

FARMINGTON CITY COUNCIL
REGULAR MEETING
March 16, 2009

A regular meeting of the Farmington City Council was held on Monday, March 16, 2009, 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 8:00 p.m. by Mayor Knol.

PRESENT: Knol, Wiggins, Wright.

ABSENT: Buck, McShane.

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

CONSENT AGENDA

03-09-042 MOTION by Wiggins, seconded by Wright, to approve the consent agenda as presented:

- A. Special meeting minutes of February 16, 2009
- B. Regular meeting minutes of February 16, 2009
- C. Special meeting minutes of March 2, 2009
- D. Request from Farmington Community Arts Council to hang a banner across Grand River Avenue
- E. Public Safety Monthly Report – February 2009
- F. City of Farmington Monthly Payments Report – February 2009

MOTION CARRIED UNANIMOUSLY.

APPROVAL OF REGULAR AGENDA

03-09-043 MOTION by Wiggins, seconded by Wright, to approve the agenda as amended, changing the wording of Item 6F from adoption to reintroduction of ordinance. MOTION CARRIED UNANIMOUSLY.

PRESENTATIONS/PUBLIC HEARINGS

MICHIGAN COMMUNITY FOR LIFETIME CERTIFICATE OF RECOGNITION TO THE FARMINGTON COMMISSION ON AGING – LEW CANTOR

Lew Cantor, Chairman of the Farmington Commission on Aging, reviewed the criteria under which the Farmington/Farmington Hills achieved a certificate of recognition as a Michigan Community for a Lifetime.

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Dan Doezema and Ramesh Verma from the Michigan Commission on Services to the Aging were present to talk about this significant achievement for the community. Mr. Verma presented the certificate of recognition to City Council.

At the request of Mayor Knol, Mr. Cantor described the responsibilities of the Commission on Aging and what they are looking for in a member.

CONSIDERATION TO APPROVE BELLACINO'S PIZZA AND GRINDER'S 2009 CLASSIC SHOW

03-09-044 MOTION by Wright, seconded by Wiggins, to approve the 2009 Classic Car Show to be held in the western portion of the Village Commons parking lot each Monday evening, 5:00 p.m. until dusk, beginning in May and concluding in October 2009. MOTION CARRIED UNANIMOUSLY.

DEPARTMENT OF PUBLIC SAFETY – SAFETY TIP OF THE MONTH

Director Nebus, representing the Emergency Preparedness Commission, provided a safety tip of the month emphasizing knowledge and preparedness for tornado-related events.

UNFINISHED BUSINESS

CONSIDERATION TO ADOPT ORDINANCE C-733-2008, AMENDING CHAPTER 34, WATER AND SEWER, REGARDING OUTDOOR WATER REGULATIONS

03-09-045 MOTION by Wiggins, seconded by Wright, to adopt Ordinance C-733-2008, to amend the City Code of the City of Farmington, Chapter 34, Water and Sewers, regarding outdoor water regulations as amended, changing the time in Paragraph (b)(2) from 12:00 p.m. to 11:00 a.m. **[SEE ATTACHED ORDINANCE]**.

ROLL CALL

Ayes: Knol, Wiggins, Wright.

Nays: None.

Absent: Buck, McShane.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ADOPT ORDINANCE C-736-2009 TO AMEND CHAPTER 25 OF THE CITY CODE, SIGNS

Pastue noted one change to the ordinance since it was introduced which is found on Page 19 dealing with projecting signs. The change was made to clarify that the bracket for the projecting sign is not considered part of the area calculation.

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03-09-046 MOTION by Wright, seconded by Wiggins, to adopt Ordinance C-736-2009, to amend the City Code of the City of Farmington, Chapter 25, Signs, comprehensively amending the Sign Ordinance and consolidating and updating provisions throughout the chapter. [\[SEE ATTACHED ORDINANCE\]](#).

ROLL CALL

Ayes: Wiggins, Wright, Knol.
Nays: None.
Absent: Buck, McShane.
MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ADOPT ORDINANCE C-737-2009 TO AMEND CHAPTER 34, WATER AND SEWERS, TO CONFORM WITH CITY OF DETROIT WASTEWATER DISPOSAL REQUIREMENTS

03-09-047 MOTION by Wiggins, seconded by Wright, to adopt Ordinance C-737-2009 to amend Chapter 34, Water and Sewers, to conform with the City of Detroit Wastewater Disposal requirements. [\[SEE ATTACHED ORDINANCE\]](#).

ROLL CALL

Ayes: Wright, Knol, Wiggins.
Nays: None.
Absent: Buck, McShane.
MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ADOPT ORDINANCE C-738-2009 TO AMEND CHAPTER 35, ZONING CODE, DEALING WITH PAWN SHOPS AND DRY CLEANING OPERATIONS

03-09-048 MOTION by Wright, seconded by Wiggins, to adopt Ordinance C-738-2009, to amend the City of Farmington Zoning Ordinance, Chapter 35, Sections 7.02 (35-102) Table of Uses (in the commercial Districts), 8.02 (35-112) Table of Uses (in the Industrial District) and 21.02 (35-252), Definitions, to specifically address the uses of Pawn Shops and Secondhand Stores, Dry Cleaning Establishments and Dry Cleaning Plants. [\[SEE ATTACHED ORDINANCE\]](#).

ROLL CALL

Ayes: Knol, Wiggins, Wright.
Nays: None.
Absent: Buck, McShane.
MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ADOPT ORDINANCE C-739-2009 TO AMEND CHAPTER 35, ZONING CODE, DEALING WITH PARKING RECREATIONAL VEHICLES IN RESIDENTIAL AREAS

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03-09-049 MOTION by Wiggins, seconded by Wright, to adopt Ordinance C-739-2009 to amend Chapter 35, Zoning, Section 35-38, Recreational Vehicles, in order to add regulations regarding the parking, storage and maintenance of recreational vehicles in residential areas. [SEE ATTACHED ORDINANCE].

ROLL CALL

Ayes: Wiggins, Wright, Knol.

Nays: None.

Absent: Buck, McShane.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO REINTRODUCE ORDINANCE C-740-2009 WHICH AMENDS CHAPTER 19, NUISANCES, TO ADD A NEW ARTICLE, ARTICLE IX, ABANDONED RESIDENTIAL PROPERTY REGISTRATION AND MAINTENANCE

Attorney Schultz advised the ordinance was changed since it was originally introduced noting the trigger for registration is either from filing a complaint for foreclosure or publishing notice of foreclosure.

Mayor Knol asked about properties that have already gone into foreclosure. Schultz pointed out registration requirements apply on all foreclosure sales.

Pastue stated the City may recognize those properties that have not gone through the foreclosure process and will initiate notice to the mortgage company regarding property maintenance requirements.

Schultz recognized there will be some properties not technically covered by the ordinance.

03-09-050 MOTION by Wright, seconded by Wiggins, to re-introduce Ordinance C-740-2009, to amend the Farmington City Code, Chapter 19, Nuisances, to add Article IX, Abandoned Residential Property Registration and Maintenance. [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ADOPT ORDINANCE C-741-2009 TO AMEND CHAPTER 24, PROPERTY MAINTENANCE, ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2006 EDITION

Schultz noted Ordinance C-741-2009 has been amended (copies distributed at the meeting) since it was introduced incorporating several minor changes that reflect current practices of the Department of Public Services.

03-09-051 MOTION by Wiggins, seconded by Wright, to adopt Ordinance C-741-2009 to amend Chapter 24, Property Maintenance, adopting the International Property Maintenance Code, 2006 Edition, as amended, incorporating several minor changes noted on the final draft as presented. [SEE ATTACHED AMENDED ORDINANCE].

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ROLL CALL

Ayes: Wright, Knol, Wiggins.
Nays: None.
Absent: Buck, McShane.
MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

CONSIDERATION TO ACCEPT RESIGNATION OF WILLIAM LINDBLAD FROM HISTORICAL COMMISSION

03-09-052 MOTION by Wright, seconded by Wiggins, to accept the resignation of William Lindblad from the Historical Commission. MOTION CARRIED UNANIMOUSLY.

APPOINTING THE OAKLAND COUNTY EMERGENCY MANAGEMENT COORDINATOR (EMC) AS THE CITY OF FARMINGTON'S LOCAL EMC

RESOLUTION 03-09-053 MOTION by Wiggins, seconded by Wright, to adopt a resolution designating the Oakland County Emergency Management Coordinator (EMC) to serve as the EMC for the City of Farmington. [SEE ATTACHED RESOLUTION]. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO SCHEDULE PUBLIC HEARING TO AMEND DOWNTOWN DEVELOPMENT AUTHORITY'S DEVELOPMENT PLAN

RESOLUTION 03-09-054 Motion by Wright, seconded by Wiggins, to adopt a resolution to schedule a public hearing for Monday, April 20, 2009 at 8:00 p.m. to accept public comment regarding a proposed amendment to the Development and Tax Increment Financing Plan of the Farmington Downtown Development Authority. [SEE ATTACHED RESOLUTION]. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ADOPT RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS FOR THE GRAND RIVER STREETScape PROJECT

Mike McGee, Bond Counsel for the Grand River Streetscape Project, was present to discuss the provisions of the resolution authorizing the 2009 General Obligation Capital Improvement Bonds.

McGee discussed a provision in the resolution that allows the option of a negotiated sale of the bonds in lieu of accepting bids from a competitive sale. Due to the current uncertainty of the market, a negotiated sale might provide the best opportunity for obtaining the lowest interest rate on bonds.

Responding to a question from Mayor Knol, McGee stated a negotiated sale can occur at any time, however, there is a predetermined date for a competitive sale. He stated there is no statutory requirement to publish a notice on a negotiated

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sale. He discussed the risks of a negotiated sale to both the buyer and the seller.

Wright pointed out Paragraph 7 of the Resolution appears to indicate *either* the City Manager or the Treasurer can negotiate the sale of bonds. He questioned if this is the intention of the resolution.

McGee responded that is not the intention of the resolution, but rather it should read City Manager *and* Treasurer can negotiate the sale of bonds.

Wright asked about the City's options relative to postponing the sale of bonds given the uncertainty of the market.

Pastue stated the City has the resources to temporarily delay sale of bonds. He advised \$1million of the construction costs will be financed with cash from both the City and DDA. He advised with the anticipated construction draws, the City would not need bond proceeds until late summer.

McGee stated in the original resolution the Reimbursement Declarations allow for a 3-year window within which the bonds must be issued. He stated DDA or City funds may be advanced within that 3-year period and bond proceeds can be used for reimbursement.

McGee noted there are a number of bond related provisions in the Federal Stimulus Package that are actively being explored. He stated the "Build America Bond" would be of particular interest to Michigan. He stated this temporary bond is focused on areas that have the highest level of unemployment and the lowest level of aggregate economic activity. He noted the advantage of these bonds is the opportunity to improve on debt service payments because of a federal subsidy that is built into them.

McGee advised the regulations on these bonds have not yet been written and will not be available for at least ninety days. He recommended the City delay issuing bonds until further information is available and assuming the market remains relatively stable.

Wright noted the Build America Bonds would be very attractive to buyers providing a taxable income stream.

Pastue advised the City is looking to issue \$1million in bonds, but has added a cushion of up to \$1.2 million.

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RESOLUTION 03-09-055 Motion by Wiggins, seconded by Wright, to adopt a resolution authorizing 2009 General Obligation Capital Improvement Bonds for the Grand River Streetscape Project for a not-to-exceed amount of \$1,200,000, as amended, modifying Paragraph 7, 3rd Sentence, by replacing the word “or” with “and” between the City Manager and Treasurer. [SEE ATTACHED RESOLUTION].

ROLL CALL

Ayes: Knol, Wiggins, Wright.

Nays: None.

Absent: Buck, McShane.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENT

John Baessler, resident at 23900 Pickett and member of a Farmington/Farmington Hills golf league, expressed concern regarding an additional \$8.00 assessment on Farmington residents and league members to play golf at the Farmington Hills Golf Club. He objected to how the additional assessment was applied. He stated his league at one point was considered grandfathered and was not assessed any extra fees.

Baessler noted there had been a proposal to Council for the City to pay a \$4,000 fee in lieu of the additional assessment to residents. He asked if Council would consider paying this fee.

Mayor Knol responded the decision to assess Farmington residents an additional fee came directly from the City of Farmington Hills. She stated the City has tried to negotiate with Farmington Hills regarding the additional fee, but to no avail. She advised the Council had considered the \$4,000 fee to supplement the league, but decided in a time of significant cutbacks due to a declining economy this would not be feasible.

COUNCIL COMMENT

Mayor Knol noted open positions on the Commission on Aging and two openings on the Historical Commission.

Knol announced an Open House at the Governor Warner Mansion on Sunday, April 5, 2009 from 1-5 p.m. She stated tours will be available as well as additional special events.

ADJOURNMENT

03-09-056 MOTION by Wiggins, seconded by McShane, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 9:30 p.m.

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Valerie S. Knol, Mayor

Susan K. Halberstadt, City Clerk

APPROVED: April 20, 2009