

FARMINGTON CITY COUNCIL
REGULAR MEETING
February 16, 2012

A regular meeting of the Farmington City Council was held on Thursday, February 16, 2012, 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 7:08 p.m. by Mayor Buck.

PRESENT: Buck, Cowley, Galvin, Kuiken, McShane.

ABSENT: None.

CITY ADMINISTRATION: City Manager Pastue, Director Gushman, City Clerk Halberstadt, Director Schulz, Treasurer Weber.

CONSENT AGENDA

02-12-022 MOTION by McShane, seconded by Kuiken, to approve the consent agenda as presented:

- A. Special Meeting Minutes of January 7, 2012.
- B. Regular Meeting Minutes of January 17, 2012.
- C. Special Meeting Minutes of January 30, 2012.
- D. City of Farmington Monthly Payments, January 2012.
- E. City of Farmington Financial Report Quarter Ended December 31, 2011.
- F. City of Farmington Investment Report Quarter Ended December 31, 2011.
- G. 47th District Court Financial Report Quarter Ended December 31, 2011.
- H. Public Safety Monthly Report, January 2012.
- I. DPW and Water Sewer Second Quarter Report October 1, 2011 through December 31, 2011.
- J. Special Event Request – Farmington Community Library.

MOTION CARRIED UNANIMOUSLY.

APPROVAL OF REGULAR AGENDA

02-12-023 MOTION by Cowley, seconded by Galvin, to approve the agenda as amended: removing Item 6C – Consideration to Approve Purchase of Granicus Video Recording System and adding Item 7I – Disposition of City Legal Counsel.

MOTION CARRIED UNANIMOUSLY.

PRESENTATIONS/PUBLIC HEARINGS

AWARD PRESENTATION – CITIZENS CORP FOR EMERGENCY PREPAREDNESS

Present: Norene Yuskowatz, EPC Chair; Robert York; Tim Tutak, Vice-Chair; and Ken Murray

COUNCIL PROCEEDINGS -2-
February 16, 2012

Ms. Yuskowatz discussed the mission of the Emergency Preparedness Commission. She stated their goal is to inform and prepare the public for any type of emergency. She reviewed the upcoming activities of the commission.

Ms. Yuskowatz announced the EPC received a second place honorable mention from the State of Michigan.

McShane thanked the Commission for their efforts and hard work.

PRINCIPAL SHOPPING CENTER SPECIAL ASSESSMENT RENEWAL

Public Hearing Regarding Necessity

Buck requested a motion to open the public hearing.

02-12-024 MOTION by Galvin, seconded by Cowley, to open the public hearing to receive comment on the proposed Principal Shopping Center Special Assessment Renewal. MOTION CARRIED UNANIMOUSLY.

Hearing no public comment, Buck requested a motion to close the public hearing.

02-12-025 MOTION by McShane, seconded by Kuiken, to close the public hearing. MOTION CARRIED UNANIMOUSLY.

Consideration to Approve Resolution #3 Directing City Assessor to Prepare Preliminary Assessment Roll

RESOLUTION 02-12-026 Motion by Galvin, seconded by Kuiken, to adopt Resolution #3 approving the necessity of the Principal Shopping District and instruct the City Assessor to prepare a preliminary assessment roll. [SEE ATTACHED RESOLUTION].

ROLL CALL

Ayes: Cowley, Galvin, Kuiken, McShane, Buck.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

DDA DIRECTOR UPDATE – ANNETTE KNOWLES

Director Knowles provided an update on the activities of the DDA including the PSD renewal, board member resignations, FY 2012/13 work plan, budget pressures, and core themes of walkability, downtown marketing and business development.

In an effort to recruit more volunteers for DDA events, Knowles discussed the DDA's success in contracting with organizations that can supply volunteers in exchange for a stipend/donation to their cause.

COUNCIL PROCEEDINGS -3-
February 16, 2012

Knowles reviewed the success of 2011 DDA events noting most were self-supporting and collectively generated a small profit.

Cowley congratulated Director Knowles and her staff, on their efforts to make the events fiscally sound.

UNFINISHED BUSINESS

CONSIDERATION TO APPROVE PURCHASE OF ELECTRONIC METER READING EQUIPMENT

RESOLUTION 02-12-027 Motion by Cowley, seconded by Kuiken, to authorize purchase of electronic meter reading equipment from Badger Meter for a not-to-exceed amount of \$26,216.

ROLL CALL

Ayes: Galvin, Kuiken, McShane, Buck, Cowley.
Nays: None.
Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO AUTHORIZE THE REDEMPTION OF CIVIC THEATER BONDS

City administration recommended the City Council pay off the remaining debt on the Civic Theater. The Civic debt is programmed for payment through 2015. The benefit to the City of paying off the debt is a savings of approximately \$29,000.

Galvin asked about the City's plans to replace the \$240,000 in the Capital Improvement Fund between now and 2015. Pastue responded the plan was already in place to use Capital Improvement Funds over the next four years to pay down the debt.

Galvin asked regarding the City's plan if something comes up between now and 2015 that requires some or all of \$240,000. He questioned whether paying down the Civic debt would cause a significant shortage in the Capital Improvement Fund. Pastue responded a major expense would likely be covered by the General Fund.

RESOLUTION 02-12-028 Motion by Kuiken, seconded by McShane, to authorize redemption of remaining Civic Theater bonds.

ROLL CALL

Ayes: Kuiken, McShane, Buck, Cowley.
Nays: Galvin.
Absent: None.

MOTION PASSED.

**CONSIDERATION TO INTRODUCE ORDINANCE C-762-2012 AMENDING
CHAPTER 2 OF THE CITY CODE DEALING WITH COMPOSITION OF THE
DOWNTOWN DEVELOPMENT AUTHORITY BOARD**

02-12-029 MOTION by McShane, seconded by Kuiken, to introduce Ordinance C-762-2012 to amend Chapter 2 of the City Code to reduce the Downtown Development Authority Board membership from eleven to nine. [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

**CONSIDERATION TO AUTHORIZE SUBMITTAL OF APPLICATION TO HAVE
THE QUAKER CEMETERY INCLUDED AS PART OF THE NATIONAL PARK
SERVICE'S NATIONAL UNDERGROUND RAILROAD NETWORK TO FREEDOM
PROGRAM**

Responding to a question from Kuiken, Pastue advised the impact of the Cemetery's participation in the program would likely be a plaque placed at the cemetery and historic recognition as part of the Underground Railroad network.

McShane stated it is important for Farmington to tell its story about the role it played in the Underground Railroad. It gives us greater understanding of our heritage and helps to create a fabric of our community that defines who we are.

02-12-030 MOTION by Galvin, seconded by Cowley, to authorize submittal of application to allow the Quaker Cemetery to be included as part of the National Park Service's National Underground Railroad Network to Freedom Program. MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION OF CLASS C LICENSE REQUEST WITH ENTERTAINMENT
PERMIT AND SDM LICENSE FOR PETERLIN HOSPITALITY LLC**

RESOLUTION 02-12-031 Motion by Cowley, seconded by Kuiken, to adopt a resolution authorizing transfer of Class C Liquor License with Entertainment Permit from 5566-5568 Drake, West Bloomfield, MI 48332, to Peterlin Hospitality L.L.C. located at 22004 Farmington Road and new SDM License. [SEE ATTACHED RESOLUTION].

ROLL CALL

Ayes: McShane, Buck, Cowley, Galvin, Kuiken.
Nays: None.
Absent: None.

MOTION CARRIED UNANIMOUSLY

**CONSIDERATION TO ACCEPT AND FILE THE FINANCIAL REPORTS FOR THE
CITY OF FARMINGTON BROWNFIELD REDEVELOPMENT AUTHORITY FOR
THE FLAGSTAR AND TCF PROJECTS**

COUNCIL PROCEEDINGS -5-
February 16, 2012

02-12-032 MOTION by Kuiken, seconded by Galvin, to accept the Financial Reports for the City of Farmington Brownfield Redevelopment Authority for the Flagstar and TCF Projects for the year ending June 30, 2011 and authorize that they be filed with the State Tax Commission. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE INVOICES FOR FLORAL PARK SEWER MAIN REPAIRS

RESOLUTION 02-12-033 Motion by Cowley, seconded by Galvin, to authorize payment in the amount of \$38,698.40 to FTL Construction; and payment in the amount of \$26,752.67 to Bidigare Construction; both payments for work completed on the Floral Park sewer main repairs.

ROLL CALL

Ayes: Buck, Cowley, Galvin, Kuiken, McShane.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE BIDS FOR 2012 SIDEWALK REPLACEMENT PROGRAM

Responding to a question from Kuiken, Gushman stated the City does not have experience with Rotondo Construction, however, both the cities of Livonia and Farmington Hills have had positive experiences with them.

RESOLUTION 02-12-034 MOTION by McShane, seconded by Kuiken, to accept bids for the 2012 Sidewalk Replacement Program and award bid to the low bidder, Rotondo Construction Corporation of Farmington Hills, in the amount of \$111,094.60.

ROLL CALL

Ayes: Cowley, Galvin, Kuiken, McShane, Buck.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO INTRODUCE ORDINANCES C-760-2012 AND C-761-2012 AMENDING CHAPTER 35 OF THE ZONING CODE AND CHAPTER 5 OF THE CITY CODE DEALING WITH ANIMALS

Mayor Buck allowed for public comment on the proposed ordinances.

Kathleen Fedewa, 33247 Cloverdale, discussed a number of contradictions she believed were contained in the ordinance dealing with domesticated animals. She believed the ordinance is too broad, language is confusing and would not affect 99% of residents, but would affect her. She believed the ordinance was an over reaction to a recent incident in Columbus, Ohio.

COUNCIL PROCEEDINGS -6-
February 16, 2012

Pastue stated the tragedy concerning wild animals in Ohio should not be minimized. He advised Farmington is a highly urban area and cannot allow individuals to determine what animals they will keep. He stated the ordinance language was developed by the City Attorney who does not take this subject lightly. He stated the ordinance gives the City a foundation on which to make decisions concerning keeping of certain types of animals.

Pat Kanny, 33265 Cloverdale, expressed her opposition to her neighbor, Ms. Fedewa, keeping a fox at her residence. She does not believe they are safe.

Marilyn Bass, 22820 Farmington Road, also expressed opposition to her neighbor, Ms. Fedewa, keeping a fox at her residence.

Patrick Thomas, 22432 Brookdale, expressed his desire to raise a small horse on his property. He noted some neighboring municipalities that allow keeping of such animals. He requested Council revisit the ordinance at a later date as more information becomes available on certain types of animals suitable for urban areas.

Buck expressed appreciation for all the comments concerning the proposed ordinances. He stated the City's concern is the safety of its residents and the consistency of its policies.

Pastue advised the ordinances set a clear baseline for how animal control will be administered, but does not close the door to certain animals.

McShane expressed concern regarding the burdensome of the proposed ordinances and has questions she would like answered by the City Attorney. She questioned whether Council is ready to introduce the ordinances and suggested they go back to the Planning Commission for further refinement and clarity.

Pastue advised the proposed ordinances provide a baseline to allow Council to review animals on a case-by-case basis.

Discussion followed regarding the steps taken by the Planning Commission in their review and approval of the ordinances and the process going forward.

Kuiken stated she does not have an issue with further clarification of the City's ordinance and how they are administered. She supports moving forward with the introduction of the ordinances.

Cowley stated Council is over complicating this process and needs to move forward. He is not sure what will change after more analysis and conversation.

McShane advised support of the introduction of the ordinances does not mean that she supports all of its provisions. She would like more input from the City Attorney.

02-12-035 MOTION by Cowley, seconded by Galvin, to introduce Ordinance C-760-2012 amending Chapter 35 of the Zoning Code, Article II – General Provisions, dealing with definition of domesticated animals. [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

COUNCIL PROCEEDINGS -7-
February 16, 2012

02-12-036 MOTION by Cowley, seconded by Galvin, to introduce Ordinance C-761-2012 amending Chapter 5 of the City Code dealing with keeping of chickens under certain circumstances. [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ACCEPT WALTER GAJEWSKI'S RESIGNATION FROM THE DDA BOARD

McShane noted the wonderful job Walt Gajewski has done on the DDA Board. She stated he has given more to the board than any three people combined. She further noted his recent recognition by the Farmington Youth Foundation.

Galvin noted the awesome cooking demonstrations Walt puts on at the summer market.

02-12-037 MOTION by McShane, seconded by Kuiken, to accept the resignation of Walt Gajewski from the Downtown Development Authority Board. MOTION CARRIED UNANIMOUSLY.

BOARD AND COMMITTEE APPOINTMENTS

McShane expressed strong support for appointing Susan Lightner to the Commission on Aging.

02-12-038 MOTION by McShane, seconded by Galvin, to appoint Susan Lightner to the Commission on Aging to complete an unexpired term ending June 30, 2014. MOTION CARRIED UNANIMOUSLY.

DISPOSITION OF CITY LEGAL COUNSEL

Pastue advised City Attorney Schultz resigned from Secrest Wardle effective that same day. He stated Attorney Schultz has served Farmington for more than nine years. He noted a number of other resignations from the firm had also occurred.

Pastue advised a new firm, Johnson, Rosati, Schultz and Joppich, has been established. He requested Council consider four separate actions relative to change in the City's legal representation.

Galvin stated Mr. Schultz's credentials speak for themselves. He asked about the process for negotiating a new contract.

Pastue responded the terms of Mr. Schultz's former Memorandum of Understanding would remain the same until a new contract is formalized with the new firm. He stated there would be no additional cost and services would remain the same. He advised this interim agreement allows for continuity in services and time to review other options.

COUNCIL PROCEEDINGS -8-
February 16, 2012

RESOLUTION 02-12-039 Motion by Galvin, seconded by Kuiken, to terminate the Memorandum of Understanding with Secrest Wardle for cause because the primary representatives the City works with no longer belongs to the firm.

ROLL CALL

Ayes: Galvin, Kuiken, McShane, Buck, Cowley.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

RESOLUTION 02-12-040 Motion by Galvin, seconded by Kuiken, to appoint Johnson, Rosati, Schultz and Joppich as interim legal counsel for the City of Farmington.

ROLL CALL

Ayes: Kuiken, McShane, Buck, Cowley, Galvin.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

RESOLUTION 02-12-041 Motion by Cowley, seconded by Kuiken, to instruct the City Manager to negotiate a new contract with Johnson, Rosati, Schultz and Joppich for legal services through June 30, 2013.

ROLL CALL

Ayes: McShane, Buck, Cowley, Galvin, Kuiken.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

RESOLUTION 02-12-042 Motion by Cowley, seconded by Galvin, to authorize the City Manager to sign the attached Authorization to Release Files on behalf of the City. **[SEE ATTACHED AUTHORIZATION TO RELEASE FILES].**

ROLL CALL

Ayes: Buck, Cowley, Galvin, Kuiken, McShane.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENT

Patrick Thomas, 22432 Brookdale, asked about the mechanism for staying informed regarding the actions related to the proposed ordinances.

Pastue recommended staying in touch with his office regarding the progress of the ordinances.

COUNCIL PROCEEDINGS -9-
February 16, 2012

Lou Anne Sunday, 22720 Brookdale, expressed support for Mr. Thomas keeping a small horse on his property.

Deborah Bound, 33237 Cloverdale, requested copies of the proposed ordinances.

COUNCIL COMMENT

Galvin noted the new signage at Drakeshire Plaza and assumed it was up to code.

Galvin asked if there was ongoing dialogue with Printwell to determine if there is another location in Farmington they would consider for their relocation.

Pastue expressed the importance of keeping an ongoing dialogue with them.

In addressing the proposed animal control ordinances, Cowley pointed out Councilmembers are stewards of both the neighborhoods and downtown. He believes a good idea means it is not a nuisance to your neighbors. He advised if a nuisance is a danger to a resident, pet, etc. it is a problem and devalues property. He believes the value of property located next to a "chicken ranch" or "ferret ranch" or "fox den" would be affected. He does not want to put more enforcement on Public Safety in monitoring increased animal control. He would like to see closure on the ordinances without six months of analysis.

McShane asked about the opening on the DDA Board as to whether it must be filled by a resident or business owner.

Pastue confirmed the opening could be for a resident or business owner.

Buck referred to recent correspondence received from a resident concerning power surges and blackouts in his neighborhood. He requested City Administration contact DTE regarding this problem.

ADJOURNMENT

02-12-043 MOTION by McShane, seconded by Galvin, to adjourn the meeting.
MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 9:20 p.m.

J. T. (Tom) Buck, Mayor

Susan K. Halberstadt, City Clerk

APPROVED: March 19, 2012