

FARMINGTON CITY COUNCIL  
REGULAR MEETING  
MAY 21, 2012

A regular meeting of the Farmington City Council was held on Monday, May 21, 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 7:10 p.m. by Mayor Buck.

**COUNCIL MEMBERS PRESENT:** Buck, Cowley, Galvin, Kuiken, McShane.

**COUNCIL MEMBERS ABSENT:** None.

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

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF ITEMS ON CONSENT AGENDA**

**05-12-101** MOTION by Galvin, seconded by Kuiken, to move item 3C to item 6A and approve the remaining items on the consent agenda:

- A. Study Session Meeting Minutes of April 2, 2012
- B. Study Session Meeting Minutes of April 16, 2012
- D. Special Meeting Minutes of April 23, 2012
- E. Special Meeting Minutes of May 7, 2012
- F. Approve Farmington Monthly Payments Report April 2012
- G. Approve Public works and Water Sewer Department 3<sup>rd</sup> Quarter Report, January 2, 2012 through March 31, 2012
- H. Approve City of Farmington Financial Report Quarter Ended March 31, 2012
- I. Approve City of Farmington Investment Report Quarter Ended March 31, 2012
- J. Approve 47<sup>th</sup> District Court Financial Report Quarter Ended March 31, 2012
- K. Farmington Public Safety Monthly Report, April 2012

MOTION CARRIED UNANIMOUSLY.

**APPROVAL OF REGULAR AGENDA**

**05-12-102** MOTION by McShane, seconded by Galvin, to approve the regular agenda as amended; moving item 3C to item 6A. MOTION CARRIED UNANIMOUSLY.

REGULAR MEETING -2-  
MAY 21, 2012

**PRESENTATIONS/PUBLIC HEARINGS**

**DETROIT INSTITUTE OF ARTS PRESENTATION/Michelle Hauske**

Michelle Hauske thanked Farmington for its continuing support of the DIA. She thanked and recognized Director Annette Knowles and the DDA Board for their assistance in making the Art Walk a success.

Galvin inquired regarding the type of material used for the art displayed. Hauske replied they are high resolution digital vinyl prints with UV coating and silicone placed in a varnished real wood frame.

Galvin asked where the paintings go after the program. Hauske replied during the winter they will be displayed indoors at hospitals, etc. and used again next year.

McShane expressed delight with the outreach program and suggested auctioning the art at the program's end.

Kuiken added that the program is great and inquired regarding the DIA millage proposal. Hauske responded the proposal will be placed on the August ballot.

**VINCENT GREGORY, STATE SENATOR**

Senator Gregory discussed the budget process; stated all budgets are in conference committee. He voted against all the budget proposals except for State Police. He indicated Governor Snyder wants budgets completed by June 1<sup>st</sup>.

Senator Gregory advised the Senate approved the Personal Property Tax (PPT); stated any businesses making \$40,000 or less would be exempt. He does not support PPT legislation because the loss could devastate communities, expressing the need for replacement money.

Senator Gregory further stated the Michigan Municipal League (MML) was originally opposed, however, ended up taking a neutral position on PPT. He advised there is a proposal to change teachers' retirement healthcare benefits for current and future retirees; proposing a change from 90/10 to 80/20 split. He discussed additional retiree healthcare changes for new teachers.

Senator Gregory discussed other issues including cyber schools and the recently passed motorcycle helmet law.

Cowley inquired regarding the long term strategy for PPT. Gregory replied it is based on replacement funds. Cowley expressed support to eliminate PPT in order to give Michigan the ability to compete with surrounding states.

REGULAR MEETING -3-  
MAY 21, 2012

Cowley asked about Stand Your Ground gun law. Gregory stated it would not be passed anytime soon.

McShane expressed concern regarding the elimination of the PPT and pointed out the state balances its budget on the backs of Cities. She asked about the state sharing budget excess.

Senator Gregory replied part of the excess budget funds will be placed in the 'rainy day fund' and some will be used for community health. He spoke about possible replacement funds coming in 2016.

McShane noted cities have made a number of sacrifices and some have reached their limit. Senator Gregory advised the Michigan Municipal League is neutral on PPT and requested Council contact them with their comments and concerns.

Buck noted PPT creates a paperwork burden on businesses and stated the need to make it easier for businesses to operate in this state. Senator Gregory replied he has heard people say there should be a Constitutional Amendment for replacement revenue.

Kuiken noted a more competitive Michigan would mean more jobs which in turn would generate more revenue.

Senator Gregory noted PPT needs to be changed, but there needs to be some sort of replacement revenue.

Galvin inquired as to what other communities are doing relative to joint efforts. Senator Gregory responded a number of communities are joining together in placing bulk orders at a reduced rate.

Senator discussed the changes in the starting age for kindergarteners.

Council thanked the Senator for his update.

**OUR LADY OF SORROWS SCHOOL – ROLE IN THE COMMUNITY – ANN  
WHITFIELD AND JOAN WILLIAMS**

No presentation was given.

**MISS FARMINGTON PAGEANT PRESENTATION – GINNY MORRIS**

Sarah Durr, Miss Farmington (2008), was present on behalf of Ginny Morris to recognize three award recipients. Greg and Maureen Cowley were honored for their dedication and support of the Miss Farmington pageant. Kim Riley Faust received the Crystal Award in honor of her mother Dolores's work in the

REGULAR MEETING -4-  
MAY 21, 2012

community. Durr thanked Progressive Awards for their donation and invited Council to the upcoming Miss Farmington pageant.

**PUBLIC ACCESS UNIVERSITY CLASSES – BRIAN GOLDEN**

Brian Golden presented a video and spoke about Public Access University.

McShane inquired how they will advertise for the university. Golden replied they are advertising on cable television and newspaper. McShane suggested a student outreach. Galvin asked Golden about sharing the Public Access University information with the Farmington/Farmington Hills joint taskforce.

Kuiken asked if there is a fee associated with the university. Golden responded presently there is not a fee.

Cowley stated this is a great idea and noted there are a number of projects in which the students could be involved.

**SPECIAL EVENT REQUEST – RUN FOR THE HILLS**

**05-12-103** MOTION by Kuiken, seconded by McShane, to approve a special event request to hold “Run for the Hills” road race on Saturday, August 18, 2012 beginning at 8:00 a.m. in Shiawassee Park. MOTION CARRIED UNANIMOUSLY.

**SPECIAL EVENT REQUEST – CLESTEMA REUNION CONCERT**

Jose Lopez spoke regarding his request to hold a reunion concert at the Sundquist Pavilion.

Responding to a question from McShane, Mr. Lopez stated dancing would be encouraged at the event.

McShane inquired about decibel level of the band. Pastue responded it would be comparable to other events.

Responding to a question from Kuiken, Mr. Lopez indicated the band has played together for about four years.

Galvin suggested Lopez see Spinal Tap.

Cowley asked about the expected number of people attending and their ages. Lopez replied roughly 100, between the ages of 13 and 80. Schulz indicated a crowd of 100 is not a concern.

REGULAR MEETING -5-  
MAY 21, 2012

**05-12-104** MOTION by McShane, seconded by Galvin, to approve special event request for Clestema to hold a free concert in the Sundquist Pavilion on Saturday, July 28, 2012, 7:00 – 9:00 p.m. MOTION CARRIED UNANIMOUSLY.

**PUBLIC HEARING – COMMERCIAL REHABILITATION DISTRICT,  
DRAKSHIRE SHOPPING CENTER**

**05-12-105** MOTION by McShane, seconded by Galvin, to open the public hearing regarding the Commercial Rehabilitation District, Drakeshire Shopping Center. MOTION CARRIED UNANIMOUSLY.

No public comment heard.

**05-12-106** MOTION by McShane, seconded by Cowley, move to close the public hearing. MOTION CARRIED UNANIMOUSLY.

**PUBLIC HEARING – COMMERCIAL REHABILITATION DISTRICT, GRAND  
RIVER HALSTED SHOPPING PLAZA**

**05-12-107** MOTION by Kuiken, seconded by Cowley, to open the public hearing on Commercial Rehabilitation District, Grand River Halsted Shopping Plaza. MOTION CARRIED UNANIMOUSLY.

No public comment heard.

**05-12-108** MOTION by Cowley, seconded by Kuiken, to close the public hearing. MOTION CARRIED UNANIMOUSLY.

**UNFINISHED BUSINESS**

**REGULAR MEETING MINUTES OF APRIL 16, 2012**

Galvin questioned Sue Halberstadt regarding unauthorized public comments not being documented. Halberstadt replied the minutes do not contain those comments because the comments were not recognized as official public comment.

**05-12-109** MOTION by Kuiken, seconded by McShane, to approve the Regular Meeting Minutes of April 16, 2012 as presented. MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS**

**CONSIDERATION TO AMEND FISCAL YEAR 2011-12 BUDGET**

Pastue reviewed the amended fiscal year 2011/12 budget.

REGULAR MEETING -6-  
MAY 21, 2012

**RESOLUTION 05-12-110** Motion by Kuiken, seconded by Cowley, to adopt a resolution amending the Fiscal Year 2011/12 Budget as presented. [SEE ATTACHED RESOLUTION].

**ROLL CALL**

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPROVE PUBLIC HEARING NOTICE FOR PROPOSED FISCAL YEAR 2012-13 BUDGET AND PROPERTY TAX RATES**

**05-12-111** MOTION by McShane, seconded by Kuiken, to hold a public hearing on Monday, June 18, 2012 at 7:00 p.m. regarding the proposed Fiscal Year 2012-13 budget and property tax rates. MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO CERTIFY 2012 DELINQUENT INVOICES, AND WATER AND SEWER BILLS**

Pastue presented an overview of delinquent invoices and water and sewer bills.

Galvin inquired as to the reason for the 30% increase over the previous year. Pastue responded it could be due to a rate increase. Weber replied the number of delinquencies has risen.

McShane suggested sending a letter for a tax amnesty period and perhaps offer a payment plan. Pastue noted the City does work with homeowners on payments and has established a practice of not turning off water. He would be happy to entertain dialogue on ideas to collect/reduce delinquency.

Weber described the process for collecting payments which includes initially sending out a bill, if it is not paid a past due notice goes out, and lastly a letter is mailed indicating the charge will appear on tax bill. He advised payment plans would create additional administrative costs.

Kuiken inquired regarding fines for non-payment of a water bill. Weber replied 10% penalty is applied and another 10% when the charge goes on the tax bill.

Galvin suggested keeping current practice.

**05-12-112** MOTION by Cowley, seconded by Galvin, to approve the attached lists of delinquent invoices and water and sewer bills for placement on the Farmington Tax Roll pursuant to City Code. [SEE ATTACHED LIST OF DELINQUENCIES].

REGULAR MEETING -7-  
MAY 21, 2012

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION OF RESOLUTION TO INCREASE MONTHLY PENSION FOR RETIREES THAT RETIRED PRIOR TO MARCH 1, 2004**

Pastue reviewed proposed change to pension plan for those who retired prior to March 1, 2004.

Galvin inquired if any feedback was received from affected retirees. Pastue responded there was a mixed response, some of which was understood.

**RESOLUTION 05-12-113** Motion by McShane, seconded by Galvin, to adopt a resolution authorizing the Municipal Employees Retirement System (MERS) to increase the monthly pension benefit for Farmington retirees who retired prior to March 1, 2004 and their eligible spouses by \$90 per month to help defray the cost of changes to their retiree health care benefit. **[SEE ATTACHED AGREEMENT]**

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION OF CLASS C LICENSE REQUEST WITH SYI, INC. 22030 FARMINGTON ROAD**

McShane shared she is pleased the Simons plan to attend a training class regarding serving alcohol.

Kuiken asked for clarification of SDM acronym. Schulz responded it allows the business to sell wine and liquor as takeout.

Galvin inquired what Class C allows. Schulz responded it allows the sale of all liquors.

Kuiken asked regarding resort class designation. Schulz stated it was the only liquor license the Simons could find. Cowley noted resort licenses can be transferred anywhere in the state. Pastue added an Oakland County license is hard to come by and at a significant price.

**RESOLUTION 05-12-114** Motion by Cowley, seconded by McShane, to approve a resolution authorizing transfer of Resort Class C Liquor License with Sunday

REGULAR MEETING -8-  
MAY 21, 2012

Sales Permit and Specific Purpose Permit (Food) from 626 E. Front, Traverse City, Michigan 49686, to SYI Inc., located at 22030 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 APPROVE THE PURCHASE AND INSTALLATION OF SURVEILLANCE CAMERAS FROM INNOVATIVE COMPUTERS IN THE AMOUNT OF \$25,742**

McShane asked whether a sign would be posted informing the public of the surveillance cameras. Schulz responded there are mixed reviews from other cities; signs create greater expectations and no signs make it easier to monitor.

Kuiken asked if monitoring is in real time. Schulz stated it will be a combination of real and recorded time. Kuiken acknowledged the good work in finding this grant to purchase the equipment. Schulz will pass that acknowledgment along to Commander Demers who secured the grant.

**RESOLUTION 05-12-115** MOTION by Kuiken, seconded by Galvin, to approve purchase and installation of surveillance cameras from Innovative Computers in the amount of \$25,742 which includes security cameras in the Sundquist Pavilion, Shiawassee Park playscape area, and installation of a pole-mounted camera at the intersection of Grand River Avenue and Grove Street.

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO INTRODUCE ORDINANCE #C-763-2012 AMENDING CHAPTER 35 ZONING, DEALING WITH REGULATION OF CHICKENS IN A RESIDENTIAL DISTRICT**

Pastue reviewed the proposed ordinance.

Galvin asked regarding the number of active neighborhood associations that prohibit activities like this. Pastue replied there is no known prohibition, however, the City does not participate in association covenants.



REGULAR MEETING -9-  
MAY 21, 2012

Responding to a question from Galvin, Pastue stated the City has not considered urban farming districts.

Galvin expressed concern regarding the precedence this sets given the majority of residents don't want chickens. He suggested those who do should get a variance. Pastue responded it would be difficult to show a hardship to qualify for a variance.

Cowley shared a graph of neighboring cities with this ordinance. He noted Farmington Hills requires a 175' set back whereas Farmington proposes 50'. He stated Ann Arbor requires chicken owners to gain approval from adjacent property owners. He suggested adding adjacent owner approval and increasing set back footage to the proposed ordinance.

McShane asked if current chicken owners will be grandfathered. Pastue responded yes. McShane expressed support for the ordinance. She recognized the efforts of the Planning Commission in developing this ordinance.

Kuiken shared the main concern is the precedence this sets and controlling what other non-traditional animals may be included in the future. Pastue stated the approval of other non-traditional animals would require a similar process as chickens.

Galvin asked for further explanation regarding those who will be grandfathered. Pastue responded present owners do not have more than three chickens and they cannot be replaced.

Cowley shared his support for grandfathering current chicken owners only if adjacent property owners give approval.

Pastue shared if the ordinance is not adopted he would consult with the city attorney regarding what latitude the city would have especially in terms of requiring approval from adjacent property owners.

Galvin asked if this consultation would happen before the June 18<sup>th</sup> meeting. Pastue replied yes. Galvin pointed out lot sizes are smaller in Farmington than surrounding communities.

Pastue indicated further review by city attorney will be done before the June 4<sup>th</sup>, Study Session.

**05-12-116** MOTION by McShane, seconded by Galvin, to introduce Ordinance C-763-2012 amending Chapter 35, Zoning, dealing with regulation of chickens in a residential district. **[SEE ATTACHED ORDINANCE]**. MOTION CARRIED UNANIMOUSLY.

REGULAR MEETING -10-  
MAY 21, 2012

**CONSIDERATION TO APPROVE BLUE STAR MEMORIAL MARKER AT  
MEMORIAL PARK**

**05-12-117** MOTION by Cowley, seconded by Kuiken, to approve Blue Star Memorial Marker for placement in Memorial Park. MOTION CARRIED UNANIMOUSLY.

**BOARD AND COMMITTEE APPOINTMENTS/REAPPOINTMENTS**

Pastue reviewed various board and committee appointments.

Mcshane noted no new appointments were being made to Traffic & Safety Board. Pastue suggested keeping the number of the board where it is presently.

**05-12-118** MOTION by McShane, seconded by Cowley, to make the following re-appointments: James McGlincy to the Arts Commission for a 3-year term expiring on 7/01/2012; Jill Babcock, Kevin Christiansen, Jeff Scott to the Planning Commission for 3-year terms ending 7/1/2015; and Duane Reynolds to the Traffic & Safety Board for a 3-year term ending 7/31/2015. MOTION CARRIED UNANIMOUSLY.

**DISCUSSION ON DOWNTOWN DEVELOPMENT AUTHORITY**

Council discussed the appointment of Valerie Greer to the Downtown Development Authority Board.

**05-12-119** MOTION by Galvin, seconded by Kuiken, to appoint Valerie Greer to the Downtown Development Authority Board to complete an unexpired term ending 2/28/2013. MOTION CARRIED UNANIMOUSLY.

**PUBLIC COMMENT**

Joe Schornick, City of Farmington retiree, commented that in the past Public Safety employees made concessions; giving up wage increases to obtain better medical benefits. He pointed out social security reduces pension wages; noting the cost of living increase does not apply, and adding the \$90 monthly pension increase does not cover prescription costs.

Bill Leon, 23290 Cass, asked why the issue of retiree healthcare costs cannot be placed on the ballot for the public to decide. He asked if the Public Safety video system allows for live streaming to the Public Safety vehicles. Schulz replied no; noting the Oakland County System is used and would be bogged down, potentially crashing.

REGULAR MEETING -11-  
MAY 21, 2012

**DEPARTMENT HEAD COMMENT**

Schulz pointed out that in the past the City did try to obtain live stream video. Additionally, he announced Grand River will close at 9:50 a.m., on Monday, May 28, 2012, for the Memorial Day Parade.

Halberstadt announced new voter identification cards would be mailed to all registered voters in the City. Additionally, Governor Warner plant sale is June 3<sup>rd</sup>.

**COUNCIL COMMENT**

McShane inquired about the number in attendance at the Farmers Market and if there were any issues with parking. Cowley replied 3,800 people were there on Saturday. Schulz stated no parking issues were brought to his attention. McShane added the Farmers Market layout was nice and the walkway allowed for what appeared to be more movement.

Kuiken thanked Veterans for service to our Nation and encouraged the public to attend the parade.

Cowley also encouraged residents to attend the Memorial Day Parade. Also, advised that the businesses want their parking spaces back during Farmers Market.

Cowley stated he supports PPT and the governor's efforts in that regard. He stated it's a double tax that is onerous. He supports finding a replace revenue stream. He pointed out the Michigan Municipal League in taking a neutral position on PPT saw the bigger picture.

Galvin inquired about feedback on the new Recycling System Program. Gushman indicated they've received a tremendous amount of positive feedback and the citizens want the new system now. Galvin suggested Public Access University to share information.

Galvin suggested the issues of where to place public comment on the agenda and how it should be handled be addressed at a future meeting. He requested suggestions and ideas from Council he can take to the upcoming joint taskforce meeting.

Kuiken asked about the display of new recycling bins, sizes, etc. Gushman indicated 64-gallon is the ideal size for most citizens.

Buck discussed the fire at the recycling center noting the damage is limited. Pastue added there was minimal damage and disruption to the operation.

REGULAR MEETING -12-  
MAY 21, 2012

Buck pointed out the chicken ordinance comparison chart was exceptionally helpful.

Buck shared Painting with a Twist on Grove Street is a nice addition to the downtown area. He noted the ribbon cutting ceremony that recently took place.

**ADJOURNMENT**

**05-12-120** MOTION by McShane, seconded by Kuiken, to adjourn the meeting.  
MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 9:35 p.m.

---

J. T. (Tom) Buck, Mayor

---

Susan K. Halberstadt, City Clerk

APPROVED: June 18, 2012