



FINAL

SPECIAL STUDY SESSION MEETING MINUTES

A Special Study Session meeting of the Farmington City Council was held on December 1, 2014, in City Council Chambers, 23600 Liberty Street, Farmington, MI. Notice of the meeting was posted in compliance with Public Act 267-1976.

The meeting was called to order at 6:00 PM by Mayor William Galvin.

1. ROLL CALL

Attendee Name	Title	Status	Arrived
Greg Cowley	Councilmember	Present	
William Galvin	Mayor	Present	
JoAnne McShane	Councilmember	Present	
Steve Schneemann	Mayor Pro Tem	Present	
Jeff Scott	Councilmember	Late	

City Administration Present

Director Christiansen
City Clerk Halberstadt
Assistant to the City Manager Knowles
City Manager Pastue
Attorney Schultz

2. APPROVAL OF AGENDA

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Greg Cowley, Councilmember
SECONDER:	JoAnne McShane, Councilmember
AYES:	Cowley, Galvin, McShane, Schneemann, Scott

3. PUBLIC COMMENT

Susan Lightner, Farmington Hills resident and volunteer at the Farmers Market, noted the focus of the city's visioning plan was to build on an historic Downtown. She would hate to see the city return to a strip mall mentality.

Art Nikkila, Market volunteer, expressed concern Fresh Thyme Market would adversely affect the Farmers Market.

Pam Nikkila questioned why Fresh Thyme needs to move into the Downtown Farmington Center when there are a number of other locations available in the city.

4. DISCUSSION

A. Discussion - Farmington Road Streetscape

Present: Matt Parks and Scott Emmons, OHM; Sue Grissim, Grissim Metz Andriese Associates

Pastue introduced this agenda item and provided a brief overview of aspects of the project that will be presented.

Matt Parks indicated OHM began its preliminary work on the project once the federal grant was approved. He stated they have been working on the design since late summer including identifying needed easements and addressing design challenges. He indicated because the project is funded through a federal grant, the city must follow a very structured process.

Parks stated a grade inspection that must be submitted to the State which will be done in either late December or early January. Given this timeframe, the final submittal to MDOT would not occur until sometime in March. The final submittal would include the necessary easements, signed paperwork and adopted council resolutions. He stated the two resolutions that need passage included: dedication of funds to the project by the city and designation of an agent that is allowed to sign paperwork on behalf of the city.

Parks noted Scott Emmons from his team was present to answer any technical questions. He indicated that Annette Knowles has been reaching out to local businesses in an effort to identify necessary easements.

Parks is presently working on obtaining quotes to take care of the staircase at the corner of Grand River and Farmington Road that leads to a basement business. He provided a hand-out to delineate how the road will be changing.

Sue Grissim discussed proposed plans for the streetscape including: increasing the width of the sidewalks, landscaping, pedestrian walkways utilizing brick pavers, and bike parking. She discussed placement of drains in the streetscape. She talked about changes in and around the Village Mall that includes an eight-foot wide walkway with a narrow planting bed between the walk and the edge of the road. She stated SHPO (State Historic Preservation Office) dictated the type of tree that can be used in the streetscape. She noted SHPO also denied planting an evergreen hedge in front of the ornamental fence.

Grissim detailed the changes going south on Farmington Road including a bike rack at Fitness 19 and closing a driveway at both Chase Bank and CVS Pharmacy. She indicated a 10-foot sidewalk is planned in front of Page's. She also detailed the installation of new lighting as well as landscaping. The floor was opened for questions from the Councilmembers.

Schneemann questioned the lane width on Farmington Road immediately south of Grand River.

Parks responded the changes will include a 12-foot center turn lane, with the northbound lane fluctuating a bit between 11 to 12 feet. He stated they made an effort to shrink the lanes as much as possible in order to maximize the sidewalk area.

Schneemann then asked why the center lane couldn't be 11 feet as well. Emmons responded he would look into it.

Schneemann then inquired about the parking area next to the former Hershey Ice Cream Store.

Grissim responded the driveway would be closed and that hopefully in the future a pocket park would be located there.

Pastue indicated the property owner has not shown an interest in making a commitment to that area. The city would most likely fund a project on that site outside of the grant.

Schneemann then asked about the probability of closing the drive at Chase Bank.

Grissim responded that Knowles is still working with Chase concerning that closure. Parks confirmed that final easements should be in place by the March timeframe and further discussion was held.

Schneemann inquired about the hybrid Elms and asked if they would match what is currently in place on Grand River.

Grissim responded they will not be the same species as that poses a threat of disease infiltration. She stated that having different species would provide uniqueness to each street with common elements.

Responding to a question from McShane, Parks stated the pedestrian walk across Farmington Road would be made of stamped concrete.

Responding to a further question from McShane, Parks stated pavers for the pedestrian walk are not permitted due to past experience where they did not hold up well on heavily travelled roads.

McShane asked about planned lighting for Farmington Road and whether it would cover the length of the streetscape.

Grissim responded that it will be ornamental lighting that is currently on Grand River. However, the crosswalk will have taller lights to provide better lighting. McShane expressed strong support for the project, citing it will be a great addition to the streetscapes of Grand River and Grove Street.

Responding to a question from Scott, Parks advised left turns would still be allowed at the crosswalk in front of Firestone.

Scott asked about options if CVS Pharmacy does not want the number of curb cuts reduced.

Parks responded that he would discuss the benefits of the streetscape with CVS, but also advising them that a portion of their current parking is in the right of way and modifications would need to be made. He stated if they do not agree to the reduction in curb cuts, the center boulevard would have to be modified and further discussion was held.

Scott expressed his concern regarding the proposed drains within the streetscape and the ongoing need to unclog them.

Grissim responded that Farmington Road has a really good slope from north to south which allows for great flow and also the drains will have larger slots. She then indicated that they are attempting to narrow driveways and not allowing for excess width.

Scott then addressed the secondary curbing around the plantings and noted that the ones near Los Tres Amigos are already starting to deteriorate. He stated they should be evaluated to make sure they are sustainable. Grissim responded she would look into that.

Responding to a question from Cowley, Pastue advised the total cost of the project is \$1.4 million, \$607,000 in grant funds, and \$800,000 from the General/Capital Improvement Funds.

Cowley inquired how many additional parking spaces would be gained from this project. Parks responded 10 on-street spaces at the present time.

Responding to an additional question from Cowley, Knowles stated \$5,000 has been set aside to promote businesses during the construction period along with providing good directional signage.

Cowley expressed his preference for planting arborvitae over low plantings. He stated this is a great project that will complete the cross streets of Farmington and Grand River. He is looking forward to an on time completion of the project so that it doesn't create an undue burden on the businesses.

Schneemann expressed concern that the proposed closure of one of the CVS access points was still unresolved.

Knowles responded there had been a change in management and she was still attempting to reach the district manager to discuss the proposed closure.

Schneemann pointed out the City has already expended funds and he had hoped to see all parties on board at this point in the process with no open-ended issues.

Pastue stated that they will be sending a "rattle the cage" letter to evoke a response from CVS.

Discussion followed regarding the staging of the equipment to allow for the project to begin immediately following Founders Festival.

Responding to a question from Galvin, Pastue stated the City Manager would assume the role of project manager.

Referring to Cowley's earlier question, Pastue advised costs may run higher than originally budgeted which may require a reduction in the scope of the project.

Schneemann stated he would like to have a strategy by the next meeting for addressing the closures of the CVS and Chase Bank access points.

5. DISCUSSION

A. Discussion - DIA Inside/Out Program

Knowles advised the city submitted an application to participate in the DIA Inside/Out Project, a joint effort with the Farmington Hills Cultural Arts Division as well as other organizations. She stated their application was accepted for a late summer installation and would run through October/November. She is excited to welcome the DIA back into the city and the opportunity to partner with Farmington Hills.

Responding to a question from McShane, Knowles stated the DIA has requested fifteen sites for the art.

McShane asked whether this project would include an art walk. Knowles responded they have been in touch with various organizations and details have not yet been worked out. McShane stated a walk would bring more attention to the city and could end at a restaurant where participants could dine. Knowles indicated Drake Park, Warner Mansion, Downtown Library Branch, Shiawassee Park, and the Power House property are possible sites.

Cowley stated he would like this project marketed to the schools including Our Lady of Sorrows.

Responding to a question from Galvin, Knowles stated art would be selected that is appropriate to the environment.

Council took a ten-minute recess beginning at 7:10 p.m.

6. DISCUSSION

A. Discussion - KIMCO (Fresh Thyme) Planned Unit Development Agreement

Present: Rob Nadler, Scott Tucker, and Chuck Czhan, KIMCO Properties

Pastue introduced this agenda item and turned it over to Christiansen for discussion.

Christiansen advised the city has been working with Fresh Thyme and KIMCO regarding a location in the Downtown Farmington Center. He provided a background of the center and 1982 easement agreement between the city and KIMCO. He noted the proposed location for Fresh Thyme has been vacant for quite some time.

Christiansen discussed the proposed Planned Unit Development (PUD) agreement PUD plan. He discussed the four steps in the PUD process. He stated the first step, a pre-application conference, was held with Fresh Thyme earlier in the year. He advised a formal application and preliminary or conceptual site plans were then submitted followed by the establishment of a draft Development Agreement.

Christensen stated the Planning Commission then held a preliminary review and public hearing. The Commission approved the preliminary plan and recommended it to the City Council. He stated that they are now at the third step in the process wherein the City Council reviews the preliminary PUD plan, as well as the draft Development Agreement. He advised the meeting tonight is in preparation for action by Council at their December 15th meeting. He noted the fourth step in the process would return the project to the Planning Commission for final site plan approval.

Attorney Schultz stated that the proposed PUD and Easement Agreements are only drafts at this time.

Christiansen discussed the momentum of Fresh Thyme in establishing new stores in the midwest, stating they are looking to open eight new stores by the end of 2014 in the Ohio, Michigan, Illinois area, having a strong emphasis on fresh produce.

Christiansen discussed a recent trip to a Fresh Thyme store in Chicago with Knowles. He provided a power point presentation of the store.

Easement Agreement

Attorney Schultz briefly discussed the history of the easement agreement, going back to the 1950's. He reviewed the changes that have occurred in the agreement over time. He stated the proposed version of the agreement includes language that clarifies the responsibilities of the parties.

Responding to a question from Schneemann, Schultz stated it is likely that the approval of the easement agreement would be contingent on the approval of the PUD agreement.

Schneemann then asked whether the easement agreement would run with "Fresh Thyme" or any tenant.

Schultz responded the agreement would run with any tenant in that space. Further discussion was held on the language of the easement agreement.

McShane confirmed that the agreement would ride with the property and not the business. Schultz indicated this issue would be addressed when discussing the PUD Agreement.

PUD Agreement

Pastue gave a brief overview of what is addressed under the PUD Agreement.

Attorney Schultz stated that most provisions in the PUD agreement are structured in the same way as other previous agreements with Balfour, Flanders property, etc. He advised most of the provisions would ride with the land. He indicated there are certain provisions within the agreement that are limited to Fresh Thyme as the user.

McShane inquired whether Ollie's or another discount store could occupy the space if Fresh Thyme was not successful. Schultz responded not under the terms of the draft agreement presented to Council.

Scott questioned whether the project meets one of the standards for a PUD which is the development is considered a public benefit to the city. He also noted the deficiency of the proposed landscape plan.

Christiansen advised the Planning Commission found the proposed agreement did meet PUD standards.

Responding to a question from Schneemann, Christiansen stated a detailed landscape plan would be provided in the final site plan.

Pastue noted the City Zoning Ordinance provides standards for landscaping and pointed out the plan before Council is only a conceptual one.

Pastue provided a brief overview of Articles III and IV of the agreement. Scott stated the language of Article III appeared to be disingenuous and Galvin concurred. Further discussion was held.

Pastue discussed the proposed modifications to the parking lot and confirmed they would be paid for by KIMCO. He noted, however, ongoing maintenance would be the City's responsibility.

Scott expressed concern regarding the deadline for completing the parking lot reconfiguration and the possibility it would not be ready for the Founders Festival. He would like to see the language in the agreement tightened up as far as defining a specialty store.

Cowley noted the proposed changes to the parking lot are an improvement.

Schneemann raised a question regarding the egress just south of Firestone Tire

business. Pastue advised that access point is outside of the property area included in the current discussion.

Schultz clarified that the amendment to the current easement agreement will not encumber any more property than what is currently provided in the agreement.

Pastue discussed the impact of the proposed easement agreement on downtown events including: Founders Festival, Art on the Grand, and Riley Park activities. Cowley confirmed with Pastue that DDA event strategies would not be severely limited.

Responding to a question from Cowley, Pastue stated the tax benefit from a new building could mean an additional \$40,000 in revenue.

Schneemann raised the question of the no-build area of the proposed easement agreement and further discussion was held. Galvin stated the no-build zone could hinder development of other parcels not owned by KIMCO and that this is a critical point. Scott concurred with Galvin's comments and stated concern over future events being impacted.

McShane discussed the impact of a no-build provision to the city.

Pastue stated that a balance must be achieved between the city and KIMCO with regard to this project in order to make it a win/win proposition.

Galvin expressed his views with regard to moving events to other locations in the city.

Orchard Street Parcels

Pastue discussed how the six lots on Orchard Street would be impacted by Fresh Thyme. He stated functionally KIMCO has use of the west lot which includes three parcels. The east lot would still be available for parking and the city would retain the option for any future development of that lot. He indicated Grove Street would be the primary truck route and that a cart corral area would have to be part of the final site plan approval.

McShane inquired about the three dumpsters on the east side of the parking lot. Christiansen responded that there is a new iteration that depicts where the dumpsters will be located.

McShane then asked about a wall on the east side between the dumpster and a residential home. Christiansen responded the final site plan will address that issue.

McShane stated Council must be mindful that these lots abut three residential areas and must use caution in reaching any agreements. She commented the south side of the plaza needs to be cleaned and maintained.

Galvin would like to see a buffer of some sort between the residential areas and the dumpsters.

Schneemann would like to see eight foot walls around the dumpsters.

Scott would like language clarified in the agreement regarding designated areas for trash and recyclable bottles.

Cowley discussed a commercial downtown recyclable strategy.

Christiansen advised there are no enclosures currently on the property and those that are proposed will have to meet site plan approval which has masonry requirements that meet city standards. He also stated the proposed plan for unloading is a marked improvement over what is currently done at the center.

Responding to a question from McShane, Christiansen stated there will be an internal area and outside corrals for cart storage.

Responding to a question from Scott, Christiansen stated trash enclosures are a requirement.

Pastue gave a brief overview of the remainder of the Agreement, addressing outdoor displays, signage, stormwater management, water and sanitary sewer, building elevations, architectural requirements, exterior lighting, waste receptacles, loading/unloading area at rear of building, Farmington Road Streetscape, construction staging and general provisions.

Christiansen provided a power point presentation of the proposed site plan.

Responding to a question from Scott, Schultz stated currently there is nothing in the proposed agreement regarding repeated violations, but it could be included.

Scott questioned how to remedy debris in the parking lot from flyers. Schultz responded language to address those violations could be added to the agreement.

Schneemann addressed the issue of maintaining a safe pedestrian environment and expressed concern over an August 31st completion date.

Galvin recognized former Farmington Mayor, Alton Bennett, in the audience and allowed him to speak regarding the Fresh Thyme PUD proposal.

Bennett stated as a resident of Charlestown Condominiums he had concerns regarding the PUD proposal. He expressed those concerns to management and was gratified that city staff, Council and Kimco addressed each of them to his satisfaction.

McShane questioned the number of cars expected at Fresh Thyme in a 24-hour period.

Christiansen responded there will be 100 employees at Fresh Thyme with 30 workers per shift. He stated employees will be instructed to park in the south lot and thirty spaces in the Downtown Center parking will be set aside for customers.

Rob Nadler, from KIMCO, addressed the typical parking ratio.

McShane raised the issue of moving Fresh Thyme building next to Fitness 19 and putting the pass-thru to east of Fresh Thyme and further discussion was held.

Nadler clarified that the current drafts of the agreements have not been reviewed or approved by KIMCO and Fresh Thyme. He stated there are a few critical open issues that need to be addressed. He suggested scheduling another working session to achieve acceptable agreements from both sides. He stated the project would be in jeopardy if full municipal approvals for the project are not in place by February 3, 2015.

Cowley asked if Fresh Thyme was comparable to Trader Joe's. Nadler responded they are more in line with Whole Foods than Trader Joe's and further discussion was held.

Schneemann asked about similar stores to Fresh Thyme in downtown environments and Nadler cited some examples.

Scott inquired about KIMCO's plans for the remainder of the center. Nadler responded they are trying to ignite interest in the center with the occupancy of Fresh Thyme and further discussion was held.

McShane read the following statement:

I would like the public to know that I support a grocery store in our downtown, possibly Fresh Thyme Market, as much as they do. KIMCO is requesting conditions and considerations that are quite restrictive. There has never been a business in Farmington that has asked for such considerations. What we have received from most of our businesses is unending support, financial contributions and their volunteer time. The conditions and environment they have helped to create have set the stage and given Farmington the ability to become a destination.

We are experiencing good strong development, we have a master plan and a community vision and I don't want to throw these to the curb. I would like to see KIMCO support and contribute to our city. I would like to bring Fresh Thyme to downtown Farmington and will look for ways to make that happen. However, I have to ask KIMCO not just what it wants from Farmington, but what they can give us as well. What is KIMCO willing to offer in order to help us not only create and sustain their vision with Fresh Thyme and further growth, but they need to look at Farmington's master plan and vision and join with us to achieve a compromise where this project works for both of us.

Galvin expressed support for the Fresh Thyme Project, but noted the issues involved. He expounded on the opportunities ahead for Farmington, not just in the downtown but city-wide. He expressed appreciation to the KIMCO representatives for their presence at the meeting.

7. OTHER BUSINESS

No other business was heard.

8. COUNCIL COMMENT

Schneemann stated it's important for the public to understand the issues involved with the Fresh Thyme project. He would love to have a specialty market in downtown Farmington, but would like to ensure that the City retains the right to maintain the downtown as they see fit. He thanked the proponent for being present tonight to answer questions. He appreciated the patience of the public as well as the proponent as they work through the issues. He thanked the administration for their efforts on this project.

Cowley expressed his support for this project. He stated it will contribute to the city's ability to sell more PUD opportunities in the downtown. He also commented on the importance of this TIF project and the opportunity for jobs. He also commented on the continuing issue of parking in the downtown area.

Scott commented that this is not really about Fresh Thyme, but rather addressing the city's vision for the downtown center. He expounded on the expectations of the citizens of Farmington and the reality of the project.

9. ADJOURNMENT

1. Motion to adjourn the meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	JoAnne McShane, Councilmember
SECONDER:	Greg Cowley, Councilmember
AYES:	Cowley, Galvin, McShane, Schneemann, Scott

The meeting adjourned at 10:14 p.m.

William E. Galvin, Mayor

Susan K. Halberstadt, City Clerk

Approval Date: January 20, 2015