

FARMINGTON CITY COUNCIL  
REGULAR MEETING

A regular meeting of the Farmington City Council was held on Tuesday, September 6, 2005 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 8:05 p.m. by Mayor Campbell.

PRESENT: Bush, Campbell, Knol, Mitchell.

ABSENT: McShane.

CITY ADMINISTRATION: Clerk/Treasurer Cantrell, Director Gushman, Deputy Clerk Halberstadt, Director Nebus, City Manager Pastue, Attorney Schultz.

**APPROVAL OF AGENDA**

**09-05-196** MOTION by Bush, seconded by Knol, to approve the agenda as submitted. MOTION CARRIED UNANIMOUSLY.

**MINUTES OF PREVIOUS MEETING**

**09-05-197** MOTION by Mitchell, seconded by Knol, to approve the special and regular meeting minutes of August 1, 2005. MOTION CARRIED UNANIMOUSLY.

**PRESENTATIONS/PUBLIC HEARINGS**

**CONTRIBUTION FROM JOHN DINAN FAMILY**

City Manager Pastue stated that the John Dinan family had donated \$25,000 to the Downtown Center Project. He recommended that in recognition of both the donation and Mr. Dinan's service to the community as former City Manager, a plaque be placed on a kiosk in the Farmers Market Plaza.

Mayor Campbell and Council thanked the Dinan family who were present for their generous donation.

**PETITIONS AND COMMUNICATIONS**

**SCHOOL TAG DAYS**

**09-05-198** MOTION by Bush, seconded by Mitchell, to grant permission to the Farmington High Schools' Band and Orchestra Boosters to hold a "Tag Days" fundraising event Friday, September 16, 2005 from 3:00 p.m. to 9:00 p.m. and Saturday, September 17, 2005 from 7:00 a.m. to 6:00 p.m. at the entrances of local merchants with their permission. MOTION CARRIED UNANIMOUSLY.

**APPROVAL OF PAVILION GRAND OPENING EVENT AND AUTHORIZATION TO APPLY FOR TEMPORARY LIQUOR LICENSE**

Administration advised that Mary Martin, Interim Downtown Development Authority (DDA) Director, was present to answer questions regarding the proposed Pavilion Grand Opening Event and the request from the DDA for a temporary liquor license.

Councilmember Mitchell expressed concern regarding serving alcohol at the event and asked where it would take place.

Martin responded that all activities would take place in and around the pavilion. She noted that wine and beer would only be served during evening activities. She further discussed security surrounding the event.

Mitchell cited his concern regarding serving alcohol at a family-friendly park and asked about the possibility of future events at the pavilion involving the use of alcohol.

Martin responded that she did not foresee any future events involving alcohol but agreed that this event opens the door for that possibility.

Mayor Campbell also expressed his concern regarding setting a precedent of alcohol use at City events.

Martin responded that the majority of the event would be family-oriented, however, the Pavilion Committee planned the evening events based on what would be successful and would draw people to those activities.

Councilmember Bush expressed her support for serving alcohol during the evening events, noting the short time period in which it would be served. She stated that precedent for serving alcohol at City events had already been set by the Founders Festival.

Mitchell responded that the Pavilion event is different from the Founders Festival in that it is a grand opening, ribbon-cutting occasion. He concurred that alcohol at a private event for sponsors would be appropriate. He noted that in the future the Founders Festival is seeking to separate itself from events that serve alcohol. He further stated that serving alcohol at a city-sponsored event is sending the wrong message to the community. He noted that Councilmembers serve on Call-To-Action Coalition and Youth Assistance committees where alcohol related issues are addressed.

Councilmember Knol stated her support for the Pavilion Committee and their plans for the pavilion grand opening. She noted that alcohol is not the primary component of this event. She stated that beer and wine are served at most grand opening or gala celebrations. She noted the importance of the activities of the Call-To-Action Coalition, but emphasized that the City's main focus is responsible drinking.

**RESOLUTION 09-05-199** Motion by Knol , seconded by Bush, to approve a Pavilion Grand Opening Event and authorize the Downtown Development Authority to apply for

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a temporary liquor license for Friday, October 21 and Saturday, October 22, 2005.  
MOTION CARRIED, THREE AYES, ONE NAY (MITCHELL).

**REPORTS FROM CITY MANAGER**

**CONSIDERATION TO RATIFY EMERGENCY SEWER REPAIR EXPENSE**

Administration advised that City personnel discovered a collapsed section of the sewer main along Grand River during routine cleaning. Administration further advised that authorization was given to the Public Services Department to employ a contractor to perform the necessary emergency repairs. Administration requested that Council ratify the expenditure for this repair since it exceeded the \$4,000 bid requirement.

**RESOLUTION 09-05-200** Motion by Mitchell, seconded by Knol, to ratify payment to SBG Detroit Inc. in the amount of \$29,346.39 for emergency sewer main repairs along Grand River Avenue.

**ROLL CALL**

Ayes: Campbell, Knol, Mitchell, Bush.  
Nays: None.  
Absent: McShane.  
MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPROVE PAY ESTIMATE #2 FOR DOWNTOWN CENTER IMPROVEMENT PROJECTS**

**RESOLUTION 09-05-201** Motion by Bush, seconded by Mitchell, to approve payment of construction estimate #2 in the amount of \$93,437.24 to ABC Paving Company for work completed on the Downtown Center Improvements Project.

**ROLL CALL**

Ayes: Knol, Mitchell, Bush, Campbell.  
Nays: None.  
Absent: McShane.  
MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPROVE PAY ESTIMATE #2 FOR 2005 PAVING PROGRAM**

**RESOLUTION 09-05-202** Motion by Knol, seconded by Mitchell, to approve payment of construction estimate #2 in the amount of \$102,415.84 to Cadillac Asphalt for the 2005 Paving Program.

**ROLL CALL**

Ayes: Mitchell, Bush, Campbell, Knol.  
Nays: None.  
Absent: McShane.  
MOTION CARRIED UNANIMOUSLY.

### **CONSIDERATION TO SCHEDULE PUBLIC HEARING TO VACATE ALLEY**

Administration advised that an agreement had been reached with lot owners who abut an alley that is primarily west of Wilmarth Street. Administration discussed the three components of the agreement including: improvements to the portion of the alley abutting lots 20, 68-69, 70 and 71; owner of lot 72 will not initially participate, leaving that portion of the alley unimproved; and a public hearing would be scheduled to consider vacating the remainder of the alley. Administration further advised that as part of the agreement, owner of lot 20 has agreed to pay for the cost of the improvements with the City contributing 25% toward the project.

Attorney Schultz advised that the City will request that property owners who will benefit from the alley improvements sign an agreement outlining their responsibility.

Responding to a question, City Manager Pastue stated that if the alley requires a capital repair in the future, the property owners could apply for a special assessment.

**RESOLUTION 09-05-203** Motion by Bush, seconded by Mitchell, to adopt a resolution to schedule a public hearing for Monday, October 3, 2005 at 8:00 p.m. to consider vacating the alley west of Wilmarth Street. **[SEE ATTACHED RESOLUTION]**. MOTION CARRIED UNANIMOUSLY.

### **CONSIDERATION TO ADOPT RESOLUTION REGARDING DONATION FROM DINAN FAMILY**

**RESOLUTION 09-05-204** Motion by Mitchell, seconded by Bush, to adopt a resolution to accept a donation in the amount of \$25,000 from the family of John Dinan for the Downtown Center Improvement Project. **[SEE ATTACHED RESOLUTION]**.

### **ROLL CALL**

Ayes: Bush, Campbell, Knol, Mitchell.

Nays: None.

Absent: McShane.

MOTION CARRIED UNANIMOUSLY.

### **CONSIDERATION OF LIQUOR CONTROL COMMISSION RESOLUTION AUTHORIZING STOCK TRANSFER OF CLASS C LICENSE, 35135 GRAND RIVER**

Administration advised that the City received a request through the Liquor Control Commission to authorize a stock transfer for the Class C license at 35135 Grand River Avenue, the Great Wall of China. Administration further advised that the Public Safety Department has investigated the transfer request and recommended approval.

**RESOLUTION 09-05-205** Motion by Knol, seconded by Mitchell, to adopt a resolution approving the request from the Great Wall of China Inc. to transfer stock in 2004 Class C Licensed Business, located at 35135 Grand River, by dropping Henry C. Lum, deceased, as stockholder through transfer of his 10,000 shares of stock to the new stockholder, Kit Wan Lum. **[SEE ATTACHED RESOLUTION]**. MOTION CARRIED UNANIMOUSLY.

## **CONSIDERATION TO APPROVE RADIO SYSTEM AGREEMENT WITH OAKLAND COUNTY**

Administration recommended approval of an agreement between Oakland County and the City of Farmington, allowing the Farmington Public Safety Department to participate in the Oakland County Radio System. Administration advised that the system represents an on-going effort to allow local police and fire agencies to communicate more effectively. Administration further advised that the County would own the equipment and would allow the City to utilize it subject to rules and procedures established by the CLEMIS Oversight Subcommittee.

**RESOLUTION 09-05-206** Motion by Knol, seconded by Mitchell, to approve an agreement with Oakland County to participate in the Oakland County Radio System. **[SEE ATTACHED AGREEMENT].**

### **ROLL CALL**

Ayes: Campbell, Knol, Mitchell, Bush.

Nays: None.

Absent: McShane.

MOTION CARRIED UNANIMOUSLY.

## **CONSIDERATION TO ADOPT AMENDED RESOLUTION APPROVING SUBMISSION OF BALLOT LANGUAGE TO ELECTORS PERTAINING TO PURCHASING POLICIES AND PROCEDURES**

Administration advised that Council had previously adopted two resolutions relative to proposed charter amendments. Administration further advised that the State Attorney General's Office subsequently reviewed those proposals and recommended making them one ballot issue. Administration advised that City Attorney Schultz has drafted a new resolution incorporating those changes.

**RESOLUTION 09-05-207** Motion by Bush, seconded by Mitchell, to approve an amended resolution to place language on the November 8, 2005 ballot to consider amending section 12.1 of the City Charter dealing with *Purchase and Sale of Property*, and to amend Section 12.2 of the City Charter dealing with *Contracts*. **[SEE ATTACHED RESOLUTION].**

### **ROLL CALL**

Ayes: Knol, Mitchell, Bush, Campbell.

Nays: None.

Absent: McShane.

MOTION CARRIED UNANIMOUSLY.

## **MISCELLANEOUS**

### **APPROVE MONTHLY PAYMENTS REPORT**

**09-05-208** MOTION by Knol, seconded by Bush, to approve the monthly payments report for August 2005. MOTION CARRIED UNANIMOUSLY.

## **JULY AND AUGUST 2005 PUBLIC SAFETY DEPARTMENT REPORT**

Director Nebus noted that the Public Safety Department recently took part in "You Drink, You Drive, You Lose" campaign.

Knol suggested including information in the City's quarterly publication concerning crime in the area and how to stay safe.

Pastue stated that Oakland County had been working on its website to provide more information to Neighborhood Watch groups regarding safety.

Knol suggested working with apartment managers to get information out to tenants regarding crime prevention.

Nebus reported that Farmington's serious crime rate is down for the year by 6%. He stated that burglaries have increased only slightly.

Bush thanked Director Nebus for his comprehensive report. She stated that she was pleased to see that the changes implemented on Flanders Street were working well.

Bush expressed her concern regarding the poor condition of Farmington West Apartments and the continued ongoing crime at that location. She suggested educating apartment managers on better tenant screening.

Nebus stated that the Public Safety Department has been sending crime prevention alerts to apartment complexes where crime has occurred.

Bush suggested that Council consider a housing rental ordinance and emphasized the need to be proactive in addressing apartment housing crime.

Pastue responded that housing rental ordinances are usually more effective as they relate to older, dilapidated buildings.

## **PUBLIC COMMENT**

Richard Tupper, 23180 Cass, discussed the success of the recent Founders Festival. He thanked the City Council for their help, Jim Mitchell for serving as the Board President of the Festival, City Manager Pastue for his efforts and the Departments of Public Safety and Public Services for their excellent service. He announced that next year's festival would include additional crafters.

He discussed issues relative to the Alta Loma Subdivision, including disrepair of a fence between James Court and Freedom Road.

Pastue responded that the City has met with the respective property owner and have encouraged him to replace the fence or at a minimum perform substantial repairs.

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Tupper thanked the City for the removal of plantings that were obstructing view of traffic at Alta Loma and Farmington Road. He noted several commercial vehicles parked in the Alta Loma Subdivision and requested a review by the City Code Enforcement Officer. He cited the disrepair of the right hand lane on eastbound Grand River between Drake and Gill. He noted the long signal at Alta Loma and Farmington Road that clearly favors Farmington Road.

Tupper asked for direction on reporting solicitors who do not have a permit from the City. Pastue advised that he should call the business number of the Public Safety Department.

Tupper noted that the sign ordinance does not provide maximum dimensions on projecting signs.

He invited council candidates for the upcoming election to attend the Alta Loma Association biannual meeting on September 22, 2005.

Jeff McGowan, 21052 Larkspur, thanked the Public Safety Department for increased enforcement of Flanders Street, but noted that when the enforcement is gone the speeds go up. He suggested placing an unmarked car or cables on Flanders to determine the real speed.

Nebus responded that unmarked cars would be used when speed measures are taken for reporting back to Council.

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Knol noted that Farmington has a higher percentage of apartments than other communities and further noted that many are in disrepair. She suggested that in order to promote redevelopment of apartment buildings, the Planning Commission should assess those properties and determine if some could be rezoned to encourage other uses.

Knol inquired about the redevelopment of the Bel Aire Bowling Alley. She asked about an ordinance that would set a deadline for insurance companies to pay in property damage claims.

Pastue spoke about the possibility of establishing an ordinance whereby the City would hold in escrow a portion of insurance settlements until damaged property was either demolished or repaired to code.

Bush asked about setting a date for a special study session on September 26th. Council concurred to schedule a study session on Monday, September 26, 2005 at 7:00 PM.

Bush expressed her concern regarding the announcement that next year's Founders Festival would include Sunday. She stated that local ministers of the Salem and

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Methodist Churches have expressed opposition to this change and would be greatly impacted by it.

Mitchell responded that the Festival Board felt it was important to make the change because vendors expect to be open on Sunday. He further stated that he would work with the Churches to accommodate their needs.

Mayor Campbell expressed sadness over the loss of former Assistant City Manager Bob Schultz and requested a moment of silence in his honor. He noted that the City received a proclamation from the National League of Cities in recognition of Farmington's twenty-year membership. He also recognized the loss of Bill Burke who served on the Planning Commission for forty-one years. He recommended placing a plaque in Chambers in his honor.

Mayor Campbell recommended developing a list of revisions that need to be made to the City Charter. He further recommended the establishment of a five-member Charter Commission comprised of Patsy Cantrell, Tom Schultz, Jim Mitchell, Arnie Campbell and Alton Bennett. He asked Pastue to develop a resolution establishing the Commission.

Mitchell recognized the loss of Fred Siebert who was a former City Council Member.

**ADJOURNMENT**

**09-05-209** MOTION by Knol, seconded by Bush, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 9:26 p.m.

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Arnold T. Campbell, Mayor

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Patsy K. Cantrell, City Clerk/Treasurer

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Susan K. Halberstadt, Recording Secretary

APPROVED: SEPTEMBER 19, 2005