

## COUNCIL PROCEEDINGS

A regular meeting of the Farmington City Council was held on Tuesday, January 16, 2001 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 Hartsock.

**PRESENT:** Bush, Campbell, Hartsock, McShane, Mitchell.

**ABSENT:** None.

**CITY REPRESENTATIVES PRESENT:** Clerk/Treasurer Cantrell, City Attorney Donohue, Director Goss, Director Gushman, Assistant City Manager Richards.

### **PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was led by Mark Drum, an East Middle school student who is part of the mentoring program with Mayor Hartsock.

### **APPROVAL OF AGENDA**

**01-01-341** MOTION by Bush, seconded by McShane, to approve the agenda as submitted. MOTION CARRIED UNANIMOUSLY.

### **MINUTES OF PREVIOUS MEETING**

**01-01-342** MOTION by Mitchell, seconded by Campbell, to approve the minutes of the Special and Regular meetings of January 3, 2001 and the Joint Council meeting of November 27, 2000 as submitted. MOTION CARRIED UNANIMOUSLY.

### **INTRODUCTION: KEGHAM TAZIAN, FARMINGTON ARTIST IN RESIDENCE**

Mayor Hartsock presented a proclamation to Kegham Tazian in recognition of his extensive, award-winning works of art shown throughout the United States, Canada and Europe and for his contributions as a Professor of Art at Oakland Community College and as Director of the Smith Theater Art Gallery.

### **MINUTES OF OTHER BOARDS**

**01-01-343** MOTION by McShane, seconded by Mitchell, to receive and file the minutes of the following Boards and Commissions:

- Downtown Development Authority minutes of January 3, 2001.
- Planning Commission minutes of January 8, 2001.

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- Historical Commission minutes of November 15, 2000.
- Beautification Commission minutes of November 8, 2000.
- Governor Warner Mansion Committee minutes of November 15, 2000.
- Farmington Community Library Board of Trustees minutes of November 8, 2000 and December 13, 2000.
- Farmington Area Arts Commission minutes of November 16, 2000.

MOTION CARRIED UNANIMOUSLY.

**PETITIONS AND COMMUNICATIONS**

**REQUEST FOR PROCLAMATION: LETTER FROM SHEILLY M. MAXWELL, PRESIDENT, FARMINGTON AREA JAYCEES, REQUESTING CITY COUNCIL PROCLAIM THE WEEK OF JANUARY 21-27, 2001 AS FARMINGTON AREA JUNIOR CHAMBER OF COMMERCE WEEK.**

Jaycee President, Sheilly Maxwell, thanked the Council for this proclamation and also reviewed the upcoming events that will be sponsored by the Jaycees.

**01-01-344** MOTION by Bush, seconded by Campbell, to issue a proclamation proclaiming the week of January 21-27, 2001 as “Farmington Area Junior Chamber of Commerce Week”. MOTION CARRIED UNANIMOUSLY

**BOARDS AND COMMISSIONS**

**CONSIDERATION OF REAPPOINTMENTS TO CONSTRUCTION BOARD OF APPEALS**

**01-01-345** MOTION by Campbell, seconded by Mitchell, to reappoint David Mariner and William Ingalls to the Construction Board of Appeals each for two-year terms and both expiring February 2003. MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION OF RESIGNATION FROM BEAUTIFICATION COMMISSION**

**01-01-346** MOTION by Mitchell, seconded by McShane, to accept the resignation of Carol Eve Hyska from the Beautification Commission and send a letter thanking her for her service to the City. MOTION CARRIED UNANIMOUSLY.

**REPORTS FROM CITY MANAGER**

**CONSIDERATION OF REZONING REQUEST FOR PARCEL NO. 23-28-231-013 AT 33432 OAKLAND STREET FROM RESIDENTIAL ( R-1) TO CENTRAL BUSINESS DISTRICT( C.B.D.) AND INTRODUCTION OF ORDINANCE NO. C-678-2001.**

Administration advised that Ms. Shelley Raymond, owner of Baker Street Draperies, with the permission of property owner Mr. Ken Johnson, is requesting rezoning of the property at 33432 Oakland Street. This property and two properties immediately west of this location were reviewed when the City's revised Master Plan was adopted in 1998. As a result, it was determined that the best use of these specific properties would be the eventual inclusion into the Central Business District. Plans for the relocation of Baker Street Draperies have been reviewed and approved by the Historical Commission and variances necessary for business operation have been approved by the Zoning Board of Appeals. The Planning Commission conducted a public hearing on the rezoning request, and as a result of this meeting, found that the proposal as submitted for rezoning, is compatible with the City's Master Plan and is an appropriate use. Therefore, the Planning Commission has recommended the rezoning of this parcel from R-1 Single Family to C.B.D.

Administration further advised that notices were sent on two occasions to property owners within 300' of this property and two public hearings had been conducted.

Mayor Hartsock provided the opportunity for a few residents to speak, particularly those adjacent to the proposed property.

William Rowe, Salem United Church of Christ, 33424 Oakland, stated the Salem Board of Deacons voted to oppose the expansion of the C.B.D. based on two reasons: drainage and parking. He further stated that the elimination of a tree, grass and fence, as proposed, would further exacerbate the drainage problem experienced by the Church. Mr. Rowe also indicated that it was likely that unauthorized parking would occur and solutions offered by the Zoning Board of Appeals were unacceptable. He further indicated that there are ample vacant properties in Farmington available to Baker Street Draperies. He also stated that the majority of homeowners who attended the Zoning Board of Appeals and Planning Commission meetings were opposed to this rezoning request and should be heard.

Melinda Clappison, 33715 Macomb, expressed great disappointment that residents would oppose this rezoning. She indicated that Shelley Raymond, owner of Baker Street Draperies, is also a resident of Farmington and takes great pride in her city and values Farmington's small town charm. Ms. Clappison stated that residents should not

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lose sight of the fact that this proposed property is already commercially zoned, next to a Church, two doors from a real estate office and across the street from a funeral home.

Jim Pfeifer, 23935 Farmington Road, stated that residents vehemently oppose the rezoning of Oakland Street. He indicated that a petition signed by residents of the Historic District reflected a 99% disapproval of the rezoning. He further indicated that problems resulting from rezoning would include decreased property values and increased traffic. He advised that the Master Plan needs “tweaking” and residents would like to work with the city to refine it. He further advised that the future of the property, if rezoned, cannot be guaranteed and implored Council not to approve rezoning.

Jack Felsot, 33436 Oakland, stated his desire to keep his home, along with the proposed property next door, residential even though rezoning would increase his property value. Mr. Felsot cited several sections in the Farmington Zoning Code to support his rezoning opposition. He further stated that extending the C.B.D. to his street would result in his subsidization of commercial development since his property value would decrease. Finally, he stated that if a handicap access waiver is not granted to Baker Street Draperies by the State, he would like to see the resulting revised site plan.

Jane Gundlach, 23700 Warner, stated she opposes the rezoning on Oakland Street for a number of reasons that include: preservation of the residential character of the street; sets an undesirable precedent for businesses to relocate out of more expensive commercial property to less expensive residential property; concerns about future use of the property; parking problems; traffic concerns; and the possible reduction of property values.

Mayor Hartsock noted that this is not the beginning, but is the end of a long process that has included many of our neighbors. He further noted that we are all one community, one neighborhood. He stated that in the case of rezoning, which does not happen often, there are many safeguards in place, namely a decision is not left up to one individual or committee. He continued that this proposed site plan was first reviewed by the Historical Commission where it was unanimously recommended, followed by the Board of Zoning Appeals' (ZBA) approval of the variance request and lastly a review and approval by the Planning Commission. He further indicated that public hearings were held at both the ZBA and Planning Commission meetings. Mayor Hartsock noted that all commission, board and council members are our neighbors and share the same concerns, passions and hopes for our community. Finally, he explained that this issue is truly an honest difference of opinion in terms of what is in the best interest of the community-at-large.

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Council member Campbell stated the importance of following the Master Plan and reminded residents that it was recently updated, a process that included public hearings.

Council member Mitchell stated the Master Plan is a significant document that was developed after an extensive study and review by the Planning Commission. He further stated that he is convinced this proposed property should be rezoned C.B.D. based on its location: next to a church, two doors down from a real estate office, in front of a condominium complex; and facing Memorial Park and Grand River. Council member Mitchell also noted that the Salem Church had previously received rezoning approval to expand their parking lot, yet is now opposing this rezoning request. He explained that the proposed property and the house directly west do not look residential and appear to be an island unto themselves. He further stated that these properties, along with the Why USA building, were the only rezoning changes to the Historic District in the Master Plan. Council member Mitchell indicated that this proposed rezoning is the highest and best use of the property. Finally, he stated that it is the City Council's responsibility to not only protect the Historic District but also the downtown businesses as well, and this is the right decision.

Council member McShane stated she had real concerns regarding this issue. She expressed her unflinching support for the Master Plan and her utmost respect for the Planning Commission and their efforts. She explained that the Master Plan is a "wish list" and a guide for the City's future, but it can be amended. She stated that the issue before the Council was the business use of a residential home in the Historic District. She discussed traffic problems and the value of the Historic District to Farmington. She expressed her great respect for her fellow council members and their decisions, but felt she must vote her conscience. She stated that she would oppose rezoning and expressed a need for further study of the Master Plan. Council member McShane also cited the need for more effective communication with residents when issues like these arise.

Council member Bush discussed her knowledge of Farmington both as a resident and real estate broker. She stated she is in favor of rezoning, and in her opinion, it would not decrease property values. Council member Bush expressed disappointment in the Salem United Church of Christ's decision to oppose this rezoning, especially in light of the fact that the Church is also a commercial use. She further stated that Shelley Raymond, owner of Baker Street Draperies, has searched diligently to find available property in Farmington, but found nothing that suited her needs. Finally, Council member Bush stated that she supports the Master Plan and recognized the considerable effort that went into its development.

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Mayor Hartsock stated that after reviewing all the information and recognizing the collective decision of the many people on boards and commissions who brought to Council a recommendation to rezone, he would vote in favor. Mayor Hartsock recognized and expressed appreciation for the efforts of all residents who were involved in this issue.

**01-01-347** MOTION by Mitchell, seconded by Bush, to introduce Ordinance No. C-678-2001 which will be Amendment No. 26 to the City Zoning Map and will rezone the property at 33432 Oakland Street from Residential-1 to Central Business District. [SEE ATTACHED ORDINANCE]. MOTION PASSED (Ayes: Bush, Campbell, Hartsock, Mitchell; Nays: McShane).

Mayor Hartsock called for a five minute recess, reconvening at 9:05 p.m.

**CONSIDERATION OF CITY ZONING ORDINANCE REVISION PROPOSAL BY LANGWORTHY, STRADER, LEBLANC & ASSOCIATES, INC.** Administration advised that based on recommendation of the Planning Commission, the City zoning ordinance, originally adopted 40 years ago, should be completely revised. The Planning Commission further recommended that the City of Farmington enter into a professional services agreement with Langworthy, Strader, LeBlanc and Associates, Inc. for this revision.

Mr. Jeff Purdy of Langworthy, Strader, LeBlanc and Associates, Inc. was on hand to answer questions.

**01-01-348** MOTION by McShane, seconded by Mitchell, to authorize the City Manager to enter into a professional services agreement with the planning group of Langworthy, Strader, LeBlanc & Associates, Inc. of Royal Oak, Michigan for the services of rewriting the City's zoning ordinance as presented in the proposal at a fee not to exceed \$19,800.00. Funds to be provided from the City's current fiscal year budget.

**ROLL CALL**

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

MOTION CARRIED UNANIMOUSLY.

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**MISCELLANEOUS**

**PUBLIC COMMENT.**

Annabelle Gabel, Farmington resident, inquired as to the business that would be replacing the Shoe Carnival Store and Council responded that they did not know.

Reverend Maki, Salem United Church of Christ, stated his opinion that the Church was slandered by a comment made earlier by Council member Mitchell regarding previous approval for expansion of the Church parking lot. He explained that this was a gross misunderstanding of the issue and went on to describe the Church's previous rezoning request. Reverend Maki continued to say that the Church had a right to object to this proposed rezoning and he hoped that the people who feel the Church had overstepped its bounds were not saying that if you once had a favorable vote with Council you could never disagree with it again. He stated that disagreement is possible while still remaining a close community and that the members of Salem Church care about what happens in Farmington.

Doug Peterson, 33209 Oakland Avenue, stated he would like to see more effective communication with residents regarding community issues, something more than a notice in the Observer.

**COUNCIL COMMENTS AND ANNOUNCEMENTS.**

Council member Mitchell stated that he stands by his statement regarding the past Salem Church parking lot issue.

Council member Bush reminded Council of the 37<sup>th</sup> Annual Business Meeting and Awards Dinner sponsored by the Farmington/Farmington Hills Chamber of Commerce, to be held next Thursday, January 25<sup>th</sup>. She further stated that Heeney Sundquest Funeral Home would be receiving the "Good Partnership Award".

Ms. Bush asked Mr. Gushman about the meeting with the Road Commission regarding the Farmington Road Replacement Project. Mr. Gushman responded that the project is progressing and is currently in the design phase. He further stated that rather than completing the entire stretch from Grand River to Eight Mile, only the stretch from Eight to Nine Mile will be completed next year, since that is the worst part of the road. The road will be widened from four lanes to five lanes including a left turn lane. There are several other issues that need to be addressed before the construction start date of July, 2001.

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Director Gushman introduced the new City Engineer, John Hilz.

**BUILDING DEPARTMENT QUARTERLY REPORT – OCTOBER 1, 2000 THROUGH  
DECEMBER 31, 2000**

**01-01-349** MOTION by Campbell, seconded by Mitchell, to receive and file the Building Department Quarterly report from October 1, 2000 through December 31, 2000.  
MOTION CARRIED UNANIMOUSLY.

**ADJOURNMENT**

**01-01-350** MOTION by Campbell, seconded by Bush, to adjourn the meeting.

The meeting adjourned at 9:25 p.m.

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WILLIAM S. HARTSOCK, MAYOR

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PATSY K. CANTRELL, CITY CLERK/TREASURER