

FARMINGTON CITY COUNCIL
REGULAR MEETING
OCTOBER 18, 2010

A regular meeting of the Farmington City Council was held on Monday, October 18, 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 7:00 p.m. by Mayor Buck.

COUNCIL MEMBERS PRESENT: Buck, Knol, McShane, Wiggins, Wright.

COUNCIL MEMBERS ABSENT: None.

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

APPROVAL OF ITEMS ON CONSENT AGENDA

10-10-180 MOTION by McShane, seconded by Knol, to approve the consent agenda as presented:

- A. Special Meeting Minutes of September 7, 2010
- B. Special Meeting Minutes of September 20, 2010
- C. Regular Meeting Minutes of September 20, 2010
- D. Farmington Monthly Payments Report, September 2010
- E. 47th District Court Financial Report Quarter Ended June 30, 2010
- F. City of Farmington Investment Report Quarter Ended June 30, 2010
- G. Building Department 1st Quarter Report – July 1, 2010 through September 30, 2010
- H. Monthly Public Safety Report, September 2010
- I. Department of Public Works and Water Sewer Department 1st Quarter Report – July 1, 2010 through September 30, 2010

MOTION CARRIED UNANIMOUSLY.

APPROVAL OF REGULAR AGENDA

10-10-181 MOTION by Wiggins, seconded by Knol, to approve the regular agenda as presented. MOTION CARRIED UNANIMOUSLY.

PRESENTATIONS/PUBLIC HEARINGS

SPECIAL EVENT REQUEST – ZOMBIE WALK

Director Schultz reviewed a Special Event Request from Salathiel Palland, owner of Off the Beaten Path Bookstore, to conduct a Zombie Walk on Halloween night.

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He stated the walk is to close out the opening celebrations for the bookstore and café and to draw attention to downtown Farmington. He advised participants will walk from Mooney Street down Grand River and to Riley Park where they will gather in the pavilion for a costume contest.

Salathiel Palland spoke about the Zombie Walk and related activities.

10-10-182 MOTION by Wiggins, seconded by Knol, approve a special event request from Off the Beaten Path, LLC, to conduct a “Zombie Walk” on Sunday, October 31, 2010 from 5:00 – 8:00 p.m. with the walk beginning at Mooney Street, continuing west on Grand River, and concluding at Riley Park where a costume contest will be held. MOTION CARRIED UNANIMOUSLY.

SPECIAL EVENT REQUEST – ART EXHIBIT FOR CHARITY

Treasurer Weber reviewed a Special Event Request from Zoe Ministry, Inc. to hold an art exhibit at the Sundquist Pavillion on Friday, November 5, 2010. He stated the purpose of the exhibit is to raise funds for families in need.

Rev. William Phillips, President/CEO of Zoe Ministry, was present to discuss the event. He stated Zoe Ministry was created to address the needs of the community. He pointed out the event was created as a family fun function while generating funds for families in need of Thanksgiving dinners.

Menka Ilich, owner of Galleria Monique, was present to discuss details of the art exhibit.

Responding to a question from Knol, Menka stated admission fee to the exhibit would be \$3 for children ages 6 to 12, and \$5 for adults. She further responded they will put up art inspired fabric barriers to control admission to the exhibit.

Knol pointed out communication with surrounding businesses would be important because parking is a potential issue.

Phillips noted the event is scheduled from 9:00 a.m. to 9:00 p.m. and believes parking will be spread out.

Responding to a question from McShane, Phillips stated there are plans in place to ensure proper cleaning of the park at the close of the event.

McShane inquired as to where the money will go and what organizations will benefit from the proceeds.

Phillips responded the money will flow through Zoe Ministries and all proceeds will go to purchase Thanksgiving dinners and cover costs of the event.

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McShane pointed out Neighborhood House and Goodfellows are good resources for Farmington/Farmington Hills Community families in need.

Buck asked for a report on the success of this event.

10-10-183 MOTION by Wiggins, seconded by Wright, to approve a special event request from ZOE Ministry, Inc. to conduct an Art Exhibit at the Sundquist Pavilion on Friday, November 5, 2010, 9:00 a.m. – 9:00 p.m., for the purpose of raising funds to purchase Thanksgiving dinners for needy families. MOTION CARRIED UNANIMOUSLY.

PUBLIC SAFETY TIP FOR THE MONTH

Director Schultz presented the Public Safety Tip of the Month regarding installation and maintenance of smoke alarms. He also discussed potential hazards of Halloween costumes and alternatives to going door-to-door for treats.

PUBLIC HEARING - PROPOSED RIVER GLEN SPECIAL ASSESSMENT DISTRICT

Weber stated at the September 20th meeting, the City Council accepted the City Manager's report regarding the River Glen Special Assessment District and scheduled a public hearing to accept comments from property owners in the proposed district. He advised notice of the hearing was mailed to all River Glen residents.

He advised the estimated cost of the project is \$179,000. He stated benefiting property owners would be assessed \$126,000 toward the project which would equate to \$1,500 per unit, spread over a ten year period.

City Administration is requesting that City Council hold the public hearing and receive comment from the property owners. The City Council would consider at a future meeting whether to proceed with the establishing the District.

Gushman provided an overview of the River Glen Special Assessment District.

10-10-184 MOTION by Knol, seconded by McShane, to open a public hearing for the purpose of receiving public comment on a proposed River Glen Special Assessment District. MOTION CARRIED UNANIMOUSLY.

James Thede, Vice President of the River Glen Association Board, noted a letter was sent to Association members advising them of the proposed District.

Pamela Stopper, River Glen resident, pointed out the taxes River Glen residents pay without receiving services from the City. She stated it would seem more equitable for the City to equally share in the costs of the project. She also

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pointed out there is a need for a bright City light at the entrance to the complex near the Novi Music business.

Tom Sanderson, River Glen resident, pointed out they worked hard to bring this project to the City's attention. He stated the residents support establishing the District.

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

10-10-185 MOTION by Knol, seconded by Wright, to close the public hearing. MOTION CARRIED UNANIMOUSLY.

Buck clarified the City Council would take no action tonight.

PROGRAM YEAR 2010-11 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Weber stated the City's Community Development Block Grant (CDBG) funding for program Year 2011 is estimated by Oakland County to be \$29,256. As part of the application process, the city must hold a public hearing to provide information to the public and receive public comment.

10-10-186 MOTION by Wright, seconded by McShane, to open the public hearing to receive public comment regarding the 2011 Community Development Block Grant Application. MOTION CARRIED UNANIMOUSLY.

Virginia Stopper, River Glen resident, inquired where the funds would go and what improvements would take place.

Weber responded the funds are applied to a variety of senior programs and senior transportation.

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

10-10-187 MOTION by Knol, seconded by Wiggins, to closed the public hearing. MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

CONSIDERATION TO APPROVE PROGRAM YEAR 2010-11 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Weber stated City Administration is requesting Council move to approve the Program Year 2011 Community Development Block Grant Application and adopt the attached resolution.

RESOLUTION 10-10-188 Motion by McShane, seconded by Knol, to approve Program Year 2011 Community Development Block Grant Application and to adopt a resolution authorizing submission to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development. [\[SEE ATTACHED RESOLUTION\]](#).

Roll Call

Ayes: Knol, McShane, Wiggins, Wright, Buck

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

Wright commented by accepting this grant it prevents seeking another grant for a unique project.

Weber stated he is unsure whether additional funding is available.

Knol pointed out that due to the City's size the only option to receive funds is through Oakland County.

CONSIDERATION TO APPROVE EMPLOYMENT AGREEMENT WITH SCOTT FREEMAN TO MANAGE THE FARMINGTON CIVIC THEATRE

Responding to question from McShane, Weber stated the contract would be effective at signing.

Wiggins pointed out this is a replacement position not an additional position.

Buck pointed out the Civic Theatre Ad Hoc Committee has worked very hard to identify improvements, new revenue sources and new opportunities for the Civic Theatre. He stressed the importance of paying careful attention to the committee and their ideas.

RESOLUTION 10-10-189 Motion by Wright, seconded by Knol, to approve an agreement with Scott Freeman to manage the Farmington Civic Theatre. [\[SEE ATTACHED AGREEMENT\]](#).

Roll Call

Ayes: McShane, Wiggins, Wright, Buck, Knol

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

CONSIDERATION TO INTRODUCE ORDINANCES PERTAINING TO PUBLIC SAFETY COST RECOVERY

Schulz reviewed provisions of three proposed Ordinances concerning Public Safety emergency cost recovery.

Knol inquired regarding an emergency response as it relates to a downed utility versus phone service. She questioned who determines level of priority as well as the threshold of cost recovery. She stated there needs to be some assurance that the City will not become egregious.

Schulz indicated there is greater concern for the larger DTE hazardous downed power line causing a blocked street for a period of time. Schulz advised a fee would not be charged until a dollar threshold is reached.

Knol pointed out the City needs to address specific concerns and to make sure the language is clear and protection is present for all parties involved.

Wiggins pointed out the changes in the Personal Protection Order language in Ordinance C-749-2010. He stated he has an issue assessing City homeowners and taxpayers for fire response in Ordinance C-750-2010 except in the case of negligence.

Schulz responded the intent of the ordinance is not to go after the homeowner for the cost of a fire response.

McShane described a hypothetical circumstance where Public Safety responded to a "situation" at a City event such as the Harvest Moon Dance. She asked how time and cost would be handled.

Schulz replied the Ordinance pertains to anything above normal costs in response to normal events.

McShane pointed out concerns with this being a matter of interpretation.

Schulz stated anything outside the guidelines that are unusual costs would be presented to the City Manager.

McShane added she would like to see checks and balances to ensure things are fair and equitable.

Schultz pointed out there is an appeal process available.

Wright stated there is a universal concern on how to apply cost recovery fairly and equitably. He stated concern with accusations or appearances of favoritism in any given situation.

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10-10-190 MOTION by Wiggins, seconded by McShane, to introduce Ordinance C748-2010 that amends Chapter 2, Administration, of the City Code in order to add New Article VII – Emergency Response Cost Recovery and to repeal and amend other provisions to conform to state law for cost recovery for hazardous substances and remediation. [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

10-10-191 MOTION by Knol, seconded by Wiggins, to introduce Ordinance C749-2010 that amends Chapter 31, Traffic and Motor Vehicles, of the City Code to allow for recovery of costs associated with accidents or arrests involving drivers who are operating a motor vehicle while intoxicated or impaired, and recovery of costs associated with violations of personal protection orders. [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

10-10-192 MOTION by McShane, seconded by Wright, to introduce Ordinance C750-2010 that amends Chapter 14, Fire Prevention and Protection, of the City Code to allow for recovery of costs associated with environmental clean ups. [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPROVE CONSTRUCTION ESTIMATE #2 (FINAL)
FOR IMPROVEMENTS TO NINE MILE ROAD**

10-10-193 MOTION by Wiggins, seconded by Knol, to approve construction estimate #2 in the amount of \$12,830.76 for the City of Farmington's share of improvements to the Nine Mile Road Project.

Roll Call

Ayes: Wiggins, Wright, Buck, Knol, McShane.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO ACCEPT RESIGNATION OF DEMETRA MEHAS FROM
THE TRAFFIC AND SAFETY BOARD**

10-10-194 MOTION by McShane, seconded by Wright, to accept the resignation of Demetra Mehas from the Traffic and Safety Board. MOTION CARRIED UNANIMOUSLY.

McShane requested City Administration send a letter to Ms. Mehas thanking her for her service to the City.

CONSIDERATION TO APPROVE 2011 COUNCIL MEETING DATES

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10-10-195 Motion by Wright, seconded by Wiggins, move to adopt a resolution to approve the 2011 City Council meeting dates as presented. [SEE ATTACHED RESOLUTION].

Roll Call

Ayes: Wright, Buck, Knol, McShane, Wiggins

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

DOWNTOWN DEVELOPMENT AUTHORITY APPOINTMENTS

Buck noted an additional candidate's application has yet to be received.

McShane liked the talent, background and youth of the DDA Board applicants. She pointed out the need for balance on the Board. She expressed support for Maria Jewett citing her talents and youth.

Knol expressed eagerness to fill the positions, but felt it would be unfair to fill both vacancies with one application yet to be received. Knol stated her desire to delay making appointments, but would be willing to proceed if that is the desire of Council.

Wiggins stated both candidates who were previously interviewed should be contacted to confirm they are still interested. He suggested scheduling the remaining interview and then a decision should be made thereafter.

Wright stated the next meeting should be the deadline to interview candidates.

McShane shared she is prepared to make one appointment tonight, but will wait if that is the desire from the rest of Council.

Council concurred to delay making an appointment.

10-10-196 Motion by Wright, seconded by Knol, to table making appointments to the Downtown Development Authority Board until the November 1, 2010 meeting. MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENT

Hank Borgman, 34011 Grand River, discussed Tweeney's need for a liquor license. He inquired about the status of liquor licenses available in the Downtown District.

Buck responded those licenses are confined to the Downtown Development Authority District.

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Knol added liquor licenses for stores are completely different than restaurants.

Salathiel Palland, 23023 Orchard Lake, inquired about signage on Mooney.

COUNCIL COMMENT

McShane noted the passing of former Mayor Robert Lindberg. She stated Mayor Lindberg was a key person in City's development. She asked the City to send a letter of condolence.

Wright pointed out there is graffiti on asphalt at Drake Park.

Buck shared his recent attendance at the Farmington Library Board meeting on Twelve Mile. He found the meeting to be very interesting and encouraged others to attend. He also noted the City recently received a Beautification Award for the Streetscape Project.

ADJOURNMENT

10-10-197 Motion by Wright, seconded by Knol, to adjourn the meeting.
MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 8:45 p.m.

J.T. (Tom) Buck, Mayor

Susan K. Halberstadt, City Clerk

APPROVED: November 15, 2010