regular and special meeting minutes of May 19, 2003. MOTION CARRIED UNANIMOUSLY.

MINUTES OF OTHER BOARDS

06-03-145 MOTION by Bush, seconded by McShane, to receive and file the minutes of the following Boards and Commissions:

- Farmington Employees Retirement System Board of Trustees minutes of May 8, 2003.
- Downtown Development Authority minutes of May 6, 2003.
- Traffic & Safety Board minutes of May 15, 2003.
- Historical Commission minutes of April 16, 2003.
- Farmington Area Commission on Aging minutes of April 22, 2003.
- Civic Theatre Committee minutes of May 21, 2003.

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING: PROPOSED FY 2003-2004 BUDGET

Mayor Mitchell opened the public hearing and at his request, City Manager Pastue reviewed the proposed budget and tax rate for the 2003-2004 fiscal year. Mayor Mitchell invited public comment. There was no public comment.

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06-03-146 MOTION by Campbell, seconded by Bush, to close the public hearing.
MOTION CARRIED UNANIMOUSLY.

QUARTERLY UPDATE: COUNTY COMMISSIONER MICHAEL ROGERS

Mr. Rogers spoke about the reasons for a County budget shortfall that included: lower investment income, cutbacks in revenue sharing and increased health care costs. He stated that \$31 million dollars has been eliminated from the budget through cutbacks involving an "early-out program", hiring freeze, and health care costs now shared by employees.

Mr. Rogers spoke about the following three programs funded by Oakland County: West Nile Virus control, Environmental Infrastructure Fund and the Tri-Party Fund. He talked about a proposed septic inspection program, part of the Clean Water Act, which would force local government to take action to prevent sewerage going into waters and streams.

Responding to a question from Council, Mr. Rogers stated that inspections would take place at point of purchase or every five years at a nominal fee.

In response to an additional question from Council, Mr. Rogers stated that the County is attempting to obtain more funds for the Homeland Security Program.

PRESENTATION: COMMISSION ON CHILDREN, YOUTH & FAMILIES RE: "FAMILY NIGHT"

Dr. Mark Sommers, representing the Commission on Children, Youth & Families, spoke about an upcoming event, "Family Night-In", planned for February 4, 2004. He stated that the purpose of this event is to encourage families to spend time together through the suspension of outside activities for one night. He cited other similar programs that have been successful throughout the country. He stated that community leaders have gathered to plan and support this event.

Dr. Sommers asked the City Council to formally endorse this event.

Responding to a question from Council, he stated that the Commission would not advise families how they should spend their "Family Night-In" evening together.

In response to an additional question, Dr. Sommers stated that the Library is planning to close for that evening.

Mayor Mitchell stated the Council would formally endorse this event at a future meeting.

PETITIONS AND COMMUNICATIONS

**REQUEST FOR PROCLAMATION FROM NATIONAL LEAGUE OF CITIES –
“NATIONAL SMALL CITIES AND TOWNS DAY, JUNE 20, 2003”.**

06-03-147 MOTION by McShane, seconded by Harrison, to proclaim June 20, 2003 as “National Small Cities and Towns Day” in recognition of the contributions and challenges of small cities and towns, and to encourage renewal of intergovernmental partnership to support essential public services. MOTION CARRIED UNANIMOUSLY.

Mayor Mitchell read the proclamation for the record.

STREET CLOSURE REQUEST FOR BLOCK PARTY.

06-03-148 MOTION by Campbell, seconded by Bush, to authorize the closing of Birchwood Street from Annewood to Flanders from 1:00 p.m. until 6:00 p.m. on Saturday, June 28, 2003, for a block party and to authorize the Department of Public Services to provide barricades for the event. MOTION CARRIED UNANIMOUSLY.

Administration requested direction for approval on future block party requests.

Council member Harrison expressed his support for City Manager approval on future block party requests.

Council member Campbell expressed his desire to continue Council approval of block party requests.

Council member McShane recommended City Manager approval on these requests, but placing them as a consent agenda item.

With Council’s concurrence, City Manager stated he would approve future requests and report them back to Council.

SIGN VARIANCE REQUEST – THE BABY STUDIO, 23616 FARMINGTON ROAD.

City Administration advised that Julie Grippo, owner of the Baby Studio, has requested a sign variance to allow placement of a 2’x3’ A-frame sign at the entrance of her store. Administration further noted that this request was tabled at the May 19, 2003 meeting because the proponent was not present.

Ms. Grippo stated that the sign is a chalkboard that would be leaned up against the wall of the vestibule of her business with the word “Open” written on it.

She confirmed for Council that the request is not for an A-frame sign, but rather for a single-sided one.

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Responding to a question, Director Gushman stated that if the sign were hung, it would become a wall sign which may not require a variance.

06-03-149 MOTION by Campbell, seconded by Bush, to approve a sign variance at 23616 Farmington Road, allowing display of a 2' x 3' chalkboard sign to be leaned against a wall in the vestibule of the property, for a period ending October 31, 2003; that the sign is not detrimental to adjacent properties and is in keeping with the character of the community; and that the proposed signage will meet the future criteria developed through the Main Street Design Process. MOTION CARRIED UNANIMOUSLY.

SIGN VARIANCE REQUEST – JOHN COWLEY & SONS, 33338 GRAND RIVER.

Administration advised that John Cowley and Sons has requested a sign variance to display four A-frame signs at various locations in the downtown area promoting complimentary valet parking. Administration further advised that with the exception of the sign proposed at the back entrance of the establishment, all are either within the public right-of-way or off-site.

Administration noted that in order to address the parking requirements associated with Cowley's renovation and expansion, the Zoning Board of Appeals required that they provide valet service and secure additional parking spaces for this service. Administration further noted that this stipulation provides the unique condition under which a sign variance could be granted.

Greg Cowley, representing John Cowley and Sons, stated that the purpose of the A-frame signs is to educate the public on the availability of valet parking. Mr. Cowley spoke about the volume of parking experienced by Cowley's since their reopening. He discussed the formal and informal agreements he has made with nearby businesses for parking. He stated that based on an informal survey, over 50% of Cowley's customers are from outside the Farmington community.

Mr. Cowley stated the four signs would be placed strategically and would each have a unique message depending on location.

Responding to a question, Mr. Cowley discussed alternatives to the Farmington Road access during the time it is closed for construction.

Councilmember McShane expressed her concern regarding the A-frame sign requested for placement between the Farmington Bakery and Grace Insurance. She further stated her concern regarding placement of four signs.

Discussion followed regarding proposed city signage that would help to alleviate some of the parking problems.

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Councilmember Campbell stated that he would like to give the Downtown Development Authority and the Main Street Design Committee the opportunity to establish criteria for signage. He asked Mr. Cowley if the size of the requested signs could be reduced to 18" x 24" in order to fall in line with a variance for an A-frame sign currently allowed by Council. He also asked if Mr. Cowley could modify his request to two signs rather than four. Mr. Cowley responded that logistically three signs might be adequate. Responding to a question from Council, he stated that a time limit for display of these signs would be acceptable.

Responding to an additional question, Mr. Cowley stated that he would prefer an A-frame sign to a single-sided one because it provides advertising both ways and would be seen more clearly at the proposed location.

Councilmember Bush stated her support for three temporary A-frame signs.

Responding to a question, Mr. Cowley stated that many of his customers were unaware of the availability of valet parking.

Councilmember Harrison cited the future construction on Farmington Road and stated that additional signage would facilitate the flow of traffic and parking.

Mayor Mitchell expressed concern regarding two of the proposed signs, stating the one at Thomas & Warner Streets would be too far from the business and the sign on Grand River would be difficult to see.

Councilmember McShane stated that some of the proposed signage is warranted in order to protect the health and welfare of the public. She further stated that she does not object to the size of the sign currently at the rear of the building, but new signs should measure 18" x 24".

Responding to a question, Mr. Cowley stated the sign on Grand River would further promote valet parking which would reduce the use by his customers of parking spaces for other businesses. He stated that the purpose of the proposed sign at Thomas and Warner was to address the one-way traffic issues.

06-03-150 MOTION by McShane, seconded by Harrison, to approve a sign variance request from John Cowley & Sons, 33338 Grand River, to display three, temporary A-frame signs; two signs, measuring 18" x 24", one to be located at the front of the building and the other located at the entrance by Thomas Street and Farmington Road; and the third, currently displayed at the rear of the building, remaining intact; for a period ending October 31, 2003; recognizing that existing conditions are unique due to the requirement of the Zoning Board of Appeals that valet parking be provided and the need to accommodate the volume of parking; and to protect the safety and welfare of the public; to stipulate that the variance is contingent on John Cowley & Sons agreeing

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to indemnify and hold the City of Farmington and the Road Commission of Oakland County harmless, providing a certificate of insurance naming both the City of Farmington and the Road Commission for Oakland County as insureds; and that signage will meet the criteria set forth through the Main Street Design Process.
MOTION CARRIED UNANIMOUSLY.

SIGN VARIANCE REQUEST – VILLAGE MALL FIRST FRIDAY PROMOTION.

Administration advised that Laura Osborne, representing the Downtown Merchants Association, requested a sign variance to display a banner on the iron fence at the front of the Village Mall Building, 33335 Grand River, one week each month to advertise “First Friday Promotions”.

Proponents Laura Osborne and Julie Grippo were present to respond to questions regarding the proposed banner.

Responding to a question from Council, proponents stated that they have looked at other locations for the banner, but such options were cost prohibitive.

Discussion followed regarding temporary use of signage at the Masonic Temple. The proponent stated that the proposed signage is for the Village Mall merchants only and should therefore be displayed at that location.

Responding to an additional question, the proponent requested an end-of-the-year deadline for the proposed signage to accommodate the event schedule.

Councilmember Harrison expressed his support for allowing the display of the proposed temporary banner, but only through October 31, 2003.

The proponent suggested that the proposed banner is unobtrusive and should not be kept to the same time deadline as A-frame signs.

City Manager Pastue stated that the October 31, 2003 deadline was established to coincide with the comprehensive review and recommendation on signage in progress by the Main Street Design Committee.

Mayor Mitchell noted that the proposed banner would be hung on a “right-of-way” and may require the permission of Road Commission for Oakland County. City Attorney Schultz concurred.

06-03-151 MOTION by Bush, seconded by Campbell, to approve a sign variance request at 33335 Grand River allowing the display of a 72” x 27” temporary banner as proposed, advertising “First Friday Promotions” at the Village Mall, for the period June 6 - October 31, 2003; with the banner displayed one week each month from the Saturday

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prior to the event until 12:00 p.m. on the following Saturday. MOTION CARRIED UNANIMOUSLY.

Mayor Mitchell asked Council for comments regarding future sign variance requests submitted prior to the Main Street Design Committee recommendations.

Councilmember Harrison recommended a moratorium on future requests until Council has had an opportunity to meet with the Main Street Design Committee.

Councilmember McShane stated that Council needs adequate time to perform due diligence on these important issues.

Councilmember Campbell recommended that a list of variances granted by Council be provided to the Main Street Design Committee for their review and as input into the process.

Councilmember Harrison stated the importance of the success of the downtown businesses and that he would like to have a sign ordinance in place that would work for everyone as quickly as possible.

Councilmember Bush concurred with Councilmember Harrison, adding that Council does not take this issue lightly and noted an earlier statement from City Attorney Schultz that " a variance is a license to violate an ordinance".

Responding to a question from Mayor Mitchell, Downtown Development Authority (DDA) Director Morgan stated that the Main Street Design Committee has already met and has plans to review the sign ordinance input from Director Gushman and Director Goss.

Mayor Mitchell requested that DDA Director Morgan report back to Council by the July 2, 2003 Council meeting regarding the progress of the Design Committee.

City Attorney Schultz stated that rather than establishing a moratorium on sign variance requests, the City Manager should delay placing the requests on the agenda until the Design Committee has made its recommendations.

City Manager Pastue agreed that future sign variance requests would be held until the Design Committee has had the opportunity to make their recommendations.

PETITION – CLASSIC CAR CRUISE

Administration advised that Roger Ratkowski has requested approval for a classic car cruise to be held on four separate days throughout the summer and would require assistance from the Public Safety Department.

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06-03-152 MOTION by Bush, seconded by Campbell, to deny a request by Roger Ratkowski to conduct a classic car cruise in the City municipal parking lot on June 18, July 9, August 13 and September 10, 2003. MOTION CARRIED UNANIMOUSLY.

REPORTS FROM CITY MANAGER

ADOPT FY2003-2004 BUDGET AND ESTABLISH MILLAGE RATE.

Administration recommended that Council approve a resolution to adopt the 2003-2004 Fiscal Year Budget and to establish the local tax millage rate for 2003.

06-03-153 MOTION by Campbell, seconded by McShane, to adopt the 2003-2004 Fiscal Year Budget and establish the local property tax millage rate for 2003. [SEE ATTACHED RESOLUTION].

ROLL CALL

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

MOTION CARRIED UNANIMOUSLY.

SIDEWALK USE AGREEMENT WITH ANNA'S CAFÉ AND BASKETS.

Administration advised that an agreement has been prepared to provide outdoor seating at Anna's Café and Baskets through October 31, 2003, as directed by Council. Administration further advised of two significant features of the agreement: first, the City may terminate it at any time and for any reason; and second, the incorporation of risk transfer conditions.

Anna Mariani, owner of Anna's Café, provided Council with a photograph of the proposed outside seating. As a member of the Main Street Design Committee, Ms. Mariani provided an update on their activities.

Citing use of outdoor seating by Anna's Café before an agreement with the City was finalized, Councilmember McShane expressed the need for business owners to comply with requirements set forth by Council and to not act on pending requests until approval has been granted.

06-03-154 MOTION by Campbell, seconded by McShane, to approve an agreement with Anna's Café and Baskets effective through October 31, 2003, for use of the City sidewalk for outdoor seating. [SEE ATTACHED AGREEMENT]. MOTION CARRIED UNANIMOUSLY.

REQUEST FOR OUTSIDE SEATING, LUIGI'S RESTAURANT, 23360 FARMINGTON ROAD. Administration advised that Luigi's Restaurant has requested approval for

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outside seating to be located on the Farmington Road side of the business under the existing canopy. Administration further advised that the restaurant's proposal of seven tables and 22 chairs surrounded by a 36" removable fence would not be located in the public right-of-way. Administration recommended that an approval be conditioned upon resolving specified maintenance concerns.

Leonard Else, designer of the site plan for Luigi's Restaurant, discussed the proposed outdoor seating plan.

Responding to a question from Council, Mr. Else described the proposed railing as wrought iron that is removable.

City Attorney Schultz discussed provisions of the City Ordinance regarding outdoor seating. He stated that Council has the option to approve this request, but could also stipulate that the Planning Commission must approve the site plan.

Councilmember Campbell recommended approval of outside seating with the stipulation that the site plan would require the approval of the Planning Commission.

Responding to a question from Council, City Attorney Schultz stated that liquor control is a separate issue from approval of outside seating. He stated that Luigi's Restaurant may need to obtain approval from both Council and the Liquor Control Commission for outside service of alcohol. He also stated that Council could stipulate, as part of the approval for outside seating, that outside service of alcohol is either prohibited or allowed.

Mr. Else advised that there is a difference between an establishment that is primarily for alcohol consumption and one, such as Luigi's, that serves alcohol with a meal.

Councilmember McShane stated her concern that there is not enough detail provided in the request regarding the type of seating.

Councilmember Harrison stated that the primary issue before Council is to make a decision on outside seating and that the specifics of the site plan should be approved by the Planning Commission.

Director Goss confirmed that Luigi's would have to obtain approval from the Liquor Control Commission for outdoor consumption of alcohol.

Councilmember Bush stated that specific maintenance repairs, as noted earlier by the City Manager, should be a condition for approval of outside seating.

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Mr. Belcastro, owner of Luigi's, spoke about his future plans for the restaurant and the need for outside seating to attract more customers. He expressed his desire to fully cooperate with the City.

City Manager Pastue stated his support for the requirement of an annual permit for all outside seating with initial requests approved by Council and subsequent renewals approved by the City Manager.

Discussion followed regarding the responsibility for allowing outside service of alcohol. Council concurred that the Liquor Control Commission and the Director of Public Safety would follow through on this issue.

06-03-155 MOTION by Campbell, seconded by Harrison, to approve outside seating at Luigi's Restaurant, 23360 Farmington Road, as proposed, and support the service of alcoholic beverages as allowed by the Liquor Control Commission; contingent on the site plan being approved by the Planning Commission prior to placement of outside seating; on the further condition that the proponent replace a cracked front window on Farmington Road side of the business and properly cap a sewer clean-out in the sidewalk; and that proponent adheres to the requirement for renewal of the annual permit allowing the outdoor seating. MOTION CARRIED UNANIMOUSLY.

BIDS FOR PARKING LOT SEALCOATING.

City Administration recommended the award to the low bidder, S & J Asphalt Paving Company.

06-03-156 MOTION by McShane, seconded by Bush, to award the bid for sealcoating City parking lots, to the low bidder, S & J Asphalt Paving Company in the amount of \$2,860.00; funds available in the FY 2002/03 budget.

ROLL CALL

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

MOTION CARRIED UNANIMOUSLY.

INTRODUCTION OF ORDINANCE NO. C-695-2003 TO AMEND CHAPTER 18, MESSAGE PARLORS. Administration advised that this proposed amendment to Chapter 18, Massage Parlors, is a result of the need to require licensing of all establishments that offer full body massage and to provide clarification to the Clerk's Office regarding licensing requirements.

City Attorney Schultz reviewed proposed changes made to Chapter 18, Massage Parlors.

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In response to a question from Council, City Attorney Schultz clarified some of the proposed changes in terminology and restrictions.

06-03-157 MOTION by Harrison, seconded by Bush, to introduce Ordinance No. C-695-2003 to amend Chapter 18, Massage Parlors of the Farmington City Code, in order to revise certain terminology, to provide additional regulations, and to clarify procedures. [SEE ATTACHED ORDINANCE] MOTION CARRIED UNANIMOUSLY.

RESOLUTION – CERTIFICATE OF NEED PROCESS.

Administration advised that Public Act 619 of 2002 granted an exemption from the Certificate of Need Process to Ascension Health and Henry Ford Health System allowing them to build two new hospitals in Oakland County. Administration further stated that additional healthcare facilities in Oakland County would have a negative impact on Botsford Hospital that has served the community well. Administration recommended adoption of a resolution in support of the Certificate of Need requirements for all hospitals and not grant an exemption pursuant to Public act 619 of 2002.

Councilmember McShane expressed agreement with the Certificate of Need Process, but disagreed with its rationale, in that the public needs more accessibility to hospitals, especially given the lack of public transportation.

06-03-158 MOTION by Campbell, seconded by Harrison, to adopt a resolution in support of maintenance by the State of Michigan and the Certificate of Need Commission of the Certificate of Need Process for the construction of new hospitals and health care facilities. [SEE ATTACHED RESOLUTION]. MOTION CARRIED UNANIMOUSLY.

APPOINTMENT TO BOARDS AND COMMISSIONS.

06-03-159 MOTION by Harrison, seconded by McShane, to appoint James Liska to the Arts Commission for an unexpired term ending June, 2003 and to then a three-year term ending June, 2006. MOTION CARRIED UNANIMOUSLY.

MISCELLANEOUS

PUBLIC COMMENT.

Annabelle Gabel, Farmington resident, expressed her appreciation for the Civic Theatre and the variety of movies it provides.

Jack Cook, owner of Salon Nouveau, responding to an article in the Gazette Newspaper regarding his parking lot, defended his need to retain his parking lot for his customers and employees. He further stated his opposition to regrading his parking lot because he feels it would ultimately harm his building.

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City Manager Pastue stated that the City Traffic Engineer, as a result of a parking study, determined that Mr. Cook's parking lot could provide twelve additional parking spaces. Manager Pastue, however, emphasized that the City does not have plans to seize his lot, only to seek a cooperative resolution to the parking issue.

Public Safety Director Goss concurred that it is not the intent of the City to seize anyone's property.

Brian Golden, member of the Longacre House, encouraged the public to become members of the Longacre House. He recommended calling Denise Tawyea, Executive Director, at 248-477-8404, if interested in joining. He stated the next meeting is scheduled for June 10th at 7:00 p.m.

Responding to a question from Council, Mr. Golden stated that there is a fee, on a graduating scale, to join the Longacre House.

COUNCIL COMMENT.

Responding to a question from Councilmember Bush, City Manager Pastue stated he would need to research how to structure the proposed annual permit requirement for outside seating.

Councilmember Bush inquired whether a cable show has been scheduled in conjunction with the photo session planned for the historical mayor photo shoot. Mayor Mitchell responded that a show has not been officially scheduled, however, past Mayors who are not local will be interviewed sometime during the time surrounding the photo session.

Councilmember McShane asked if a meeting has been arranged to plan a cable show and photo session with the past Mayors.

**PUBLIC SAFETY DEPARTMENT QUARTERLY OPERATIONS REPORT
JANUARY – MARCH 2003.**

06-03-160 MOTION by Campbell, seconded by McShane, to receive and file the Public Safety Department Quarterly Operations report.

APPROVE MONTHLY PAYMENTS REPORT

06-03-161 MOTION by Bush, seconded by Campbell, to approve the monthly payments report for May 2003. MOTION CARRIED UNANIMOUSLY.

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ADJOURNMENT

06-03-162 MOTION by Bush, seconded by Campbell, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 11:11 p.m.

JAMES K. MITCHELL, MAYOR

PATSY K. CANTRELL, CITY CLERK/TREASURER