

FARMINGTON CITY COUNCIL
SPECIAL MEETING
December 13, 2010

A special meeting of the Farmington City Council was held on Monday, December 13, 2010, 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 6:04 p.m. by Mayor Buck.

COUNCIL MEMBERS PRESENT: Buck, Knol (arrived 6:06 p.m.), McShane, Wiggins, Wright.

COUNCIL MEMBERS ABSENT: None.

CITY ADMINISTRATION: City Manager Pastue, Attorney Schultz, Deputy Clerk Wendel.

APPROVAL OF AGENDA

12-10-221 MOTION by Wright, seconded by McShane, to approve the agenda as submitted. MOTION CARRIED UNANIMOUSLY.

CLOSED SESSION

- **Update on Existing Litigation**
- **Land Acquisition**
- **Labor Relations – Public Works**
- **Review of City Attorney’s Confidential Correspondence**

12-10-222 MOTION by Knol, seconded by Wright, to enter closed session to receive an update on existing litigation, land acquisition, labor relations-Public Works, and review City Attorney’s confidential correspondence.

ROLL CALL

Ayes: Buck, McShane, Wiggins, Wright.

Nays: None.

Absent: Knol.

MOTION CARRIED UNANIMOUSLY.

Council entered closed session at 6:05 p.m.

12-10-223 MOTION by Knol, seconded by Wright, to return to open session. MOTION CARRIED UNANIMOUSLY.

Council returned to open session at 8:13 p.m.

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OTHER BUSINESS

City Manager Pastue asked Council for thoughts on the work plan and commented Clerk Halberstadt was working with a vendor to update the website.

Responding to question from McShane, Pastue stated the City would be bidding for auditing services.

Responding to a question from Buck, Pastue noted he would inquire as to annual homeowner association meeting dates in order to facilitate dialogue.

Pastue discussed the State's legislation regarding liquor sales on Sunday. He recommended that the City follow state mandates.

PUBLIC COMMENT

No public comment was heard.

COUNCIL COMMENT

McShane inquired regarding the status of the A-frame sign removed from the American Legion Hall.

Council discussed allowing A-frame signs outside the downtown area. Pastue commented A-frame signs are allowed in the downtown area because they are intended for pedestrians not motorists.

Wright questioned the ordinance regarding emergency response cost recovery and its ability to properly be administered.

Pastue recommended the invoices going out for extra ordinary responses be approved by City Council.

Responding to a question from Wright, Pastue stated all billing would be governed by resolution.

Attorney Schultz stated the Home Rule Cities Act allows the City to regulate in the public's health, safety and welfare.

Knol stated she struggles with utility response time issues. She stated the Public Service Commission regulates and prioritizes DTE's response. She noted if DTE doesn't respond in a timely manner the City can take its case to the Public Service Commission.

Pastue stated many surrounding communities have this emergency response cost recovery system in place already. So naturally DTE will respond to those communities quicker when they fear the possibility of incurring additional costs.

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Responding to a question from McShane, Pastue used an example of recent deaths caused by a DUI noting the anger he feels about that.

McShane commented that Drug Court and Farmington Families in Action see a revolving door with DUI offenders returning to jail due to the inability to pay their fines. She felt DUI offenses are rare and questioned the frequency of DUI offenses in relation to others in the City.

Pastue concurred DUI offenses don't happen that often. He then mentioned the City is interested in joining Michigan Emergency Management Assistance Compact (MEMAC) providing a statewide mutual aid arrangement and additionally tying it to this ordinance in order to provide improved environmental response cost recovery.

Pastue cited an example of a City who built a wall to contain an explosion in order not to affect adjoining property. He advised the City would be incurring that cost and would need to recover some of the cost by billing the property owner in lieu of a cost recovery system mandated by ordinance.

Wright stated his concern regarding the impact of decisions made today having repercussions tomorrow. He explained a future City administration may deal with a more challenging economic climate while having to continue to follow the mandates of this ordinance.

Knol stated cost recovery as it applies to DUI offenders is unfair, but she is in agreement with cost recovery as it applies to a hazmat situation because of the shared service agreement.

Responding to a question from Wright, Attorney Schultz explained a statewide emergency cost recovery MEMAC plan covers all cost recovery after 8 hours in western Wayne County, but doesn't apply in Oakland County. Pastue noted the City of Farmington doesn't have this coverage by MEMAC. Schultz stated many Oakland County communities are adopting similar ordinances.

Responding to a question from Buck, Pastue recommended the amendment to Chapter 31 be removed, retain amendment to Fire Code Chapter 14, and limit the language of Chapter 2 to hazmat recovery.

Councilmembers continued discussion regarding cost recovery in extraordinary situations.

Attorney Schultz stated the City has hazardous materials included in the City Ordinance but it doesn't comply with state statute. He noted the proposed ordinance cites state statute instead of stating the City's process for hazardous materials and substances.

Wright used an example of an arsonist fire without this proposed ordinance in place leaving the City open to an invoice by a community that came to our aide to extinguish the fire.

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Pastue explained in practice charges aren't usually levied unless the City calls repetitively for aide instead of addressing these types of situations on their own.

Responding to a question from Wright, Schultz stated there are two mutual aide agreements. The western Wayne County agreement states a response is free, however, other costs that may occur could be invoiced, and it refers to the Mavis Agreement where costs will be paid after 8 hours. He then explained the Oakland County Agreement is silent regarding response costs. He pointed out most Oakland County communities are adopting cost recovery ordinances.

Wright suggested introducing the ordinance if prompted by an event.

Pastue will meet with Attorney Schultz to address Council's concerns prior to the December 20, 2010 Council meeting.

ADJOURNMENT

12-10-224 MOTION by Wright, seconded by McShane, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 8:57 p.m.

J.T. (Tom) Buck, Mayor

Susan K. Halberstadt, City Clerk

APPROVED: January 18, 2011