

FARMINGTON CITY COUNCIL
REGULAR MEETING
MAY 16, 2011

A regular meeting of the Farmington City Council was held on Monday, May 16, 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, Wiggins, Wright.

COUNCIL MEMBERS ABSENT: McShane.

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

PLEDGE OF ALLEGIANCE: Dr. David Carron from Plaza Veterinary Hospital led the Pledge.

CONSENT AGENDA

05-11-067 MOTION by Knol, seconded by Wiggins, to approve the consent agenda as presented:

- A. Regular Meeting Minutes of April 18, 2011.
 - B. Special Budget Review Meeting of April 26, 2011.
 - C. City of Farmington Monthly Payments Report, April 2011.
 - D. City of Farmington Financial Reporter Quarter Ended March 31, 2011.
 - E. City of Farmington Investment Report Quarter Ended March 31, 2011.
 - F. 47th District Court Financial Report Quarter Ended March 31, 2011.
 - G. Request for Special Event Date Change Another Way Pregnancy Center "Dance for Life."
 - H. Consideration to Approve Vactor Truck Refurbishing.
- MOTION CARRIED UNANIMOUSLY.

APPROVAL OF REGULAR AGENDA

05-11-068 MOTION by Wiggins, seconded by Knol, to approve the regular agenda as presented. MOTION CARRIED UNANIMOUSLY.

PRESENTATIONS/PUBLIC HEARINGS

RECOGNITION PLAZA VETERINARY HOSPITAL, INC., DR. DAVID CARRON AND DR. JOHN RICHARDSON

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Council recognized the 50th anniversary of the Plaza Veterinary Hospital in Farmington. Dr. John Richardson and Dr. David Carron, former and current owners, were present to receive the recognition. Mayor Buck thanked them for keeping Plaza Veterinary Hospital as a longstanding member of the community.

SPECIAL EVENT REQUEST WARNER PTA PROUD DADS PRE FATHER'S DAY CELEBRATION

City Administration received a special event request from Tonya Corbett, Assistant Principal, Warner Upper Elementary, and the Warner PTA Dad's Club. The request is to hold a Proud Dads Pre Father's Day Celebration on Saturday, June 4, 2011, 10:00 a.m. to 4:00 p.m., at Shiawassee Park. The purpose of the event is to get more fathers involved with school activities.

05-11-069 MOTION by Wright, seconded by Wiggins, to approve a Special Event Request from the Warner Upper Elementary PTA to hold a Proud Dads Pre-Father's Day Celebration on Saturday, June 4, 2011, 10:00 a.m. - 4:00 p.m., in Shiawassee Park. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING - GRAND RIVER CORRIDOR IMPROVEMENT AUTHORITY

Pastue indicated that Council had adopted a resolution at their March 18, 2011 meeting to establish boundaries of the proposed Grand River Corridor Improvement Authority (CIA) and scheduled a public hearing regarding same for May 16, 2011. He advised notices were mailed to all property owners of record within the proposed district, two notices were published in the Farmington Observer and 20 notices were posted in conspicuous places within the proposed district.

Mayor Buck requested a motion to open the public hearing.

05-11-070 MOTION by Knol, seconded by Wiggins, to open the Public Hearing. MOTION CARRIED UNANIMOUSLY.

Hank Borgman, 34011 Grand River, inquired if current construction on Grand River between 8 Mile and Farmington is part of this project.

Pastue responded in the negative.

Borgman further inquired about a plan for shallow lots. Pastue responded there was no predetermined solution, but there could be a review with property owners to find acceptable alternatives in addressing challenges.

Borgman commented that property owners could profit from the CIA, stating if the City wants to grab hold of something, the property could double or triple in value.

Pastue asked for clarification.

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Borgman stated the City does not have a legal right to take over property for commercial purposes, and that whoever wanted to build on a property should be liable for expense of deepening the lot, not the City.

Further discussion was held concerning options of taxpayers.

Knol noted no tax money will go towards any project or plan. She stated the CIA allows property owners to work together if they are interested in redeveloping their properties. She further noted the City cannot take any property. She discussed Tax Increment Financing (TIF) which provides a source of revenue as redeveloped property values increase to be used for further improvements in the corridor. She emphasized the CIA does not take any additional taxpayer dollars, does not raise taxes, and does not take property from a land owner.

Hearing no further comment, Mayor Buck requested a motion to close the public hearing.

05-11-071 MOTION by Wright, seconded by Wiggins to close public hearing.
MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

CONSIDERATION OF RESOLUTION TO CONSOLIDATE GOVERNOR WARNER MANSION TRUST AND AGENCY ACCOUNTS

Pastue reviewed a proposed resolution to consolidate the Mansion trust and agency accounts. He stated there is no history as to why a number of these accounts were created. He advised they are no longer necessary and are cumbersome to maintain. He noted the Historical Commission fully supports this change. He recommended two fund accounts for capital and operations.

RESOLUTION 05-11-072 MOTION by Wiggins, seconded by Knol, to adopt a resolution to consolidate the Governor Warner Mansion Trust and Agency Accounts. **[SEE ATTACHED RESOLUTION].**

ROLL CALL:

Ayes: Knol, Wiggins, Wright, Buck.

Nays: None.

Absent: McShane.

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

CONSIDERATION OF RESOLUTION TO APPROVE LOT SPLIT REQUEST

Pastue advised the City received a request from Dennis and Diane Holliday, 33315 Shiawassee Road, to split two lots they currently own. He advised these two lots were separated by an alley of 30 feet in the original plat that was

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subsequently vacated by the City. As a result, each lot gained an additional 15 feet. He stated the Hollidays are requesting that an additional 10 feet be added to Lot 6 and 10 feet be reduced on Lot 7.

Knol inquired if by shifting the property line over approximately 10 feet, would the driveway be in compliance with easement requirement and Pastue responded in the affirmative.

RESOLUTION 05-11-073 Motion by Wiggins, seconded by Knol, to adopt a resolution to approve a lot split request from property owners Dennis and Diane Holliday, 33315 Shiawassee Road. [SEE ATTACHED RESOLUTION].

ROLL CALL

Ayes: Wiggins, Wright, Buck, Knol.

Nays: None.

Absent: McShane.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ADOPT RESOLUTION APPROVING OUTDOOR LIQUOR SERVICE - BASEMENT BURGER BAR, 33316 GRAND RIVER

Mayor Buck indicated he would recuse himself from participating in the discussion and vote on this matter due to a conflict of interest.

05-11-074 MOTION by Wright, seconded by Wiggins, to allow Mayor Buck to recuse himself from participating in the discussion and vote on the approval of outdoor liquor service at the Basement Burger Bar due to a conflict of interest.

ROLL CALL:

Ayes: Wright, Knol, Wiggins.

Nays: None.

Abstain: Buck.

Absent: McShane.

MOTION CARRIED UNANIMOUSLY.

Pastue advised the City received an application from the Basement Burger Bar for an outdoor liquor license for service on Grand River Avenue. He further advised they also applied to the Michigan Liquor Control Commission to extend service outside the restaurant as required.

Pastue indicated the Planning Commission approved the request with limitations including: provide a cut sheet with the fence that will be installed subject to City Administration approval; the applicant must sign a license agreement with the City along with appropriate insurance documents; placement of a waste receptacle in the area; and that the approval is limited from April 15 to October 31 each year.

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Responding to a question from Wright, Pastue stated the Basement Burger Bar had previously received approval for outdoor seating but without liquor.

Wiggins stated it was his understanding that seating arrangements had to be contiguous to building and expressed concern that the establishment is in the basement and therefore would prohibit sight of outdoor seating area.

Pastue responded that element could be included in the final agreement in order to reiterate the importance of monitoring outdoor activity.

RESOLUTION 05-11-075 MOTION by Wright, seconded by Knol, to approve a Michigan Liquor Control Commission Resolution authorizing outdoor liquor service for the Basement Burger Bar, 33316 Grand River Avenue, and authorize the City Manager to sign a license agreement on behalf of the City prepared by the City Attorney. [\[SEE ATTACHED RESOLUTION\]](#).

ROLL CALL:

Ayes: Knol, Wiggins, Wright.

Nays: None.

Abstain: Buck.

Absent: McShane.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ACCEPT BIDS AND AWARD WORK FOR FLORAL PARK SEWER TELEVISIONING PROJECT.

Pastue advised three bids were received for the televising and cleaning of the Floral Park sewer main as part of the Rehabilitation Project. He stated only two of the bids were acceptable. He recommended Council approval of the second lowest bidder, Advanced Underground Inspections, in the amount of \$45,663.88, given they met all the requirements. He indicated the low bid did not meet the sewer lead inspection requirements.

Gushman detailed the reasons for not recommending the low bid.

RESOLUTION 05-11-076 MOTION by Knol, seconded by Wiggins, to accept bids for the Floral Park Sewer Televisioning Project and award the work to the second lowest bidder, Advanced Underground Inspection, in the amount of \$45,663.88, since they have met all of the requirements contained in the bid specifications.

ROLL CALL:

Ayes: Buck, Knol, Wiggins, Wright.

Nays: None.

Absent: McShane.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO INTRODUCE ORDINANCE C-752-2011 TO AMEND CHAPTER 35, ZONING PERTAINING TO THE COMPOSITION OF THE BOARD OF ZONING APPEALS.

Pastue indicated that over the past year City Administration has discussed a proposed change to the composition of the Board of Zoning Appeals (BZA), specifically that the Mayor no longer serve as a member of the BZA. He stated the rationale is that the BZA is a quasi-judicial board and that the Mayor and City Council serve a legislative function. The issue was presented to the Planning Commission since this would amend a portion of zoning code and their recommendation was to eliminate the Mayor from serving on the ZBA in the future.

05-11-077 MOTION by Wiggins, seconded by Wright, to Amend Chapter 35, to no longer have the Mayor serve on the Board of Zoning Appeals. [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO INTRODUCE ORDINANCE C-753-2011 AMENDING CHAPTER 35 OF THE CITY CODE, ZONING, ARTICLE 14 - OFF STREET PARKING AND ARTICLE 21 - DEFINITIONS

Pastue advised the City Council in April 2010 adopted comprehensive amendments to the Zoning Code. He noted Article 14, Offstreet Parking, and Article 21, Definitions, were inadvertently left out. He requested Council introduce the ordinance to include these articles in the Code. He advised a red-lined version will be presented prior to bringing it back at the June 6th meeting.

05-11-078 MOTION by Wright, seconded by Knol, to introduce Ordinance C-753-2011, amending Chapter 35, Zoning Article 14 - Off Street Parking and Article 21 - Definitions. [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO INTRODUCE ORDINANCE C-754-2011 TO AMEND CHAPTER 23, PLANNING.

Pastue stated that over the past year City Administration has discussed recommended changes regarding the composition of the Planning Commission. There were two aspects of the proposed changes: 1) reduce the number of members from nine to seven, and 2) the Mayor Pro Tem would no longer serve on the Planning Commission. He advised based on changes contained in Public Act 33 of 2008, a City Councilmember could no longer be a voting member of the Planning Commission.

05-11-079 MOTION by Wright, seconded by Knol, to introduce Ordinance C-754-2011 to amend Chapter 23, Planning. [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

CONSIDER TO INTRODUCE ORDINANCE C-755-2011 TO AMEND CHAPTER 31, TRAFFIC AND MOTOR VEHICLES TO IMPLEMENT A TRAFFIC CONTROL ORDER.

Pastue advised the City is requesting an amendment to Chapter 31 of the City Code to implement a traffic control order that would prohibit a left hand turn from eastbound State Street onto northbound Farmington Road.

Pastue advised that in reviewing the crash data history as part of the Farmington Road traffic study, it was noticed that there was a significant number of crashes at this intersection with vehicles turning left onto Farmington Road. He stated the traffic engineer who conducted the study recommended that the City make the abovementioned change and the Traffic and Safety Board concurred.

Knol confirmed her understanding with City Administration that only the introduction of the ordinance would take place that evening and discussion and adoption would occur at the next regular meeting.

Wright expressed support for this change, but raised the question concerning where traffic would turn north on Farmington Road.

Pastue advised that during the period of the study there were only a couple of accidents during morning peak hours, but during evening peak hours the numbers rose to eleven or thirteen, an indication that the traffic is coming from the Library. He stated Library patrons could be advised on how to proceed north on Farmington Road if no left turn was implemented.

Wiggins noted specific time periods were cited when most accidents occurred. He asked if consideration was given to limiting times when left turns would be allowed.

Schulz indicated that option was not considered because it creates more enforcement difficulties. He stated the Traffic and Safety Board felt more comfortable in eliminating the left turn option.

In turning left onto Farmington Road from State Street, Pastue stated that traffic volume is a challenge, but also the distance between the traffic light at Grand River and Farmington and State Street also makes it difficult.

Knol expressed concern for residents who would have to travel farther in order to go north on Farmington Road.

Schulz responded that residents don't usually use State Street to turn left onto Farmington Road.

Knol inquired if this proposed change had been discussed with residents in the area. Schulz responded that no one had come forward at the Traffic and Safety Board meeting when it was discussed.

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Wright predicted that Oakland Avenue would probably be the next traffic issue for making a left turn onto Farmington Road.

Mayor Buck applauded the Traffic and Safety Board for identifying data and trying to make a situation safer for drivers, businesses, etc.

05-11-080 MOTION by Wright, supported by Wiggins, to Introduce Ordinance C-755-2011 to amend Chapter 31, Traffic and Motor Vehicles, to implement a traffic control order to prohibit a left hand turn from eastbound State Street onto northbound Farmington Road. [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO INTRODUCE ORDINANCE C-756-2011 AMENDING CHAPTER 8, BUSINESS LICENSES

City Administration requested Council amend Chapter 8 of the Code involving business licenses and registration. The two proposed changes include: allow for a new business that pays in the last quarter of the year to not be required to register and pay for the following year and to allow the City Council to establish penalties for delinquent payments by resolution.

Mayor Buck stated his understanding that one of the purposes for business registration is to maintain a data base of Farmington businesses that can be used for emergency purposes by Public Safety.

RESOLUTION 05-11-081 MOTION by Knol, seconded by Wiggins, to introduce Ordinance C-756-2011 amending Chapter 8, Business Licenses. [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO INTRODUCE ORDINANCE C-757-2011 AMENDING CHAPTER 18, MASSAGE FACILITIES

Pastue advised this proposed change to Chapter 18, Massage Facilities, is the same as requested for Business Licenses.

RESOLUTION 05-11-082 MOTION by Wiggins, seconded by Knol, to introduce Ordinance C-757-2011 Amending Chapter 18, Massage Facilities. [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE PUBLIC HEARING NOTICE FOR PROPOSED FISCAL YEAR 2011-12 BUDGET AND PROPERTY TAX RATE.

Treasurer Weber indicated that City Council has completed its review of City Manager's recommended budget for fiscal year 2011 and 2012. In accordance with City Charter and various public acts, it is necessary to hold a public hearing on the proposed budget and millage prior to the adoption of the budget.

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Further discussion was held and Weber reviewed four proposed changes to the budget originally presented to Council.

Pastue advised the DDA Board recommended leaving the Principal Shopping District (PSD) assessment at \$206,000, however, he suggested Council consider increasing it by \$10,000. He pointed out the additional funds could be used in seeking short term parking solutions and that the additional amount would be well within the total allotment provided in the PSD Ordinance.

Knol asked if business owners had been notified regarding the PSD. Pastue responded there is no annual notice requirement other than when the PSD is established.

Knol would like to find a way to gather more input on the PSD from affected business owners.

Pastue stated he would like to see the additional \$10,000 earmarked for parking north Grand River.

Wright asked why not consider other expenditures that can be delayed or redefined in order to make up the \$10,000 and not increase the PSD. He noted one possibility is perhaps less money spent on studies.

Responding to a question from Wiggins, Pastue confirmed that the current PSD assessment is lower than the maximum that can be collected. Pastue further confirmed there have been two prior increases. Wiggins also expressed concern over how businesses would feel about this potential increase.

Knol indicated she would like more input from the DDA and business owners.

Pastue advised he would communicate the rationale for recommending the additional PSD increase to DDA Director Knowles. This would allow her to share that information with her board members and businesses. She can inform them of the public hearing for the FY 2011-12 budget scheduled for June 6th.

Wright stated his support for the budget is going to be influenced by a number of decisions, including the access to information regarding millage comparables of communities of similar size. He would like to see that information in advance of the budget vote so he can determine if we are more efficient or at least as efficient as our competition.

Pastue responded he would provide that information.

05-11-083 MOTION by Wright, seconded by Wiggins, to schedule a public hearing on Monday, June 6, 2011 at 7:00 p.m. regarding the proposed Fiscal Year 2011-12 Budget and Millage rate. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO CERTIFY 2011 DELINQUENT INVOICES, WATER AND SEWER BILLS

Treasurer Weber certified that the attached list of invoices and water and sewer bills are delinquent and should be placed on 2011 City of Farmington tax roll in accordance with Farmington City Code. The total amount is \$144,301.37; of that amount \$134,169.69 represents delinquent water and sewer bills and the remaining \$10,131.68 would go to the General Fund for delinquent payments involving grass cutting, sidewalk snow removal and other services provided by the City. He is asking that the attached list be approved to be placed on the Farmington Tax Roll pursuant to City Code.

RESOLUTION 05-11-084 Motion by Knol, seconded by Wiggins, to approve the attached list of delinquent invoices and water and sewer bills for placement on the Farmington Tax Roll pursuant to City Code. [\[SEE ATTACHED LIST\]](#).

ROLL CALL:

Ayes: Wiggins, Wright, Buck, Knol.

Nays: None.

Absent: McShane.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION OF BOND AUTHORIZATION RESOLUTION FOR 2011 CAPITAL IMPROVEMENT BONDS

Pastue indicated City Administration is requesting Council adopt a Bond Authorization Resolution authorizing the issuance of 2011 Capital Improvement Bonds in the amount of \$2,215,000. Bonds would be utilized for the Floral Park Sewer Rehabilitation Project, the Hawthorne Street Water Main Replacement, the Thomas Street Water Main Replacement, Water Control System Improvements, reimbursement of the Grand River Water Main Project and the Slocum Water Main Project in 2009.

RESOLUTION 05-11-085 Motion by Wiggins, seconded by Wright, to adopt a resolution authorizing the issuance of 2011 City of Farmington Capital Improvement Bonds in the amount of \$2,215,000. [\[SEE ATTACHED RESOLUTION\]](#).

ROLL CALL:

Ayes: Wright, Buck, Knol, Wiggins.

Nays: None.

Absent: McShane.

MOTION CARRIED UNANIMOUSLY.

BOARD AND COMMISSION REAPPOINTMENTS

Pastue advised vacancies remain on the Beautification Committee, Downtown Development Authority Board and the Zoning Board of Appeals.

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05-11-086 MOTION by Knol, seconded by Wright, to make the following re-appoints: Mary McHugh to the Farmington Area Commission on Aging for a 3-year term ending 6/30/12; Hailey Hilton to the Commission on Children, Youth and Families for a 1-year term ending 12/31/12; Gerald Bosler to the Farmington Community Library for a 4-year term ending 6/30/15; and Paul Buyers and Miriam Kmetzo to the Zoning Board of Appeals for 3-year terms ending 6/30/14. MOTION CARRIED UNANIMOUSLY.

An opening on the Downtown Development Authority Board was discussed and Wright nominated Dave Cornwell for re-appointment.

05-11-087 MOTION by Wright, seconded by Knol, to reappoint Dave Cornwell to the Downtown Development Authority Board for a 4-year term ending 2/28/15. MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENT

No Public Comment was heard.

COUNCIL COMMENT

Wiggins noted there is also a vacancy on the Traffic and Safety Board. He inquired as to the process of informing the public about Boards and Commissions openings. Pastue responded openings are publicized in the newspaper, on cable and on the City's website.

Responding to a question from Wright, Pastue stated notifications of openings do not include a description of the position except on the website.

Mayor Buck noted maps identifying landmarks and businesses of the Farmington/Farmington Hills community are available at the Farmer's Market Information Booth.

Buck further noted correspondence received from Estralee Michaelson thanking the Public Safety Department for their recognition of her contributions to the community at a recent Public Safety Awards Banquet.

Mayor Buck commended the Public Services Department for their response to the significant rainfall and the problems that ensued.

Mayor Buck also thanked Treasurer Weber for his budget work and City Clerk Halberstadt for Warner Mansion activities. Wright also commented on City Manager Pastue's great work as well.

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ADJOURNMENT

05-11-088 MOTION by Knol, seconded by Wright, to adjourn the meeting.
MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 8:35 p.m.

J. T. (Tom) Buck, Mayor

Susan K. Halberstadt, City Clerk

APPROVED: June 6, 2011