

FARMINGTON CITY COUNCIL  
REGULAR MEETING  
SEPTEMBER 19, 2011

A regular meeting of the Farmington City Council was held on Monday, September 19, 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, Wright.

**COUNCIL MEMBERS ABSENT:** None.

**CITY ADMINISTRATION:** Director Gushman, City Clerk Halberstadt, Attorney Schultz, Director Schulz, Treasurer Weber.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF ITEMS ON CONSENT AGENDA**

**09-11-148** MOTION by McShane, seconded by Wright, to approve the items on the consent agenda as presented:

- A. Special Meeting Minutes of July 18, 2011
- B. Special Meeting Minutes of August 15, 2011
- C. Regular Meeting Minutes of August 15, 2011
- D. Approve Farmington Monthly Payments Report, August 2011
- E. Approve DPW and Water Sewer Fourth Quarter Report April 1 through June 30, 2011
- F. Approve Public Safety Monthly Report, August 2011
- G. Special Event Request – Our Lady of Sorrow Annual Church Picnic
- H. Request for “Tag Days” – Fundraising Event

MOTION CARRIED UNANIMOUSLY.

**APPROVAL OF REGULAR AGENDA**

**09-11-149** MOTION by Knol, seconded by Wright, to approve the regular agenda as amended; adding under New Business, Item No. 7F, Appointment to Election Commission. MOTION CARRIED UNANIMOUSLY.

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**PRESENTATIONS/PUBLIC HEARINGS**

**Present: Annette Knowles, DDA Executive Director – Downtown Update**

Annette Knowles provided an update on the activities and goals of the Downtown Development Authority. She discussed the core themes of Walkable Infrastructure, Downtown Marketing and Business Development.

Responding to a question from Wright, Director Knowles discussed the new design and procedure for keeping the downtown map up-to-date and a plan for containing costs.

Responding to an additional question from Wright, Director Knowles stated the map is not on the DDA website, however, an up-to-date business directory is provided. She will look into adding the map to their website at a later date.

McShane stated the brochure is very attractive, but noted two pictures of the Mentobe building on the inside of the brochure are outdated. She pointed out there has been a major effort to get a consistent 2-story look on the north side of Grand River.

McShane asked about the April meeting where the downtown parking strategy was discussed. Knowles confirmed no further strategies have been discussed since that meeting. McShane requested that Council be informed when the meeting with a facilitator regarding the pavilion and park use is scheduled.

Responding to a question from McShane, Director Knowles stated she would welcome any public input regarding the downtown pavilion and park usage.

McShane would like to see some events moved from Riley Park and placed in other areas to benefit other businesses.

Buck thanked Knowles for her presentation and great update.

**UNFINISHED BUSINESS**

No unfinished business was heard.

**NEW BUSINESS**

**CONSIDERATION TO INTRODUCE ORDINANCE C-758-2011 TO AMEND  
CHAPTER 3 OF THE CITY CODE, ALCOHOLIC LIQUORS**

Annette Knowles discussed the proposed amendment to the Alcoholic Liquors Ordinance. She stated the amendment would allow customers to bring in their

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own alcohol to certain types of businesses. She advised this amendment was prompted by a business, "Painting with a Twist", that is looking to expand into Farmington. She described the business format and noted it would be a real asset to the community.

Attorney Schultz stated the ordinance keeps in place the general prohibition against stores and establishments that aren't licensed to sell alcohol from allowing alcohol consumption, but it creates three categories of different uses including: 1) an establishment that is engaged in instructional activities as principal use of the premises; 2) an establishment that is otherwise authorized to allow alcohol consumption under the Zoning Ordinance as accessory to a principal use, and that designates an area on the premises that is not open to the general public; and 3) an establishment that conducts occasional wine-tasting or beer-tasting or similar events that is licensed to sell alcohol, so long as such events otherwise comply with all applicable laws, rules and regulations.

Responding to a question from McShane, Attorney Schultz stated that a retail establishment allowing alcohol to be brought in could be closed to the public or a separate space could be provided.

McShane inquired regarding the prevention of underage drinking.

Schultz replied the individual business owner is responsible for following alcohol licensing regulations.

Wright asked who is liable if an underage person consumes alcohol.

Schultz indicated both guardian and business owner are responsible.

Wright asked for clarification on second category. Schultz indicated it allows the Planning Commission and City Council to amend the City Ordinance to allow uses other than instructional.

Buck inquired if there is currently a use allowed under the second category. Schultz indicated none currently.

Buck asked regarding the process for adopting this ordinance. Schultz responded introduction of the ordinance is currently before Council and adoption would take place at a later meeting.

Wright asked how the language could be written to exclude all other possibilities. He stated the City may find itself in a circumstance where the definition to meet this specific example is too broad to allow exclusion of other possibilities.

Schultz replied the City's attempt to deal with this issue is to only allow establishments whose principal use is instructional.

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McShane agreed with Wright regarding other possibilities that could occur with this amendment. She stated the City could be going down a slippery slope with this change.

Wright stated the City may need to be more specific in terms of what it wants to cover such as instruction relating to art.

McShane agreed with Wright that the definition of what is covered needs to be narrowed. She suggested the second category could be omitted.

Wright suggested leaving it up to the Planning Commission to establish a narrower definition.

Knol expressed support for introducing the ordinance as presented. She stated this is an excellent business concept and she would not want to hold up the business owner. She noted other cities already have this concept and believes the "instructional" provision of the amendment protects the City. She commented this business would be good for Farmington.

Buck agreed with Knol.

Wright noted the ordinance is only being introduced so there is time for additional review before final approval is considered.

McShane noted the City Manager has the ability to convey Council's thoughts and concerns to the Planning Commission.

Wright asked how this Ordinance would exclude instruction on how to wear lingerie.

Buck replied the primary business must be instructional.

Schultz concurred with Buck, but after hearing Council comments suggested the ordinance can be modified prior to adoption.

**09-11-150** MOTION by Knol, seconded by Wright, to introduce Ordinance C-758-2011 to amend Chapter 3, Alcoholic Liquors, Article 3.5(a) in order to allow consumption of alcohol in certain stores or establishments in areas not open to the general public, with certain limitations. MOTION CARRIED UNANIMOUSLY.

Director Knowles introduced Michelle Lewis, owner of Painting with a Twist.

**CONSIDERATION TO APPROVE CONSTRUCTION ESTIMATE NO. 3 FOR  
THE 2011 FARMINGTON PAVING AND WATER MAIN IMPROVEMENTS  
PROGRAM**

**RESOLUTION 09-11-151** Motion by McShane, seconded by Knol, to approve payment of Construction Estimate #3 to Sole Construction in the amount of \$143,310.80 for work completed on the 2011 Farmington Paving and Water Main Improvements Program.

**ROLL CALL**

Ayes: Knol, McShane, Wright, Buck.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPROVE SMART AGREEMENT FOR TRANSFER TO  
MUNICIPAL AND COMMUNITY CREDITS**

Wright requested an accounting on the dial-a-ride program including annual ridership of Farmington and Farmington Hills.

Treasurer Weber replied that information can be requested from the City of Farmington Hills.

Wright noted past disappointment with the overall SMART program relative to a lack of statistical information regarding total ridership and ridership by community. Weber stated he will follow up with Farmington Hills regarding the dial-a-ride program, but stated it may be more difficult to get ridership statistics from SMART.

Regarding the dial-a-ride program, Wright asked regarding cost to riders and whether they can still ride if unable to pay.

Treasurer Weber will follow up on Wright's questions.

**09-11-152** MOTION by McShane, seconded by Knol, to authorize the City Manager to sign an agreement with Suburban Mobility Authority for Regional Transportation (SMART) for Municipal Credits and Community Credits on behalf of the City for Fiscal Year 2012. **[SEE ATTACHED AGREEMENT].**

**Roll Call**

Ayes: McShane, Buck, Knol.

Nays: Wright.

Absent: None.

MOTION PASSED.

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**CONSIDERATION TO SCHEDULE A PUBLIC HEARING REGARDING 2012  
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

McShane noted Council recently discussed the opportunity to seek a State Community Development Block Grant that would provide funding for a development plan, but would also require the City to forego the county grant. She expressed concern that there was never an answer to this opportunity and now the City is considering approval of the county grant that will tie up funds for three years.

Wright inquired regarding the contractual obligation if the City terminates early from the 3-year agreement with the county.

Buck noted the purpose of the motion before Council is to set a public hearing only. He advised Council would have the opportunity for further discussion on the night of the public hearing.

Wright stated he is asking the questions now in order to give the City the opportunity to answer them prior to the public hearing. He asked if McShane would be opposed to the county CDBG if the agreement was for one year only.

McShane responded that she does not have enough information regarding the State grant in order to make a decision regarding the county program. She also noted the City has never received data regarding the numbers of residents who use the county program. She would like to further investigate opportunities for the City under the state program.

Buck advised a development is still far enough off so that the City could remain in the county program for 2-3 years and then switch to the state program when the opportunity is there.

McShane requested the City Attorney to research this possibility.

Wright pointed out the primary beneficiaries of the county program are low-to-moderate income people. He asked who automatically assumes that this is a senior program.

Weber stated as part of receiving the grant Farmington Hills is required to maintain those records. He stated the people that are served do not all have to be low income, but there is a certain percentage threshold they have to achieve.

Wright asked regarding the demographics of senior citizens that allow them to qualify for this benefit as a group.

Weber stated that information is available.

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McShane pointed out anyone from any City can participate in this program because it is a Federal program. She questioned how Council can make decisions without the necessary facts and statistics.

**09-11-153** MOTION by McShane, seconded by Wright, to schedule a public hearing on October 17, 2011 regarding proposed Program Year 2012 Community Development Block Grant (CDBG) program application. MOTION CARRIED UNANIMOUSLY.

**BOARD AND COMMITTEE APPOINTMENTS**

**09 -11-154** MOTION by McShane, seconded by Wright, to appoint Kenneth Chiara to the Planning Commission to complete an unexpired term ending June 30, 2013. MOTION CARRIED UNANIMOUSLY.

**09-11-155** MOTION by Knol, seconded by Wright, to appoint Emily Towler to the Beautification Committee to complete an unexpired term ending June 30, 2012. MOTION CARRIED UNANIMOUSLY.

**09-11-156** MOTION by Wright, seconded by McShane, to appoint Valerie Knol to Elections Commission to complete an unexpired term ending November 2011. MOTION CARRIED UNANIMOUSLY.

**PUBLIC COMMENT**

Kristen Kuiken, 33808 Glenview Court, inquired whether Council would consider using CDBG funds for redevelopment purposes by offering incentives to potential businesses in the area.

Weber noted redevelopment is one of the qualified uses under CDBG, however, it must benefit low income people.

Kuiken suggested adding the term "family friendly" to the proposed amendment to the Liquor Ordinance.

Ken Murray thanked Public Safety Commander Schulz and his department for the aide they provided on the loss of his wife. He recognized the assistance provided by Officer Baranski and Sargeant Friess. He also thanked Council and others for their cards and condolences.

Greg Cowley, 33338 Grand River, advised the city to consider the liability of allowing alcohol consumption in a non-licensed establishment. He pointed out they would not be bound by the liquor code which is substantial. He also noted Public Safety would have to police the establishment. He further noted the

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landlord would also be open to liability. He suggested the purchase of a liquor license would be in the best interest of the business and city.

**COUNCIL COMMENT**

McShane asked about a recent candidate forum that was held in Farmington Hills. As a Council candidate, she was not contacted to participate. She noted three candidates attended and participated in the event. She further noted there is nothing planned in the City of Farmington to introduce candidates. She stated there should be a "Meet the Candidates" event opportunity in Farmington that would include all candidates.

Knol noted an attempt was made to contact all the candidates for the candidate forum held in Farmington Hills and will inquire further.

Farmington Council Candidate Jeffrey Taylor was not aware of the forum as well.

Buck stated it is important that the process is open to all candidates. He stated an opportunity should be created where all candidates are invited to participate.

Knol pointed out the process should not be up to the Farmington City Council, but rather it should fall to the newspapers or Chamber of Commerce.

Wright inquired about the status of construction on the north side of Grand River. Gushman responded delays are due to weather, contractor issues, and it was a more difficult project than originally anticipated. He pointed out the contractor is not that far off from the original completion date of September 15<sup>th</sup>. He stated weather permitting Thomas Street will be paved the following afternoon.

Wright asked regarding the broader choices available for the use of the CDBG funds.

Wright discussed the process Council uses to make decisions relating to Farmington businesses. He welcomes new businesses to the community, but pointed out there is a process when accommodations need to be made. He suggested the City review the ordinances of Ferndale since this type of business is already allowed in that community.

Buck announced two special meetings have been scheduled for September 26 and 27, both at 6:30 p.m., to interview candidates for Council. He stated candidates will be interviewed in alphabetical order, if possible, and five will be scheduled the first night and three on the second night.



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**ADJOURNMENT**

**09-11-157** MOTION by McShane, seconded by Wright, to adjourn the meeting.  
MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 8:33 p.m.

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J. T. (Tom) Buck, Mayor

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Susan K. Halberstadt, City Clerk

APPROVED: October 17, 2011