

FARMINGTON CITY COUNCIL
REGULAR MEETING
DECEMBER 20, 2010

A regular meeting of the Farmington City Council was held on Monday, December 20, 2010, 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 7:00 p.m. by Mayor Buck.

PRESENT: Buck, Knol, McShane, Wiggins, Wright.

ABSENT: None.

CITY ADMINISTRATION: Director Gushman, City Clerk Halberstadt, City Director Schulz, Treasurer Weber, City Manager Pastue (arrived 7:35), Attorney Kudla.

PLEDGE OF ALLEGIANCE

Former Post Commander of American Legion Post 346, Vern Wadensdorf led the pledge.

CONSENT AGENDA

12-10-225 MOTION by McShane, seconded by Knol, to approve the consent agenda as presented:

- Special Meeting Minutes of November 10, 2010
- Regular Meeting Minutes of November 15, 2010
- Farmington Monthly Payments Report, October 2010
- Farmington Monthly Payments Reporter, November 2010
- City of Farmington Investment Report Quarter Ended September 30, 2010
- City of Farmington Financials Report Quarter Ended September 30, 2010
- Approve 47th District Court Financial Report Quarter Ended September 30, 2010
- Monthly Public Safety Report November 2010
Renew Michigan Municipal League Membership
- Metro Act Right of Way Permit Extension with AT&T
Amend Policy Relative to the Review and Granting of Poverty Exemption by the Farmington Board of Review

MOTION CARRIED UNANIMOUSLY.

COUNCIL PROCEEDINGS -2-
December 20, 2010

APPROVAL OF REGULAR AGENDA

12-10-226 MOTION by Wiggins, seconded by Wright, to approve the regular agenda with an amendment to remove Item 6A from consideration. MOTION CARRIED UNANIMOUSLY.

PRESENTATIONS/PUBLIC HEARINGS

RESOLUTION OF APPRECIATION - CHARLIE PAUL

Mayor Buck presented a resolution recognizing Charles Paul for his years of volunteer service with the Farmington Civic Theatre.

RECOGNITION JOE'S HEADQUARTERS - JOE SMOTHERMAN

Mayor Buck recognized Joe's Headquarters Barber Shop for being voted the Best Barber in Detroit as awarded by Radio Station WDIV. Joe Smotherman was present to receive the recognition.

**FARMINGTON JAYCEES DONATION TO GOVERNOR WARNER MANSION -
Jessica Boyd, President**

Jessica Boyd presented the City with a \$500 donation to the Warner Mansion. She indicated proceeds from the Warner Mansion Pumpkin Porch Party Pumpkin Carving Celebration made up part of the donation.

Council thanked Ms. Boyd and the Jaycees for their hard work and continued support of the Mansion.

PRESENTATION - FARMINGTON/FARMINGTON HILLS EPC AWARD

Ken Murray presented the Council with an award received by the Emergency Preparedness Committee from the Michigan Citizens Corps. Mayor Buck commended the Committee for their hard work and dedication.

PUBLIC SAFETY TIP OF THE MONTH

Director Schulz presented the safety tip of month regarding financial preparedness for unforeseen disasters.

VICKI BARNETT - STATE LEGISLATOR

State Representative Vicki Barnett gave an update on events in Lansing including the transition of legislators. Responding to a question from McShane, Barnett provided detail on proposed legislation that would assist small businesses in obtaining loans. She also cited a bi-partisan package regarding

COUNCIL PROCEEDINGS -3-
December 20, 2010

Cottage Food legislation. She is the new Democratic Whip in Lansing for the upcoming term.

UNFINISHED BUSINESS

**CONSIDERATION OF ORDINANCES PERTAINING TO PUBLIC SAFETY
COST RECOVERY**

Pastue explained there was considerable discussion at the October 18th meeting regarding the three Cost Recovery Ordinances that were introduced. He stated as a result of those discussions two of the ordinances have been modified to address cost recovery for hazardous material responses only. He stated the City is requesting to withdraw Ordinance C-749-2010 pertaining to DUI cost recovery.

Wiggins expressed support for all three ordinances and encouraged administration to do future review of items that were left off.

Wright commented that a number of issues included in the ordinances made them too complex. He suggested a separate ordinance should be considered to address specific subject matter, but expressed support of recovery costs for hazardous material responses.

McShane noted good discussions were held regarding the proposed ordinances. She emphasized the importance of keeping in mind the public's best interests when considering an ordinance.

Knol concurred with comment and noted there was a great deal of public input included in discussion.

12-10-227 MOTION by McShane, seconded by Knol, to adopt Ordinance C-748-2010 amending Chapter 2 of the City Code, Administration, in order to add a new Article VII, Emergency Response Cost Recovery, to conform to state law requirements for cost recovery for hazardous materials substances. **[SEE ATTACHED ORDINANCE]**.

ROLL CALL:

Ayes: Knol, McShane, Wiggins, Wright, Buck.

Nays: None.

Absent: None.

Motion carried unanimously.

12-10-228 MOTION by Knol, seconded by Wright, to move to *withdraw* Ordinance C-749-2010 that would have amended Chapter 31 of the City Code, Traffic and Motor Vehicles, pertaining to DUI cost recovery. **[SEE ATTACHED ORDINANCE]**.

COUNCIL PROCEEDINGS -4-
December 20, 2010

ROLL CALL:

Ayes: McShane, Wright, Buck, Knol.
Nays: Wiggins.
Absent: None.
Motion carried.

12-20-229 MOTION by Wiggins, seconded by Wright, to adopt Ordinance C-750-2010 amending Chapter 14, Fire Prevention and Protection, Article II, Fire Prevention Code, Section 14-29 providing for certain revisions to the International Fire Code, 2006 Edition, in order to address the unauthorized discharge of hazardous materials. **[SEE ATTACHED ORDINANCE].**

ROLL CALL:

Ayes: Wiggins, Wright, Buck, Knol, McShane.
Nays: None.
Absent: None.
Motion carried unanimously.

NEW BUSINESS

CONSIDERATION TO ADOPT RESOLUTION APPROVING MICHIGAN EMERGENCY MANAGEMENT ASSISTANCE COMPACT

Pastue stated Administration is requesting that Council adopt a resolution approving participation in the MEMAC (Michigan Emergency Management Assistance Compact), whose purpose is to help local municipalities share vital public safety and resources more efficiently. He indicated neither state nor local government can afford to acquire, maintain and train and equip all resources necessary to handle every possible emergency.

Pastue advised MEMAC covers all possible emergencies with jurisdictions working together including weather, man-made, environmental or other natural disasters. He detailed the issues that the program allows to give/receive assistance during crises. He pointed out that MEMAC is intended to supplement local mutual aid agreements, not to replace them. He stated participation in MEMAC would help facilitate receipt of State and Federal funds through the Public Assistance Program.

Wiggins asked about the impact of the resolution on the emergency management agreement with Oakland County. Pastue responded it broadens the network of resources available.

Responding to a question from McShane, Pastue stated no costs were involved to date.

COUNCIL PROCEEDINGS -5-
December 20, 2010

RESOLUTION 12-10-230 Motion by Wright, seconded by Knol, to adopt a resolution approving the Michigan Emergency Management Assistance Compact. [SEE ATTACHED RESOLUTION].

ROLL CALL:

Ayes: Wright, Buck, Knol, McShane, Wiggins.

Nays: None.

Absent: None.

Motion carried unanimously.

CONSIDERATION TO APPROVE AMENDMENT #1 TO PLANNED UNIT DEVELOPMENT AGREEMENT FOR THE ORCHARD CONDOMINIUMS

Pastue stated City Administration is requesting Council approve Amendment #1 to a Planned Unit Development (PUD) Agreement with Orchard Condominiums. He explained original agreement required two 16-unit townhouse buildings to be constructed, first being constructed and completed in 2005, at about the time the residential housing market collapsed. Consequently the second building on the east side of building was never constructed.

Pastue stated City Administration is requesting that the developer be allowed to remove the property on which the second 16-unit building was to be placed from the condominium. He advised otherwise the land becomes irrevocably part of the condominium and could remain undeveloped.

Pastue explained by adopting the first amendment options remain open for future development. He stated separating the parcel from the original agreement allows for modifications of the design of the second building in a manner that reduces costs of construction while staying within the overall spirit of the original PUD agreement. He stated it also allows the project to be converted to phase development and allows for the second building to be located on a legally separate parcel. He also noted any future building on the site would be subject to review by the Planning Commission and approval of City Council. He noted a public hearing was held on November 22nd where comments were accepted by public and the Planning Commission recommended approval.

Pastue responded affirmatively to inquiry from McShane that the parcel could be sold as a separate piece. He stated it would be sold as a condominium development pending approval by Planning Commission and that information would be disclosed to a potential buyer.

McShane further asked if there were any questions from current condo owners during the public hearing. Pastue indicated there were questions related to maintenance of the property with some support for keeping the property as a park setting.

COUNCIL PROCEEDINGS -6-
December 20, 2010

Knol inquired as to responsibility of maintenance of property if amendment is passed. Pastue responded it would remain with the Farmington Development Corporation.

Wiggins indicated that it was mentioned at the Planning Commission meeting that the City was instrumental in getting the infrastructure for both units. He stated it is in the best interest of the City to not only see construction of a condominium unit on the second parcel, but to utilize the infrastructure that has been bought and paid for on that location.

Wright asked if Council approves the amendment, could a potential buyer decide to develop something other than condominiums.

Pastue responded it would be important for the City to stay with the original PUD Agreement and any changes to that agreement would require petitioning the Planning Commission and going through the PUD process before seeking City Council approval.

Attorney Kudla advised the motion should include both "Plan & Agreement".

RESOLUTION 12-10-231 Motion by Knol, seconded by Wright to approve Amendment #1 to "The Orchard" Planned Unit Development Agreement. [SEE ATTACHED AGREEMENT].

ROLL CALL:

Ayes: Buck, Knol, McShane, Wiggins, Wright.

Nays: None.

Absent: None.

Motion carried unanimously.

CONSIDERATION TO INTRODUCE ORDINANCE #C-751-2010 AMENDING CHAPTER 35, ZONING CODE, DEALING WITH ADULT AND CHILD DAY CARE REGULATIONS

Pastue advised there has been some inquiry for an adult day care facility at the recently closed Flanders School. He stated City Administration is requesting an amendment to the zoning code to allow this use.

Knol stated concern about traffic issues and Pastue indicated they would be addressed in special land use consideration.

12-10-232 MOTION by Wiggins, seconded by Wright, to introduce Ordinance C-751-2010 amending Chapter 35, Zoning Code, dealing with adult and child day care regulations. [SEE ATTACHED ORDINANCE]. Motion carried unanimously.

CONSIDERATION TO APPROVE AMENDMENT #1 TO WATER SERVICE CONTRACT WITH DETROIT WATER AND SEWERAGE

Pastue stated in 2009 the City entered into an with Detroit Water & Sewer for Master Water Service Contract, with an understanding an amendment would be forthcoming in the next couple of years that would allow suburban customers to revise their annual estimated purchases, along with their peak hour and peak day usage.

Pastue advised City staff and consulting engineers met with DWSD to review peak hour and day usage. As a result of this review, Pastue advised a 7% increase would be anticipated for the coming year.

Administration is recommending Council approval of this amendment which should be valid for the next five years unless usage differs substantially.

McShane inquired if there is penalty for overage. Pastue responded they are more concerned with underages.

McShane asked if the City goes under the minimum usage would it still be required to pay the minimum as stated. Pastue explained the "look back" process that is utilized to establish a fixed revenue stream.

McShane commented the DWSD never defines the purpose for rate increases. Pastue responded there is annual rate review process which incorporates the many factors that go into the rate formula. He offered to provide such data to Council.

Knol stated DWSD has a strangle hold on communities. She advised in light of current indictments related to the DWSD a restructuring is likely. She noted having a seat at the table and a clear understanding of costs would help quiet concerns about legitimacy of rate hikes.

Wright noted it is taxation without representation at its ugliest form. He would like to know what other communities in similar locations pay for same service; that data would provide an answer to reasonableness. He inquired about options other than Council's approval.

Pastue responded that you either approve it or you don't; the alternative is you'll be in the short run looking at least a 7% increase plus whatever else goes on in the following year. He stated DWSD is looking to increase the fixed component that is paid out on monthly basis. In the past it was pure user based, however, this past year was first year that the fixed cost component was implemented.

COUNCIL PROCEEDINGS -8-
December 20, 2010

RESOLUTION 12-10-233 Motion by Knol, seconded by Wiggins to move to approve Amendment #1 to Water Service Contract with Detroit Water and Sewerage. [SEE ATTACHED AMENDMENT AGREEMENT].

ROLL CALL:

Ayes: Knol, McShane, Wiggins, Buck.
Nays: Wright.
Absent: None.
Motion carried.

CONSIDERATION TO ADOPT RESOLUTION AUTHORIZING THE CITY TO ACCEPT PAYMENTS BY FINANCIAL TRANSACTION DEVICES - CIVIC THEATER

Treasurer Weber explained that based on recommendation by the Civic Theater Committee and the request of the Civic Theater manager, City Administration would like to begin accepting credit cards as a form of payment at the Civic Theater. He stated that although this will result in an increased cost to the theater in terms of banking fees, both the Committee and the Manager believe that the increased revenue that will result from the acceptance of credit cards will more than offset the added expenditures.

In order to accept credit cards as a form of payment, Public Act 280 of 1995 requires that a local unit of government adopt an authorizing resolution.

McShane asked why the City is not included in the use of financial transaction devices. Pastue responded that this is more of an enterprise type of operation and that there will be future discussions regarding same.

Wright questioned whether the use of credit cards might slow down the transaction process and negatively impact business. He asked if the latest technology would be used.

Weber responded that new devices provided by Chase Bank will be utilized that are swipe set-up and hopefully will speed things up as a signature is not required.

RESOLUTION 12-10-234 Motion by McShane, seconded by Knol to adopt a resolution authorizing the City to accept payments by financial transaction devices. [SEE ATTACHED RESOLUTION].

ROLL CALL:

Ayes: McShane, Wiggins, Wright, Buck, Knol.
Nays: None.
Absent: None.
MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO ADOPT A RESOLUTION AUTHORIZING
ACCEPTANCE OF PAYMENT BY FINANCIAL TRANSACTION DEVICES -
DOWNTOWN DEVELOPMENT AUTHORITY**

Weber indicated this resolution is almost identical to one that was just passed, although this one is for the DDA. He stated the DDA is asking for approval of acceptance of credit cards at functions such as Founder's Festival and other downtown events. He advised the DDA believes this would help generate more revenue, and provide better service to people at events.

RESOLUTION 12-10-235 Motion by Wright, seconded by Wiggins, to adopt a resolution authorizing acceptance of payment by financial transaction devices for the Downtown Development Authority. [\[SEE ATTACHED RESOLUTION\]](#).

ROLL CALL:

Ayes: Wiggins, Wright, Buck, Knol, McShane.

Nays: None.

Absent: None.

MOTION CARRIES UNANIMOUSLY.

**CONSIDERATION TO APPROVE TRAFFIC STUDY OF FARMINGTON ROAD
AND AUTHORIZE APPROPRIATIONS**

Pastue indicated that City Administration is requesting that Council accept a proposal from Orchard Hiltz & McCliment to conduct a traffic analysis on Farmington Road from Grand River to Orchard Street at a cost of \$15,760. He stated the purpose of the study is to continue to evaluate traffic calming measures in the downtown area and to expand on-street parking.

Pastue advised that since the Grand River Streetscape Project is completed along with the road geometrics and signalization, it would be an appropriate time to do this.

Pastue stated since Farmington Road is under the jurisdiction of the Oakland County Road Commission, it's necessary to do this study before any changes takes place such as on-street parking. He advised the DDA is contributing \$7,000 towards this study and remaining funds would come from the Major Street Fund and would require a budget amendment.

Responding to a question from Wright, Pastue confirmed one of the possible benefits of this study would be the development of parking on Farmington Road.

COUNCIL PROCEEDINGS -10-
December 20, 2010

RESOLUTION 12-10-236 Motion by Wiggins, seconded by Knol, to accept a proposal from Orchard Hiltz & McCliment to conduct a traffic analysis of Farmington Road from Grand River to Orchard Street. [SEE ATTACHED PROPOSAL].

ROLL CALL:

Ayes: Wright, Buck, Knol, McShane, Wiggins.

Nays: None.

Absent: None.

MOTION CARRIES UNANIMOUSLY.

CONSIDERATION TO AUTHORIZE THE PURCHASE OF TWO POLICE PATROL CARS

Pastue indicated Administration is requesting authorization to purchase two patrol vehicles in the amount of \$41,720. He stated this purchase of two 2011 Crown Victoria Interceptors is part of the ongoing replacement program.

Buck commented that these particular vehicles are desirable as police and public safety vehicles because of their design. He noted the model is about to be discontinued.

Responding to a question from Knol, Director Schulz confirmed the equipment in the Crown Victoria would also be compatible with the proposed replacement vehicle.

RESOLUTION 12-10-237 Motion by McShane, seconded by Wright, to approve the purchase of two police patrol vehicles from Signature Ford in Owosso, MI in the amount of \$41,720.

ROLL CALL:

Ayes: Buck, Knol, McShane, Wiggins, Wright.

Nays: None.

Absent: None.

MOTION CARRIES UNANIMOUSLY.

CONSIDERATION TO APPROVE MEMBERSHIP IN THE MICHIGAN ASSOCIATION OF MAYORS

McShane advised she did not find membership in the Michigan Association of Mayors useful when she served as Mayor. She believed the membership is geared towards larger cities. She supported discontinuing the membership.

Knol concurred with McShane and expressed support for discontinuing the membership.

COUNCIL PROCEEDINGS -11-
December 20, 2010

Discussion followed regarding the value of the South Oakland Mayors Association versus Michigan Association of Mayors.

Council declined to take action on the renewal of membership in the Michigan Association of Mayors.

BOARD AND COMMISSION APPOINTMENT

12-10-238 MOTION by Wiggins, seconded by Knol, to appoint Steve Schneemann to the Construction Board of Appeals to complete an unexpired term ending February 28, 2012. MOTION CARRIES UNANIMOUSLY.

PUBLIC COMMENT

Vern Wadensdorf, Past Commander of Post 346, stated the City has informed the American Legion that the temporary sign placed in front of their building each Friday publicizing bingo night is in violation. He pointed out proceeds from the bingo events are used for the good of the community. He requested that the City make an exception and allow them to post the sign for 2-3 hours every Friday.

Pastue advised the City will work with the American Legion to come up with a resolution on this issue.

Matt, employee of Salon Legato, commented on the ongoing parking problems. He would like the City to perhaps designate employee parking spaces.

Buck stated that DDA is making every effort to address this problem.

Dana, employee of Salon Legato, spoke about the issues related to timed parking for clients and safety issues for employees parking at the back of the north lot.

Pastue commented that parking continues to be a challenge and they are looking at alternatives.

Hank Borgman questioned the value of the proposed parking study of Farmington Road. He expressed his belief that the Grand River Streetscape has not helped businesses. He noted the traffic island on Farmington Road north of Grand River should be removed.

Gideon Tin, longtime resident of Farmington Hills, thanked Council members for their fiscal responsibility. He responded favorably to acceptance of credit cards at downtown venues, but not for profits to go to Chase.

COUNCIL PROCEEDINGS -12-
December 20, 2010

COUNCIL COMMENTS

Council wished everyone a Happy Holiday.

ADJOURNMENT

12-10-239 MOTION by Wiggins, seconded by Wright, to adjourn the meeting.
Motion carried unanimously.

The meeting was adjourned at 8:50 p.m.

J.T. (Tom) Buck, Mayor

Susan K. Halberstadt, City Clerk

APPROVED: January 18, 2011