

FARMINGTON CITY COUNCIL
SPECIAL MEETING
October 6, 2008

A special meeting of the Farmington City Council was held on Monday, October 6, 2008, 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 Knol.

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

COUNCIL MEMBERS ABSENT: None.

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

APPROVAL OF AGENDA

10-08-189 MOTION by McShane, seconded by Wiggins, to approve the agenda as submitted. MOTION CARRIED UNANIMOUSLY.

BUSINESS ITEMS

CONSIDERATION TO RATIFY DISPATCH COLLECTIVE BARGAINING AGREEMENT

Councilmember Wright asked regarding the defined contribution for healthcare and how it would be handled if during the contract term the government implemented national healthcare.

City Manager Pastue responded the national program would supersede what is provided in the contract.

Wright stated in future negotiations this should be an issue to consider.

RESOLUTION 10-08-190 Motion by Wright, seconded by Wiggins, to ratify a two-year collective bargaining agreement with the POAM Dispatch Bargaining Unit effective January 1, 2008. **[SEE ATTACHED AGREEMENT]**.

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDER SCHEDULING A PUBLIC HEARING RE: 2009 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Councilmember McShane asked if CDBG funds could be used to help residents repair their homes. She recognized funds are typically given to the senior center.

Pastue responded the City has historically referred residents seeking financial assistance for their home repairs to the Oakland County home improvement program. He stated if the City decided to make a change to the distribution of CDBG funds a set of criteria would need to be developed for eligibility.

Mayor Knol asked if there is data available regarding the number of Farmington residents that have applied for a grant from Oakland County. Pastue responded that information is likely available.

Councilmember Wiggins stated he is aware of one resident who applied to the Oakland County program. He expressed support for applying the CDBG funds to the senior center.

Discussion followed regarding how Oakland County allocates CDBG funds and use of those funds in areas other than the senior center.

Wright confirmed with the City the funds are part of the shared services agreement with Farmington Hills. He requested a copy of the CDBG program information.

10-08-191 MOTION by McShane, seconded by Buck, to schedule a public hearing for October 20, 2008 at 8:00 p.m. to receive public comment on the proposed PY2009 Community Development Block Grant program application. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE FIREWORKS DISPLAY AT FARMINGTON HIGH SCHOOL

10-08-192 MOTION by Buck, seconded by Wright, to approve a fireworks display at Farmington High School on Thursday, October 16, 2008 with an alternate date of October 17, 2008. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE RESOLUTION WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION REGARDING THE GRAND RIVER STREETScape PROJECT

Mayor Knol asked regarding the inclusion of a date for a baseline traffic study in the resolution. Pastue responded a baseline study was not included in the resolution. He stated it is better to generalize regarding a standard measure rather than identify a specific target.

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RESOLUTION 10-08-193 Motion by Buck, seconded by Wiggins, to adopt a resolution approving the Grand River Streetscape conceptual plan and to conditions placed on the project by the Michigan Department of Transportation. [SEE ATTACHED RESOLUTION].

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

STUDY SESSION TOPICS

PRESENTATION – DOWNTOWN TAX INCREMENT FINANCE PLAN

Downtown Development Authority Director Annette Knowles provided a detailed description of the proposed Tax Increment Finance (TIF) Plan.

McShane questioned on whose authority the bonds issued by the Downtown Development Authority will be guaranteed. Knowles responded the DDA does not issue bonds. She stated the DDA would request the City issue bonds pledging TIF revenue as the source of funding. She stated if bonds were issued, the DDA would have to set aside those funds first before any other projects or programs are implemented. She noted when the DDA budget is prepared the debt service comes first.

Responding to an additional question from McShane, Knowles stated at the time a bond issue is requested the DDA must identify the specific project to be funded. She further stated the DDA Board would work closely with Council by providing information in advance of impending projects. She noted the DDA Board will be working on a capital improvement plan.

McShane confirmed the Council has the ability to approve the DDA budget, make DDA appointments and is part of the bond issuance process.

Wiggins confirmed the 100% TIF capture is based on the 1986 valuation.

Mayor Knol clarified TIF funds are not coming from homeowners, only those who live in the DDA District. She stated this is money that does not currently exist, but rather it is based on increased growth. She recommended the DDA provide as much information as possible to the community regarding this complicated subject.

Buck noted the Library will see only a slight reduction in their budget. He further noted the Library Board has expressed support for the proposed changes. He pointed out that three Councilmembers are property owners in the DDA and will be impacted by this change. He stated with this increased funding the DDA will be able to undertake projects that will drive valuations upward in the downtown. He further stated a thriving downtown will result in a prosperous and vital community.

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Buck stated it is likely there are some unknowns going forward under this new plan, but he expressed confidence in the excellent relationship between City Council and the DDA.

Wright noted other communities with an active DDA are experiencing growth and expansion. He stated the City needs to make an even greater commitment in that direction. He noted the window of opportunity is short.

McShane stated given the current economic environment with increased gas prices and trend towards smaller homes downtown Farmington is an excellent investment.

PRESENTATION – PROPOSED DDA ORDINANCE AMENDMENT

Director Knowles reviewed the proposed amendments to the DDA Ordinance.

Pastue advised the public hearing for the proposed ordinance changes will be held on October 20, 2008 followed by adoption on November 3, 2008.

DISCUSSION REGARDING CODE ENFORCEMENT

Present: Steve Meads, Attorney, 47th District Court

Pastue briefly reviewed the current process in place to address code violations relative to residential and commercial properties. He stated Steve Meads, 47th District Court Attorney, was present to provide insight on the court process and what the courts are seeking when a code violation comes before them. He noted Director Gushman and Code Enforcement Officer Koncsol use discretion in sending cases to the court. He stated the court has expressed satisfaction with the way City staff manages code violations.

Attorney Meads noted he has worked with Director Gushman and Officer Koncsol for many years. He stated they have worked hard to establish credibility with the judges and magistrates relative to code or building violations. He advised 85% of the cases brought forward by the City are remedied at the magistrate level. He stated on the more serious cases he meets with City staff before it is brought before the district judge. He noted Officer Koncsol is very professional with both residents and court staff. He stated Officer Koncsol only brings issues that deserve remedy by the judges.

Mayor Knol asked why there has been no remedy to the Annewood Street property.

Meads responded that after a review of the file and visit to the property, he requested an administrative search warrant to enter the property. He stated based on what he presented to the court his request was denied. He noted the constitutional issues related to entering a residence.

Director Gushman stated the court has allowed the removal of the greenhouse, several trees, and sealing a hole in the roof. As a result, the property from curbside looks acceptable.

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Attorney Mead stated entering a residence in the eyes of the court requires a much higher standard of proof or need than simply cutting the grass or tree removal.

Mayor Knol asked regarding the process for removal of junk cars. Attorney Mead responded once a civil infraction is issued a court date is set as identified on the ticket. He stated the court date is usually set within a week of the issuance of a civil infraction. He further stated based on that informal hearing the magistrate may order an immediate remedy. He stated if that does not occur, Officer Koncsol would put together a motion and order that day to present to the court. The offender is then given a 72-hour notice to remedy the violation.

Pastue stated the court prefers the property owner work with the City in resolving a violation.

McShane expressed concern regarding safety of residents and property values. She stated the City should continue to pursue all options to achieve greater efficiency in the remedy of code violations. She asked Mr. Mead for any assistance towards that end.

Buck questioned whether the City is too patient in achieving remedies to code violations.

Attorney Mead responded no. He stated the judges and magistrates appreciate the City's effort to resolve an issue before it gets into the court system.

Wright noted the deplorable condition of the Annewood property. He stated a picture of the interior of the property should convince a court that a remedy needs to take place. He cited the potential danger if the interior of the house is not addressed. He stated there must be a legal avenue to resolve this issue. He noted this property has been in a deteriorating condition for years. He expressed sympathy for nearby residents and the effect on their property values.

Pastue advised the City has begun taking a stronger approach to code violations. He discussed the City's ongoing effort to expedite and improve this process.

Wright asked about what can be done regarding the Annewood property.

Attorney Mead responded if he had a report, for example, of teenagers partying inside the house or the pipes had burst he would have enough justification for the court to allow the City to enter the property.

Wright expressed concern regarding the implications of abandoned homes in a community. He would like the City to find ways to address this issue.

Knol noted the term "dangerous structure" may need to be redefined. She stated a house cannot be allowed to remain in a deteriorated condition.

Discussion followed regarding what defines a "dangerous structure."

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Knol asked how the City would proceed if there was a broken window in a vacant home.

Gushman responded the City would first determine ownership of the property and send written notice. He stated Public Safety would be directed to secure the home.

Mead stated a citation would have to be issued to get it into the court and at that point a judge or magistrate would likely order the window be boarded up. He confirmed it would take approximately a week.

Discussion followed regarding the difficulties of addressing foreclosed homes.

Pastue confirmed the City's current procedures for addressing code violations is good, but expressed the need to expedite the process.

Knol stated there should be a way to get the City onto a property quicker when a house is vacant.

Wright stated the owner of an abandoned property should feel economic pain. He stated a lien could be applied if the City improves the property to a level comparable to the area and the owner does not pay the cost.

Pastue discussed an ordinance recently adopted by the City of Flint concerning the issue of foreclosed homes. He advised this issue will be brought back to Council. He noted the City is looking at reissuing all outdoor seating permits.

McShane suggested placing information in the City newsletter concerning the steps being taken to address code violations.

DISCUSSION REGARDING RECREATIONAL VEHICLES

Pastue advised the City Attorney recently reviewed the ordinance on recreational vehicles. He stated his general assessment is the City is in a better position than most communities in terms of restrictions. He advised there are certain policy decisions Council may want to consider such as screening requirements.

In regards to stored vehicles on property, Pastue stated the number of vehicles could be tied to lot coverage.

Wright expressed support for requiring screening of recreational vehicles. He stated the expense of screening would deter storage of vehicles on residential property.

Discussion followed regarding the type of screening that would be required. Wright expressed support for a fast growing hedge.

McShane stated this is an extremely difficult issue because such restrictions could be challenged in the courts. She questioned the City's ability to enforce screening.

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Knol stated it would be difficult to apply restrictions to vehicles that are licensed and drivable. With regard to storage of recreational vehicles, she expressed support for tying them to a percentage of property. She also supported requiring setbacks.

Pastue stated he would pursue the idea of stored vehicles as a percentage of property with the City Attorney. He will report back to Council on this issue.

OTHER BUSINESS

No other business was heard.

PUBLIC COMMENT

None was heard.

COUNCIL COMMENT

Buck congratulated the DDA and City staff on a successful Harvest Moon event at Riley Park.

Mayor Knol thanked Karen Buck for creating a wonderful scarecrow on Council's behalf.

McShane asked about the status of the Branding Study and the Switchback Project.

Buck responded the creative phase of the Branding Study is coming to a conclusion. He stated results will be presented to Council in the near future. He further stated they are 4-5 weeks away from implementation steps.

Pastue stated a design process needs to be set up for the Switchback Project.

McShane noted in a recent article Farmington was cited as a top City in recycling. She noted other recognitions the City has received. She suggested creating a brochure that incorporates all the recognitions and positive features of Farmington.

Buck noted it would be a wonderful project for an intern.

Knol requested the City put the recycling recognition on the website and place it in the City newsletter.

Wiggins noted a recent ordinance violation that was successfully resolved.

ADJOURNMENT

10-08-194 MOTION by McShane, seconded by Wiggins, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 9:46 p.m.

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Valerie S. Knol, Mayor

Susan K. Halberstadt, City Clerk

APPROVED: November 17, 2008