

COUNCIL PROCEEDINGS

A regular meeting of the Farmington City Council was held on Monday, August 5, 2002 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, City Manager Lauhoff, Assistant City Manager Richards, Assistant Director Smith, Attorney Schultz.

Council requested a moment of silence in memory of City Attorney John Donohue who recently passed away.

APPROVAL OF AGENDA

08-02-793 MOTION by Campbell, seconded by Harrison, to amend the agenda to include: "Consideration of Revised Fence Ordinance Re: Side Yard Open Space" under Miscellaneous; and the addition of "35th District State Representative Gilda Jacobs Re: Revenue Sharing" to Section 6. MOTION CARRIED UNANIMOUSLY.

MINUTES OF PREVIOUS MEETING

08-02-794 MOTION by Bush, seconded by McShane, to approve the Regular and Special Meeting minutes of July 1, 2002. MOTION CARRIED UNANIMOUSLY.

MINUTES OF OTHER BOARDS

08-02-795 MOTION by Harrison, seconded by Campbell, to receive and file the minutes of the following Boards and Commissions:

- Planning Commission minutes of July 8, 2002.
- Farmington Area Arts Commission minutes of May 16, 2002.
- Traffic & Safety Board minutes of June 20, 2002.
- Farmington Area Commission on Aging minutes of May 28, 2002 and June 25, 2002.
- Commission on the Environment minutes of June 11, 2002.
- Farmington Community Library Board of Trustees minutes of May 9, 2002.

MOTION CARRIED UNANIMOUSLY.

35TH DISTRICT STATE REPRESENTATIVE GILDA JACOBS RE: REVENUE SHARING

Representative Jacobs spoke about the response from the legislature and local officials to Governor Engler's veto of revenue sharing. Council indicated they would be in Lansing on August 13th to support a legislative override of the veto.

Council member McShane noted the irony and timing of this veto in light of the increased need for police and fire services due to the 9/11 terrorist attack.

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

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

City Administration further advised that the Coalition has selected the asset of "Creative Activities" for recognition during the third quarter of 2002.

Mayor Mitchell reviewed some of the recommendations outlined in the "Action Plan" of this asset.

08-02-796 MOTION by McShane, seconded by Campbell, to support the "Creative Activities" asset, one of the Search Institute's forty developmental assets, during the third quarter of 2002, as requested by the Farmington/Farmington Hills Call to Action Coalition. MOTION CARRIED UNANIMOUSLY.

PRESENTATION: MARY DIMANNO, SENIOR ADULT PROGRAM SUPERVISOR, RE: SENIOR TRANSPORTATION UPDATE

Mary DiManno, Senior Adult Program Supervisor, spoke about transportation services provided by the Department of Special Services to senior and handicapped residents and Youth & Family Services of Farmington/Farmington Hills. She discussed destinations, staffing, transportation vehicles and costs.

In response to a question from Council, Ms. DiManno stated that rides provided relative to Youth & Family Services are strictly for programs conducted at the Costick Center.

Ms. DiManno thanked Council for their continued support of this program.

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Ms. DiManno also spoke about the addition of the 911 Cell Phone program and a program for senior developmentally disabled. She confirmed that all cell phones can be used to dial 911 as provided by law.

PUBLIC HEARING: PROPOSED BROWNFIELD REDEVELOPMENT PLAN AT 22725 ORCHARD LAKE ROAD, ORCHARD LAKE ROAD, L.L.C.

City Administration advised that Orchard Lake Road, L.L.C. has purchased the property at 22725 Orchard Lake Road and has leased the building on that property to AKT Peerless Environmental Services. City Administration further advised that as a result of an environmental assessment of the property, a small amount of contamination was discovered making it eligible for a Brownfield Redevelopment Plan. City Administration advised that a redevelopment plan has been submitted to the Farmington Brownfield Redevelopment Authority and has been approved. As part of this process, Administration advised that a public hearing on this matter must be conducted prior to Council's consideration of the plan. Administration further advised that publication of the hearing has been completed in accordance with the Public Act regulating Brownfield Redevelopment Plans.

Mayor Mitchell opened the public hearing and invited public comment. No public comment was made.

08-02-797 MOTION by Bush, seconded by McShane, to close the public hearing. MOTION CARRIED UNANIMOUSLY.

DISCUSSION RE: LETTER TO GOVERNOR ENGLER OPPOSING GOVERNOR'S VETO OF STATUTORY REVENUE SHARING – AS INCLUDED IN STATE BUDGET FOR FY 2002-03

Council concurred to sign and send a letter to Michigan Governor, John Engler, opposing his veto of revenue sharing; and send signed letters to State Senator Bullard and State Representative Raczkowski requesting their support for a legislative override of the Governor's veto.

PETITIONS AND COMMUNICATIONS

CONSIDERATION OF RESOLUTION FOR NATIONAL MAIN STREET OAKLAND COUNTY APPLICATION. In keeping with the goal of economic revitalization of the designated Main Street district, City Administration supported the application for the Oakland County Main Street Program.

08-02-798 MOTION by Harrison, seconded by Campbell, to adopt a resolution that supports the application for the Oakland County Main Street Program and reaffirms the

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goal of economic revitalization of the designated Main Street District. [SEE ATTACHED RESOLUTION]. MOTION CARRIED UNANIMOUSLY.

LETTER FROM MICHIGAN MUNICIPAL LEAGUE RE: APPOINTMENT OF DELEGATE FOR SEPTEMBER ANNUAL MEETING. City Administration advised that traditionally the City Council designates the Mayor as the voting delegate at the annual Michigan Municipal League meeting and recommended that City Council designate a second Council member to serve as an alternate.

08-02-799 MOTION by Harrison, seconded by McShane, to designate Mayor Mitchell as the City's official representative and voting delegate to the annual meeting of the Michigan Municipal League in September 2002 and designate Council member McShane to serve as alternate. MOTION CARRIED UNANIMOUSLY.

LETTER FROM MICHIGAN MUNICIPAL LEAGUE RE: WORKERS COMPENSATION TRUSTEE ELECTION. City Administration recommended that City Council cast votes supporting 7 members to serve as Workers Compensation Trustees for two-year terms beginning October 1, 2002, noting that each member is an official of a Fund Member and an incumbent trustee.

08-02-800 MOTION by Campbell, seconded by Bush, to vote supporting the following 7 members who effectively represent the constituency of the Workers' Compensation Fund and direct the City Clerk to complete the ballot and return it to the League prior to August 16, 2002.

1. Claudia Brown, Mayor Pro Tem, City of Eaton Rapids
2. Kevin Cornish, Village Manager, Village of Clinton
3. Joseph A. Grutza, Fire Chief, City of Trenton
4. James E. Leidlein, City Manager, City of Harper Woods
5. Paul E. Opsommer, Mayor, City of DeWitt
6. Peter D. Stalker, City Manager, City of Cadillac
7. Kevin Welch, Administrator/Controller, City of Allen Park

MOTION CARRIED UNANIMOUSLY.

**LETTER FROM KATHY PENNYWITT, 23672 CASS, RE: BLOCK PARTY.
LETTER FROM STEVE MURPHY, 34024 SCHULTE, RE: BLOCK PARTY.
LETTER FROM JEFF DOMPIERRE, 31880 LEELANE, RE: BLOCK PARTY.**

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08-02-801 MOTION by Harrison, seconded by McShane, to authorize the closing of the following streets for block parties during the time specified and to authorize the Department of Public Services to provide barricades for the events:

- **Kathy Pennywitt, 23672 Cass**
Closing of Cass Street between Oakland and State Streets and Macomb Street between Cass and Wilmarth Streets from 12:00 noon until 11:00 p.m. on Saturday, September 14, 2002.
- **Steve Murphy, 34024 Schulte**
Closing of Schulte Street between Gill and Wilmarth Streets from 1:00 p.m. until 9:00 p.m. on Saturday, September 7, 2002 (rain date: Sunday, September 8).
- **Jeff Dompierre, 31880 Leelane**
Closing of Leelane between Prospect and Marblehead and Lamar Street between Colchester and Leelane from 3:00 p.m. until 11:00 p.m. on Saturday, September 14, 2002.

MOTION CARRIED UNANIMOUSLY.

BOARDS AND COMMISSIONS

**CONSIDERATION OF APPOINTMENT TO BOARD OF ZONING APPEALS
(ALTERNATE).**

Responding to a question from Council member McShane, Council member Campbell stated there were no other candidates who officially applied for this position.

Responding to a question from Council member Harrison, Mayor Mitchell stated that a delay in making an appointment would cause concern that the position would not be filled in a timely manner prior to the next Board of Zoning Appeals meeting.

08-02-802 MOTION by Campbell, seconded by Bush, to appoint Vernon Grainer as alternate to the Board of Zoning Appeals for an expired term ending June 30, 2005.
MOTION CARRIED UNANIMOUSLY.

REPORTS FROM CITY MANAGER

**CONSIDERATION OF APPROVAL FOR BROWNFIELD REDEVELOPMENT PLAN
AT 22725 ORCHARD LAKE ROAD, ORCHARD LAKE ROAD, L.L.C.**

Mr. Patrick Greve, AKT Peerless Government Services Coordinator, was present to respond to questions.

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08-02-803 MOTION by McShane, seconded by Campbell, to approve a Brownfield Redevelopment Plan for Orchard Lake Road, L.L.C., located at 22725 Orchard Lake Road, as submitted by the proponent and recommended for Council approval by the Farmington Brownfield Redevelopment Authority; public input solicited at a public hearing held by the Council on August 5, 2002. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ESTABLISH A CIVIC THEATRE COMMITTEE.

City Administration advised that Council has devoted considerable time and effort in framing the guidelines and a mission statement for the establishment of a committee to assist in the expanded use of the Theatre and to provide for the potential of increased revenue. City Administration further advised that Council would need to officially establish a Civic Theatre Committee and potential membership would be interviewed and recommended by the subcommittee at a later date.

Council member Bush underscored the considerable time and effort put forth by the Council to develop the guidelines and mission statement for this proposed committee.

Council member McShane referred to the Council's earlier adoption of the developmental asset, "Creative Activities", and how future programs at the Theatre could be used to develop creativity in children.

08-02-804 MOTION by Harrison, seconded by McShane, to establish a Civic Theatre Committee based upon the mission statement and guidelines set forth by the City Council. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION OF CIVIC THEATRE MARQUEE REHABILITATION. City Administration advised that the lower section of the Civic Theatre marquee has deteriorated to the point that it needs to be removed and replaced down to the structural steel. City Administration further advised that the lowest cost proposal for this repair included an option of fiber optic lighting that would significantly reduce maintenance both in terms of replacement bulbs and labor to change.

City Administration recommended approval by Council of the lowest bid submitted by Commercial Sign, Clinton Township.

Responding to a question from Council, City Manager Lauhoff stated that the other bid received was significantly higher because it was based on replacing the entire marquee, not just the lower portion, in spite of being instructed by the City to do otherwise.

Dean Downing of Commercial Sign was present to respond to questions. Discussion followed regarding the advantages and limitations of fiber optic lighting. City Manager

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Lauhoff stated further investigation would be done to ensure this type of lighting would be suitable for the marquee.

08-02-805 MOTION by Campbell, seconded by Bush, to approve the bid submitted by Commercial Sign in the amount of \$33,750 to rehabilitate the lower section of the Civic Theatre marquee including the fiber optic lighting option and an additional \$500.00 to cover the primary electrical service and connection; funds provided in the FY 2002-03 budget.

ROLL CALL

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

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION OF MAINTENANCE AGREEMENT FOR FARMINGTON ROAD.

City Administration advised that the Road Commission for Oakland County has proposed continuance of the maintenance agreement with the City of Farmington for the maintenance of Farmington Road. City Administration further advised that the County has offered to compensate the City at a rate of \$10,510.57 per mile for a total annual compensation of \$17,867.97 resulting in a 2.99% increase from the previous year.

08-02-806 MOTION by McShane, seconded by Harrison, to accept the terms of a maintenance agreement, effective October 1, 2002, with the Road Commission for Oakland County for the maintenance of Farmington Road and authorize the City Manager and City Clerk to execute the contract on behalf of the City of Farmington. [SEE ATTACHMENT].

ROLL CALL

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

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION OF CONSTRUCTION ESTIMATE NO. 3 FOR THE 2002 PAVING PROGRAM.

City Administration concurred with the City Engineer and Public Services Director and recommended payment of Construction Estimate No. 3 for work performed for the 2002 Paving Program in the Woodcroft Subdivision for period ending July 20, 2002.

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08-02-807 MOTION by Campbell, seconded by Bush, to approve Construction Estimate No. 3 for the 2002 Woodcroft Subdivision Paving Program and authorize payment to Summit Transport, Inc. of Brighton, Michigan in the amount of \$69,921.81; funds provided in the fiscal year 2001-02 budget.

ROLL CALL

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

MOTION CARRIED UNANIMOUSLY.

MISCELLANEOUS

DIRECTOR OF PUBLIC SAFETY RE: MICHIGAN DRUG REFORM INITIATIVE.

Director Goss spoke about the Michigan Drug Reform Initiative (MDRI) that will likely be placed on the November ballot. Director Goss cited the many deficiencies of this initiative including: decriminalizing most drug offenses; lack of a funding source; experience in California has proven this initiative ineffective; and the inability to charge drug dealers because the standard of proof is too high. Director Goss further stated that this initiative limits the discretion that locals have in dealing with offenders within their own communities.

In response to a question from City Council, Director Goss stated the primary promoters of this initiative are out-of-state.

Responding to a question from Council, Director Goss stated that he intended to contact the Call-To-Action Coalition and the Commission on Children, Youth and Families about this initiative.

Discussion followed regarding the advantages and effectiveness of the current drug court system.

Mayor Mitchell encouraged Director Goss to contact Southwestern Oakland Cable Commission to produce a show on this subject.

CONSIDERATION OF REVISED FENCE ORDINANCE RE: SIDE YARD OPEN SPACE. City Administration advised that the City Attorney has prepared a proposed amendment to the City fence ordinance that would allow fences on corner lots with certain restrictions and that the review and approval of fences on corner lots be done by the Building Department.

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City Administration stated that Council would need to concur on whether the responsibility for review and approval of requests for corner lot fences be given to the Building Department or the Planning Commission.

Council member Campbell stated his support for the Building Department due to their extensive knowledge and ability to administer this ordinance in a fair and consistent manner. Council members Bush and Harrison concurred with Council member Campbell.

Responding to a question from Council member McShane, Assistant Director of Public Services Paul Smith stated that this responsibility would not be an additional hardship for his department.

08-02-808 MOTION by Campbell, seconded by Harrison, to direct that the proposed fence ordinance, under subsection H, provide that the City of Farmington Building Department review and approve corner lot fences. MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENT.

Bill Hartsock, former City Mayor, expressed his deep regret at the passing of City Attorney John Donohue. He stated that as Mayor and City Council member, he found John's advice to be invaluable because he understood both the letter and spirit of the law. He stated that Mr. Donohue would be greatly missed.

COUNCIL COMMENT.

Council member Bush congratulated both the Public Safety and Public Services Departments for their outstanding job during the Founders' Festival.

Council member Campbell expressed his appreciation to all the volunteers who worked together to ensure the success of the Founders' Festival.

Council member McShane requested that City Administration express her appreciation to John Kramer of Orchard Hilz & McCliment, Inc. for his timely response to her question from last Council meeting regarding the Farmington Interceptor Sewer Rehabilitation.

Council member McShane commented on the upcoming review of areas in the City that need attention by the Commission on the Environment and requested that they be given an insight into City Ordinances to facilitate their evaluation. City Manager Lauhoff stated he would review City Code with the Chairperson of that committee.

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Council member Harrison wished all the candidates in the upcoming primary well and expressed his hope that campaign signs would be taken down in a timely manner.

Mayor Mitchell presented an "Appreciation Poster" given to the City by the Founders' Festival staff in recognition of the service provided by the City during the Festival.

Mayor Mitchell also thanked Mr. Hartsock for his kind words regarding City Attorney Donohue and he asked everyone to keep Mr. Donohue's family in their prayers.

BUILDING DEPARTMENT QUARTERLY REPORT – APRIL 1, 2002 THROUGH JUNE 30, 2002.

08-02-809 MOTION by Campbell, seconded by McShane, to receive and file the Building Department Quarterly Report, April 1, 2002 to June 30, 2002. MOTION CARRIED UNANIMOUSLY.

DEPARTMENT OF PUBLIC WORKS AND WATER & SEWER DEPARTMENT QUARTERLY REPORT – APRIL 1, 2002 THROUGH JUNE 30, 2002.

08-02-810 MOTION by Bush, seconded by Harrison, to receive and file the Department of Public Works & Water and Sewer Department Quarterly Report, April 1, 2002 to June 30, 2002. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO AMEND MEETING SCHEDULE WITH CITY BOARDS AND COMMISSIONS AND OFFICIALS.

08-02-811 MOTION by McShane, seconded by Harrison, to amend the Regular Council Meeting Schedule for 2002, rescheduling the meeting date with the 47th District Court to October 21, 2002. MOTION CARRIED UNANIMOUSLY.

APPROVE MONTHLY PAYMENTS REPORT

08-02-812 MOTION by Campbell, seconded by Bush, to approve the Monthly Payments Report for July 2002. MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

08-02-813 MOTION by Harrison, seconded by Campbell, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

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Meeting adjourned at 9:25 p.m.

JAMES K. MITCHELL, MAYOR

PATSY K. CANTRELL, CITY CLERK/TREASURER