

FARMINGTON CITY COUNCIL
REGULAR MEETING
JUNE 6, 2011

A regular meeting of the Farmington City Council was held on Monday, June 6, 2011, 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.

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

COUNCIL MEMBERS ABSENT: None.

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

PLEDGE OF ALLEGIANCE: Pastor Paul Bersche of The Crossing Church led the Pledge.

CONSENT AGENDA

06-11-089 MOTION by McShane, seconded by Knol, to approve the consent agenda as presented:

- A. Special Meeting Minutes of May 2, 2011.
- B. Joint Meeting Minutes of May 3, 2011.
- C. Regular Meeting Minutes of May 16, 2011.
- D. Monthly Public Safety Report, April 2011
- E. City of Farmington Monthly Payments Report, May 2011.

MOTION CARRIED UNANIMOUSLY.

APPROVAL OF REGULAR AGENDA

06-11-090 MOTION by Wiggins, seconded by Wright, to approve the regular agenda as amended; adding Item 7M – Consideration to Adopt Resolution Approving Outdoor Liquor Service – Basement Burger Bar. MOTION CARRIED UNANIMOUSLY.

PRESENTATIONS AND PUBLIC HEARINGS

PROCLAMATION – ESTRALEE MICHAELSON

Council issued a proclamation in recognition of Estralee Michaelson's 40 years of dedicated and professional service to the Farmington community. Ms. Michaelson recently retired from the Farmington Public School System.

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Ms. Michaelson was present to receive the recognition and thanked Council and the community for their support in her efforts to develop and administer programs to address student-related issues.

CONSIDERATION OF APPROVING RESOLUTION ACCEPTING BIDS AND ISSURANCE OF 2011 CAPITAL IMPROVEMENT BONDS

RESOLUTION 06-11-091 Motion by Knol, seconded by Wright, to adopt a resolution awarding the bid for the purchase of the City's 2011 General Obligation Capital Improvement Bonds in the amount of \$2,215,000 to Robert W. Baird & Co., Inc. [SEE ATTACHED RESOLUTION].

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

FARMINGTON RUN FOR THE HILLS

On behalf of Ed Anderson, Coordinator for Run for the Hills, Pastue announced the Farmington Run for the Hills race is scheduled for Saturday, August 20, 2011 in Shiawassee Park at 8:30 a.m. The proceeds from the race will be donated to Special Olympics. He advised registration for the event can be completed at "Farmingtonrunforthehills.com".

Wiggins expressed concern regarding the permanency of pavement markings used in previous events. He asked if event coordinators could refrain from pave markings or possibly use a different product.

Pastue noted most of the run takes place in Farmington Hills.

Schulz suggested using the same marking product used at the Art on the Grand event.

McShane recommended the City make it a policy that all markings used for events must be the type that disappear within 24-48 hours of the event.

MISS OAKLAND COUNTY CONTESTANTS – FRANCESCA TUZZOLINO, EXECUTIVE DIRECTOR

Francesca Tuzzolino, Executive Director of the Miss Oakland County Pageant, was present to discuss the upcoming 2011 event.

Elizabeth Hawthorne, current Miss Oakland County, was also present to discuss her reign and the activities in which she was involved over the past year. She introduced a few of the 2011 pageant contestants.

PUBLIC HEARING – FISCAL YEAR 2011-12 BUDGET AND MILLAGE RATES

Pastue reviewed the proposed Fiscal Year 2011-12 budget and millage rates.

06-11-092 MOTION by McShane, seconded by Wiggins, to open the public hearing to receive public comment on the proposed FY 2011-12 budget and millage rates. MOTION CARRIED UNANIMOUSLY.

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

06-11-093 MOTION by McShane, seconded by Wiggins, to close the public hearing. MOTION CARRIED UNANIMOUSLY.

2010 PUBLIC SAFETY ANNUAL REPORT

Director Schulz provided a review of the Public Safety Department (DPS) activities and crime experience in 2010. He reported Part A crimes were down 1.7% and no armed robberies occurred. The department received a federal grant covering 95% cost of a new fire truck.

Schulz noted the department began alcohol testing for the 47th District Court. He further noted the department responded to four structure fires and completed 215 fire inspections.

Wright stated the report was great and thanked the DPS staff for all they do.

McShane concurred that the report was wonderful, easy to read, and very informative. She suggested providing a hard copy at the DPS desk for residents to read. She asked if any of the 67 special services cited in the report are joint services.

Schulz advised some of the special services are in partnership with the schools, City of Farmington Hills, etc.

McShane suggested using this information as part of the City's "dashboard" report to the State.

McShane asked about the 683 calls for service shown in the report. Schulz responded the department does not keep demographics on who is requesting service. Responding to an additional question, Schulz indicated unlike Farmington DPS a number of agencies do not respond to service calls such as "lock outs".

McShane noted a significant reduction in fire calls. She stated this indicates there is no longer a need for big fire department buildings with all the related equipment.

Schulz pointed out that significant advances in fire safety including better building materials and education has greatly reduced the number of fires.

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McShane commented that narcotics and drug violations are up 142%, an area in which the City needs to take a closer look.

Knol stated the report was good and asked for clarification on how fire runs are calculated.

Schulz advised the significant increase in fire runs was due to a change in how runs were reported. The 2010 number includes all fire responses whether they required a police car or fire truck and whether or not there was an actual fire.

Buck stated it is a credit to DPS that there were no armed robberies in Farmington last year. He commented the department does a good job of taking care of our community.

06-11-094 MOTION by Knol, seconded by McShane, to receive and file the 2010 Public Safety Annual Report. MOTION CARRIED UNANIMOUSLY.

SPECIAL EVENT REQUEST CELEBRATION? CELEBRATION/FAITH COVENANT CHURCH

Walt Cesarz, representing Faith Covenant Church, was present to discuss the purpose of the event.

06-11-095 MOTION by Wiggins, seconded by Knol, to approve a special event request from the Faith Covenant Church to conduct a Celebration? Celebration event scheduled for Sunday, July 24, 2011, 4:00 – 8:00 p.m., at the Sundquist Pavilion and Riley Park. MOTION CARRIED UNANIMOUSLY.

OLD BUSINESS

CONSIDERATION TO ADOPT ORDINANCE C-752-2011 TO AMEND CHAPTER 35, ZONING, PERTAINING TO THE COMPOSITION OF THE BOARD OF ZONING APPEALS

06-11-096 MOTION by Wright, seconded by Wiggins, to adopt Ordinance C-752-2011 to amend Chapter 35, Zoning, to no longer require the Mayor serve on the Board of Zoning Appeals. **[SEE ATTACHED ORDINANCE].**

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ADOPT ORDINANCE C-753-2011 AMENDING CHAPTER 35 OF THE CITY CODE, ZONING, ARTICLE 14 – OFF-STREET PARKING, ARTICLE 21 – DEFINITIONS

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06-11-097 MOTION by Knol, seconded by McShane, to adopt Ordinance C-753-2011 to amend Chapter 35, Zoning, adding Article 14 – Off-Street Parking and Article 21 – Definitions. [\[SEE ATTACHED ORDINANCE\]](#).

ROLL CALL

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

CONSIDERATION TO ADOPT ORDINANCE C-754-2011 TO AMEND CHAPTER 23, PLANNING

06-11-098 MOTION by Wiggins, seconded by Knol, to adopt Ordinance C-754-2011 to amend Chapter 23, Planning. [\[SEE ATTACHED ORDINANCE\]](#).

ROLL CALL

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

CONSIDERATION TO ADOPT ORDINANCE C-756-2011 AMENDING CHAPTER 8, BUSINESS LICENSES

06-11-099 MOTION by McShane, seconded by Wright, to adopt Ordinance C-756-2011 amending Chapter 8, Business Licenses. [\[SEE ATTACHED ORDINANCE\]](#).

ROLL CALL

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

CONSIDERATION TO ADOPT ORDINANCE C-757-2011 AMENDING CHAPTER 18, MASSAGE FACILITIES

06-11-100 MOTION by Knol, seconded by Wright, to adopt Ordinance C-757-2011 amending Chapter 18, Massage Facilities. [\[SEE ATTACHED ORDINANCE\]](#).

ROLL CALL

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

Pastue advised that at the May 16th meeting Ordinance C-755-2011, Traffic Control Order regarding the intersection of State Street and Farmington Road was introduced. He further advised that as a result concerns expressed by Council,

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Director Schulz will set up a camera to monitor the number and timing of left hand turns at that intersection. This will provide more information in order to address Council's concerns. Therefore adoption of this ordinance will be delayed.

McShane recommended that clear alternatives and signage should be provided when traffic changes are made.

Buck commended the Traffic and Safety Board for identifying that intersection as a potential safety hazard.

NEW BUSINESS

CONSIDERATION TO AMEND FISCAL YEAR 2010-11 BUDGET

Wright asked if any of the proposed changes have come before Council throughout the year.

Pastue responded some of them have been brought before Council through the budget process and at earlier meetings.

RESOLUTION 06-11-101 Motion by McShane, seconded by Knol, to adopt a resolution approving comprehensive amendments to the Fiscal Year 2010/11 budget. [SEE ATTACHED RESOLUTION].

ROLL CALL

Ayes: McShane, Wiggins, Buck, Knol.

Nays: Wright.

Absent: None.

MOTION CARRIED.

CONSIDERATION OF RESOLUTION TO ADOPT FISCAL YEAR 2011-12 BUDGET AND MILLAGE RATES

Buck advised Council received a comprehensive report from Administration regarding millage comparables of neighboring communities.

McShane noted the data shows Farmington is in the middle and not out of line with other communities.

Wright expressed the importance of comparing our millage rates to our peers to judge the City's efforts in a fair way. He noted the City stands up reasonably well. He emphasized the importance of reviewing this data on an annual basis.

Wright expressed concern that the City is deferring its commitment to the capital side of the needs for the City. He advised this cannot continue indefinitely. He stated in future years the City will have to find additional revenue or reduce operating expenses in order to continue the longer term capital needs of the City.

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Buck noted the millage comparison report is based on 2010 data and some of the millage rates have increased since that data was published. He stated the City is probably in an even better position than reflected in the report. He recognized the sacrifice of residents and employees to achieve a balanced budget.

RESOLUTION 06-11-102 Motion by Wiggins, seconded by Wright, to adopt a resolution approving the Fiscal Year 2011-12 Budget and Millage Rates. [SEE ATTACHED RESOLUTION].

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ADOPT DOWNTOWN DEVELOPMENT AUTHORITY'S FISCAL YEAR 2011-12 BUDGET AND ESTABLISH 2011 PRINCIPAL SHOPPING DISTRICT SPECIAL ASSESSMENT

McShane advised the DDA needs to seriously look at ways to refine and improve their current structure and programs in order to stay within their budget.

Knol agreed with the DDA Board decision to maintain the current PSD rate.

Wiggins was pleased that Council's two major concerns expressed at an earlier meeting regarding the PSD rate and the market study have been addressed.

RESOLUTION 06-11-103 Motion Wright, seconded by Wiggins, to approve a resolution to adopt the Fiscal Year 2011-12 Downtown Development Authority Budget and establish 2011 Principal Shopping District special assessment. [SEE ATTACHED RESOLUTION].

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

Buck stated this budget enables the DDA to continue its effort to recruit businesses and make the downtown a great place for businesses to relocate.

CONSIDERATION TO ADOPT FISCAL YEAR 2011-12 47TH DISTRICT COURT, BROWNFIELD REDEVELOPMENT AUTHORITY AND JOINT AGENCY BUDGETS

RESOLUTION 06-11-104 Motion by Knol, seconded by McShane, to adopt a resolution approving the Fiscal Year 2011-12 Budget for the 47th District Court, Brownfield Redevelopment Authority, and joint agency budgets. [SEE ATTACHED RESOLUTION].

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ADOPT RESOLUTION TO AMEND RESIDENTIAL REFUSE/RECYCLING USER CHARGE

RESOLUTION 06-11-105 Motion by McShane, seconded by Wright, to adopt a resolution amending the Residential Refuse/Recycling User Charge effective July 1, 2011. [SEE ATTACHED RESOLUTION].

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO AMEND WATER AND SEWER RATES, EFFECTIVE JULY 1, 2011

Responding to a question from Wright, Pastue stated if Council had implemented a 9% increase recommended by Administration last year rather than the approved 5%, this year's increase would probably have been 11% rather than 15%. Pastue pointed out that when the decision was made last year the City was unsure if the decline in consumption was due to weather or consumer behavior. It has since been determined that it is in fact consumer behavior.

RESOLUTION 06-11-106 Motion by Wiggins, seconded by Knol, to amend fees associated with water and sewer rates effective July 1, 2011. [SEE ATTACHED FEE SCHEDULE].

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO CONTINUE GENERAL ACCOUNTING SERVICES FOR SWOCC

RESOLUTION 06-11-107 Motion by Knol, seconded by McShane, to authorize continuation of general accounting services for SWOCC for a one-year period beginning July 1, 2011 with compensation set at \$15,218 in cash and in-kind production services equivalent to \$5,690.

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ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ACCEPT BIDS FOR 2011 ROAD AND WATER MAIN REPLACEMENTS AND AWARD CONTRACT

Wiggins asked if City Administration was concerned about the 30% spread between the high and low bidders in terms of service and product.

Pastue responded he was comfortable with the low bid and the service that would be provided.

RESOLUTION 06-11-108 Motion by Wright, seconded by Wiggins, to accept bids for the 2011 Road and Water Main Replacement Projects and award contract to Sole Construction in the amount of \$724,094.15.

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION OF RESOLUTION TO AMEND CITY ADMINISTRATIVE MANUAL

City Administration recommended that the City Council amend the Administrative Manual to align non-union employee benefit plans with those of the bargaining unit.

RESOLUTION 06-11-109 Motion by McShane, seconded by Wiggins, to adopt a resolution amending the City Administrative Manual regarding sick leave retroactive to July 1, 2010. [\[SEE ATTACHED RESOLUTION\]](#).

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION OF RESOLUTION REGARDING APPOINTMENTS TO THE PLANNING COMMISSION AND ESTABLISH NEW TERMS OF OFFICE

RESOLUTION 06-11-110 Motion by Wiggins, seconded by Wright, to adopt a resolution restating the appointments of members on the Planning Commission and their term of office. [\[SEE ATTACHED RESOLUTION\]](#).

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ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO INDICATE THE CITY OF FARMINGTON'S INTENT TO ASSIGN FUND BALANCE FOR A SPECIFIC PURPOSE FOR FINANCIAL REPORTING PURPOSES

RESOLUTION 06-11-111 Motion by Knol, seconded by Wiggins, to adopt a resolution authorizing the City Manager to indicate the City of Farmington's intent to assign Fund Balance for a specific purpose for financial reporting purposes. **[SEE ATTACHED RESOLUTION].**

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO CANCEL JUNE 20, 2011 REGULAR MEETING

RESOLUTION 06-11-112 Motion by Wright, seconded by Knol, to approve cancelling the June 20, 2011 regular meeting.

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION OF OUTDOOR LIQUOR LICENSE – BASEMENT BURGER BAR, 33316 GRAND RIVER

06-11-113 MOTION by Wiggins, seconded by McShane, to allow Mayor Buck to recuse himself from participating in the discussion and vote on the approval of outdoor liquor service at the Basement Burger Bar due to a conflict of interest.

ROLL CALL:

Ayes: Wright, Knol, McShane, Wiggins.

Nays: None.

Abstain: Buck.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

Pastue advised that at the May 16, 2011 Council approved a resolution to allow outdoor liquor service at The Basement Burger Bar, Inc. He stated the Michigan

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Liquor Control Commission did not approve the resolution due to the inclusion of the license agreement language.

Pastue requested approval of a revised resolution removing the license agreement language.

RESOLUTION 06-11-114 Motion by McShane, seconded by Knol, to adopt a resolution approving a request from The Basement Burger Bar, Inc. for a new outdoor service to be held in conjunction with a 2011 Class C licensed business located at 33316 Grand River. **[SEE ATTACHED RESOLUTION].**

ROLL CALL

Ayes: Knol, McShane, Wiggins, Wright.

Nays: None.

Abstain: Buck.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENT

No Public Comment was heard.

COUNCIL COMMENT

Responding to a question from McShane, Pastue advised interviews will be arranged to fill a vacancy on the Planning Commission.

Responding to an additional question from McShane, Pastue confirmed there will be no Joint Agency Budget meeting this year.

McShane asked about the status of the request from Mentobe Café for outdoor seating in the rear of the café.

Pastue stated he has met with the owners and is open to some type of outdoor seating if it would make it more comfortable for patrons to enter from the back. He pointed out that it is a public area and he does not want to lose two parking spaces located there. He noted any changes will not take place until after the construction is completed in the alley.

McShane pointed out Mentobe needs a buffer for customers from cars that park in that area. She pointed out parking was given up for Gala Restaurant outdoor seating.

McShane congratulated the DDA for successful events they put on this past weekend including Art on the Grand.

Buck recognized the efforts of City Administration including the Treasurer's office in putting together the budget.

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Pastue thanked Council for their patience in working through the budget process.

ADJOURNMENT

06-11-115 MOTION by McShane, seconded by Knol, to adjourn the meeting.
MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 9:00 p.m.

J. T. (Tom) Buck, Mayor

Susan K. Halberstadt, City Clerk

APPROVED: July 18, 2011