

FARMINGTON CITY COUNCIL  
REGULAR MEETING

A regular meeting of the Farmington City Council was held on Monday, April 18, 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, McShane, Mitchell.

ABSENT: None.

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

**APPROVAL OF AGENDA**

**04-05-080** MOTION by Bush, seconded by Knol, to approve the agenda as submitted. MOTION CARRIED UNANIMOUSLY.

**MINUTES OF PREVIOUS MEETING**

**04-05-081** MOTION by McShane, seconded by Mitchell, to approve the special and regular meeting minutes of April 4, 2005. MOTION CARRIED UNANIMOUSLY.

**PRESENTATION/PUBLIC HEARING**

**PUBLIC SAFETY DEPARTMENT PROMOTIONS**

Public Safety Director Nebus announced Department promotions; Robert Schulz promoted to Deputy Director of Public Safety, Terry Purves promoted to the rank of Commander and Rick Friess promoted to the rank of Sergeant.

Members of Council congratulated the officers on their promotions.

**VOLUNTEER OF THE YEAR AWARD – COMMISSION ON CHILDREN, YOUTH AND FAMILIES**

Judge Marla Parker, Commission Chair Andy Nickelhoff, and Commissioner John Golaszewski recognized several volunteers for their contributions to the community; presented the Outstanding Volunteer Award to JoAnn Cline and Jerry Conor; and presented the George Romney Volunteer of the Year Award to Katherine Mitchell.

**KITTY OSTACH, YOUTH AND FAMILY SERVICES, RE: 1<sup>ST</sup> ANNUAL DUCK RACE AT SHIAWASSEE PARK**

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Kitty Ostach, representing the Farmington/Farmington Hills Foundation, announced the first annual Rubber Duck Race scheduled during the Founders Festival on July 16, 2005 in Shiawassee Park.

**RRRASOC 2004 ANNUAL REPORT – MIKE CSAPO, GENERAL MANAGER**

Mike Csapo, General Manager of Resource Recovery and Recycling (RRRASOC), provided a review of 2004 activities and results. He stated that Farmington's recycling rate was once again well above average.

He discussed new projects including: recycling of junk mail, a thermometer exchange program and free personal document shredding service.

Councilmember McShane asked if there are other opportunities to cut costs and protect the environment. Csapo responded that they are always looking for ways to improve their current programs to further reduce costs.

Responding to a question from Councilmember Knol, Csapo stated that RRRASOC would receive any electronics with a circuit board. He further responded that Farmington has the highest recycling rate.

Mitchell asked if plastics recycling could be expanded. Csapo responded that the incompatibility of different types of plastics makes it difficult to recycle them.

**PETTITIONS AND COMMUNICATIONS**

**CONSIDERATION TO APPROVE 2005 CLASSIC CAR SHOW**

Administration recommended that Council approve a request from Bellacino's Pizza and Grinders to host the 2005 Classic Car Show in the western portion of the Village Commons parking lot.

Bob Vendittelli, owner of Bellacino's, was present to respond to questions.

**RESOLUTION 04-05-082** Motion by Bush, seconded by Mitchell, to approve a 2005 Classic Car Show to be held in the western portion of the Village Commons parking lot each Monday evening beginning in April and concluding in October 2005. MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPROVE TEMPORARY OUTSIDE SALES PERMIT, ORCHARD TEN MARKET**

Administration recommended approval of a request from Orchard Ten Market, via American Coney Island, for a temporary outside sales permit.

Grace Keros and Lou Milani, representing American Coney Island, were present to discuss their request. They stated that the temporary outside sales permit would be for the promotion of their "coney kit" and would not involve sales.

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**RESOLUTION 04-05-083** Motion by McShane, seconded by Knol, to approve a request from American Coney Island for a temporary outside sales permit at Orchard Ten Market, 24065 Orchard Lake Road, to display and promote "Coney Kits" during the following dates and times: Friday, May 20 from 3:00 p.m. to 8:00 p.m.; Saturday, May 21 from 11:00 a.m. to 4:00 p.m.; and Sunday, May 22 from noon to 5:00 p.m. MOTION CARRIED UNANIMOUSLY.

**REPORTS FROM CITY MANAGER**

**CONSIDER ACCEPTANCE OF PROPOSAL TO REPLACE WATER SERVICE AT THE GOVERNOR WARNER MUSEUM**

Administration, along with the Public Services Department, recommended approval of the proposal submitted by Norton Construction Services, Inc. for replacement of water service and restoration work at the Governor Warner Museum.

Responding to a question, Richards confirmed that the original water line would remain intact and a new copper line would be installed.

**RESOLUTION 04-05-084** Motion by Knol, seconded by Mitchell, to accept the proposal received for replacement of the water service and restoration work at the Governor Warner Museum and award to Norton Construction Services, Inc. in the amount of \$5,500.00.

**ROLL CALL**

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

MOTION CARRIED UNANIMOUSLY.

**CONSIDER ACCEPTANCE OF PROPOSAL TO REPLACE THE BASEMENT PLUMBING AT THE GOVERNOR WARNER MUSEUM**

Administration, in concurrence with the Public Services Department, recommended approval of the proposal submitted by Danboise Mechanical, Inc. for replacement of the basement plumbing at the Governor Warner Museum.

**RESOLUTION 04-05-085** Motion by Bush, seconded by McShane, to accept the proposal received for replacement of the basement plumbing at the Governor Warner Museum and award to Danboise Mechanical, Inc., in the amount of \$4,249.00.

**ROLL CALL**

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

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO ADOPT ORDINANCE C-702-2005 TO INCREASE DDA BOARD MEMBERSHIP AND CONSIDER TERM LIMITS**

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Mayor Campbell stated his opposition to term limits because a form of term limits already exists with Council's ability to make or extend appointments.

**RESOLUTION 04-05-086** Motion by Knol, seconded by Mitchell, to adopt Ordinance C-702-2005 to amend Chapter 11, Community Development, of the City of Farmington Code of Ordinances, in order to revise Section 11-28 of Article II, Downtown Development Authority, to provide an eleven-member board and to limit members, except the City Manager, to two consecutive four-year terms. [SEE ATTACHED ORDINANCE].

**ROLL CALL**

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

Responding to a question, Pastue stated that interviews for the DDA would be scheduled after the effective date of the Ordinance and the Board openings would be publicized through various media.

**CONSIDERATION TO ADOPT ORDINANCE C-703-2005, DOWNTOWN SIGN ORDINANCE**

**RESOLUTION 04-05-087** Motion by Knol, seconded by Bush, to adopt Ordinance C-703-2005 to amend Chapter 25, Signs, of the City of Farmington Code of Ordinances, in order to add provisions specifically relating to signs within the Downtown area, as defined and depicted in the Ordinance, as a new article within the chapter. [SEE ATTACHED ORDINANCE].

**ROLL CALL**

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

**INTRODUCE ORDINANCE C-704-2005, DOMESTIC ASSAULT AND DOMESTIC ASSAULT AND BATTERY**

Administration advised that Ordinance C-704-2005 is introduced to amend Section 20-48 of the City Code that addresses *Domestic Assault and Domestic Assault and Battery* by adding a category to the list of individuals identified as victims of domestic assault.

**04-05-088** MOTION by Mitchell, seconded by McShane, to introduce Ordinance C-704-2005 to amend Chapter 20, "Offenses," Article III, "Offenses Against The Person," Section 20-48, "Domestic Assault and Domestic Assault and Battery," of the Farmington City Code, in order to provide an additional category of Domestic Assault and Domestic Assault and Battery Victims. [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

**INTRODUCE ORDINANCE C-705-2005 AMENDING CHAPTER 20 OF THE CITY CODE DEALING WITH OFFENSES**

Administration advised that Ordinance C-705-2005 is introduced to amend Chapter 20 of the City Code that deals with offenses by expanding Article VI, *Offenses against Public Morals*, to include a division dealing with gambling.

**04-05-089** MOTION by McShane, seconded by Bush, to introduce Ordinance C-705-2005 to amend Chapter 20, "Offenses," Article VI, "Offenses Against Public Morals," of the Farmington City Code to create a new division to provide for the regulation of the act of gambling; and to amend Chapter 20, "Offenses," Article VIII, "Offenses Pertaining to Minors," of the Farmington City Code to create a new section to be known as the "House Party Ordinance," to regulate the use of alcoholic liquors and controlled substances at open house parties and to define the penalties associated therewith. [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

**INTRODUCTION OF ORDINANCE C-706-2005, REGULATION OF AIR RIFLES BY MINORS**

Administration advised that Ordinance C-706-2005 is introduced to amend Section 20-229 that deals with discharging air rifles by minors. Administration further advised that the proposed change would expand language to include air soft guns that have become fairly popular.

Responding to a question, Director Nebus confirmed that his Ordinance covers the use of paintball guns.

**04-05-090** MOTION by Mitchell, seconded by McShane, to introduce Ordinance C-706-2005 to amend Chapter 20, "Offenses," Article VII, "Offenses Against Public Safety," Division 2, "Weapons," Section 20-229, "Discharging air Rifles, Etc., By Minors." [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

**INTRODUCTION OF ORDINANCE C-707-2005, AMENDMENT TO CHAPTER 2, EMPLOYEE RETIREMENT BENEFITS**

Administration advised that the electors of the City approved amendments to the City Charter that provided more flexibility regarding employee retirement benefits. Administration further advised that recommended policy changes contained in the recommended ordinance include the allowance for purchase of service credits for individuals that had experience with other local government jurisdictions; and a reduction in the vesting period for general employees, administrative officers and department heads from ten to seven years.

Responding to a question, Cantrell confirmed that the term, "local unit of government", would include Intermediate School Districts (ISD's). Pastue further confirmed that the purchase of service credits would be at no cost to the City.

**04-05-091** MOTION by Knol, seconded by Mitchell, to introduce Ordinance C-707-2005 to amend Chapter 2, "Administration," V, "Employee Benefits," Division 2, "Retirement System," of the Farmington City Code of Ordinances in order to clarify benefits available

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to benefit groups and to implement changes allowed by recent Charter Amendments. [\[SEE ATTACHED ORDINANCE\]](#). MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPROVE RESOLUTION #3 FOR DOWNTOWN FARMINGTON CENTER IMPROVEMENTS SPECIAL ASSESSMENT DISTRICT**

Administration advised that Resolution #3 directs the City Assessor to prepare an assessment roll for consideration by the City Council relative to the Downtown Farmington Center Improvements Project.

**RESOLUTION 04-05-092** Motion by McShane, seconded by Bush, to adopt Resolution #3 for the Downtown Center Improvement Project directing the City Assessor to prepare a special assessment roll for project. [\[SEE ATTACHED RESOLUTION\]](#).

**ROLL CALL**

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

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION OF RESOLUTION OF INTENT TO ISSUE BONDS FOR THE DOWNTOWN CENTER IMPROVEMENTS PROJECT**

Administration advised that financing for the Downtown Center Improvements Project involves the issuance of bonds for a significant portion of the project. Administration recommended the issuance of Capital Improvement Bonds pursuant to the Revised Municipal Finance.

**RESOLUTION 04-05-093** Motion by Bush, seconded by Knol, to adopt a "Resolution of Intent" for the issuance of Capital Improvement Bonds for the Downtown Center Improvements Project. [\[SEE ATTACHED RESOLUTION\]](#).

**ROLL CALL**

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

MOTION CARRIED UNANIMOUSLY.

**MISCELLANEOUS**

**AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT**

**RESOLUTION 04-05-094** Motion by McShane, seconded by Mitchell, to approve the City Manager's Employment Agreement as amended. [\[SEE ATTACHED AGREEMENT\]](#).

**ROLL CALL**

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

MOTION CARRIED UNANIMOUSLY.

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**THIRD QUARTER REPORT: DEPARTMENT OF PUBLIC WORKS AND WATER AND SEWER DEPARTMENT – JANUARY 1, 2005 THROUGH MARCH 31, 2005**

**04-05-095** MOTION by Mitchell, seconded by Bush, to receive and file the Department of Public Works and Water and Sewer Department Report for quarter ending March 31, 2005. MOTION CARRIED UNANIMOUSLY.

**THIRD QUARTER REPORT: BUILDING DEPARTMENT – JANUARY 1, 2005 THROUGH MARCH 31, 2005**

**04-05-096** MOTION by Knol, seconded by McShane, to receive and file the Building Department Report for quarter ending March 31, 2005. MOTION CARRIED UNANIMOUSLY.

**CITY MANAGER’S RECOMMENDED FY 2005-2006 BUDGET**

Administration advised that the proposed budget for FY 2005-2006 identifies some of the challenges facing Farmington as a result of decreased revenue sharing.

No action was required by Council.

**PUBLIC COMMENT**

No public comment was heard.

**COUNCIL COMMENT**

McShane asked Director Gushman if the poor condition of the Worldwide Center has been addressed. Gushman responded that letters have been sent to the owner regarding the disrepair of the Center’s façade.

**ADJOURNMENT**

**04-05-097** MOTION by Knol, seconded by McShane, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 9:43 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, Deputy Clerk

APPROVED: MAY 2, 2005