

FARMINGTON CITY COUNCIL
REGULAR MEETING
July 21, 2008

A regular meeting of the Farmington City Council was held on Monday, July 21, 2008, 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: Buck, Knol, Wiggins, Wright.

ABSENT: McShane.

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

CONSENT AGENDA

07-08-130 MOTION by Buck, seconded by Wiggins, to approve the amended consent agenda (removing Item M, Consideration to Approve National League of Cities Annual Membership) as follows:

- A. Special Meeting Minutes of May 15, 2008
- B. Special Meeting Minutes of May 19, 2008
- C. Special Meeting Minutes of June 16, 2008
- D. Regular Meeting Minutes of June 16, 2008
- E. Special Meeting Minutes of June 20, 2008
- F. Special Meeting Minutes of July 10, 2008
- G. Request for "Tag Days" – Fundraising Event
- H. Farmington Monthly Payments Report – June 2008
- I. Public Safety Monthly Report – June 2008
- J. Building Department 4th Quarter Report – April 1, 2008 through
- K. Eight Mile Boulevard Association Annual Membership
- L. Traffic Improvement Annual Membership

MOTION CARRIED UNANIMOUSLY.

APPROVAL OF REGULAR AGENDA

07-08-131 MOTION by Wright, seconded by Buck, to approve the agenda as submitted. MOTION CARRIED UNANIMOUSLY.

PRESENTATIONS/PUBLIC HEARINGS

**CONSIDERATION TO APPROVE ORCHARD GROVE COMMUNITY CHURCH
TASTEFEST SPECIAL EVENT**

COUNCIL PROCEEDINGS -2-
July 21, 2008

07-08-132 MOTION by Wiggins, seconded by Wright, to approve a special event request from the Orchard Grove Community Church to hold a Tastefest behind the Farmington Civic Theatre on Sunday, August 17, 2008 from 12:30 p.m. to 2:30 p.m. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO VACATE RIVERVIEW COURT

City Administration discussed the basis for recommending vacation of Riverview Court. In conjunction with the street vacation, the City requested payment authorization to Valley View Condominium in the amount of \$14,130 for improvements to Riverview Court.

Public Hearing

Mayor Knol requested a motion to open the public hearing.

07-08-133 MOTION by Buck, seconded by Wright, to open the public hearing to receive comment on the vacation of Riverview Court. MOTION CARRIED UNANIMOUSLY.

Hearing no public comment, Council concurred to close the public hearing.

Consideration to Pay for Proposed Repair of Entryway to Riverview Court

RESOLUTION 07-08-134 Motion by Wright, seconded by Wiggins, to authorize payment to Valley View Condominium Association in the amount of \$14,130 for repairs to Riverview Court.

ROLL CALL

Ayes: Knol, Wiggins, Wright, Buck.

Nays: None.

Absent: McShane.

MOTION CARRIED UNANIMOUSLY.

Consideration of Resolution to Vacate Riverview Court

RESOLUTION 07-08-135 Motion by Wiggins, seconded by Buck, to adopt a resolution to vacate Riverview Court in the Valley View Condominiums. **[SEE ATTACHED RESOLUTION].**

ROLL CALL

Ayes: Wiggins, Wright, Buck, Knol.

Nays: None.

Absent: McShane.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO VACATE BROOKDALE COURT

City Administration discussed the basis for the City's recommendation to vacate Brookdale Court.

Public Hearing

Mayor Knol called for a motion to open the public hearing.

07-08-136 MOTION by Wiggins, seconded by Wright, to open the public hearing to receive comment on the proposed vacation of Brookdale Court. MOTION CARRIED UNANIMOUSLY.

Bob Fougere, 31831 Grand River, expressed concern regarding the current condition of Brookdale Court and that the transfer of ownership would result in a long term liability to the Condominium Association. He stated the Association is completely against the street vacation. He requested the City provide long term maintenance costs for Brookdale Court. He further requested the City provide the street vacation proposal in layman's terms to the Brookdale Condominium residents.

Tom Sanderson, Treasurer of River Glen, 32718 Grand River, questioned the process for street vacation. He asked about an estimate for future repair costs.

City Manager Pastue responded the City ensures a street is in good repair before it is vacated.

Mayor Knol recommended the City review the maintenance costs of similar condo associations to estimate future repair costs.

Beverly Borr, 32718 Grand River, requested Council refrain from rubber stamping proposed street vacations. She noted the benefit the City receives by not having to provide winter maintenance on these streets.

Bob Fougere requested Council refrain from taking action on this street vacation until the Brookdale Condo Association meets on August 19th.

Hearing no further public comment, Mayor Knol called for a motion to close the public hearing.

07-08-137 MOTION by Wiggins, seconded by Buck, to close the public hearing. MOTION CARRIED UNANIMOUSLY.

Consideration of Resolution to Vacate Brookdale Court

City Manager Pastue stated there is no immediate rush to take action on the street vacation. He recommended Council take time to look at the condition of the street before making any decisions.

COUNCIL PROCEEDINGS -4-
July 21, 2008

Mayor Knol recommended the City provide to both River Glen and Brookdale Condominium Associations an estimate of future maintenance costs prior to Brookdale's meeting on August 19, 2008.

07-08-138 MOTION by Buck, seconded by Wright, to table consideration of a resolution to vacate Brookdale Court for a period of sixty (60) days. MOTION CARRIED UNANIMOUSLY.

Councilmember Wright stated his difficulty in differentiating the streets proposed for vacation from other City streets. He recommended the City attend the Brookdale Condominium Association meeting in August and hear a broader viewpoint from the residents.

Pastue pointed out Brookdale Court was not considered a City street when it was constructed. He stated a typical City street would have water, sewer, cable and natural gas lines all functioning as a public right of way. He further stated there are design considerations given to public streets to allow emergency vehicles and Brookdale Court at a width of 12 feet does not meet current standards.

Responding to a question from Mayor Knol, Pastue advised streets are mainly private in new condominium developments.

Attorney Schultz advised roads today need to be built to public standards in terms of concrete, base and width.

Responding to a question from Councilmember Buck, Pastue stated the City took ownership of Brookdale Court in the mid 1960's.

UNFINISHED BUSINESS

None.

NEW BUSINESS

**CONSIDERATION TO ADOPT RESOLUTION APPROVING POLICY
RELATIVE TO THE REVIEW AND GRANTING OF POVERTY EXEMPTIONS**

City Assessor John Sailer advised the Board of Review made a number of minor changes to the policy on granting poverty exemptions including: household income cannot exceed two times the federal poverty standard; excessive medical expenses exceeding 10% of income can be deducted from income; change in asset test; and a requirement for waiver of confidentiality.

Councilmember Buck requested clarification on the language in Paragraph 4 of the policy. He confirmed with Mr. Sailer the phrase "no later than" should be inserted.

COUNCIL PROCEEDINGS -5-
July 21, 2008

Responding to a question from Councilmember Wright, Mr. Sailer stated the City averages eleven hardship requests per year.

RESOLUTION 07-08-139 Motion by Buck, seconded by Wiggins, to approve a revised policy relative to the review and granting of poverty exemptions by the City of Farmington Board of Review as amended (inserting the phrase “no later than” following the word “City” in paragraph 4). **[SEE ATTACHED POLICY]**.

ROLL CALL

Ayes: Wright, Buck, Knol, Wiggins.

Nays: None.

Absent: McShane

MOTION CARRIED UNANIMOUSLY.

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

Administration advised the City is currently in the process of negotiating a long-term water service contract with the Detroit Water and Sewer Department (DWSD). Administration further advised one of DWSD’s key negotiating positions is to control peak hour and peak day demands for water. As part of the negotiating process, DWSD is offering reductions in the water purchase rates to communities that implement water conservation measures.

Administration noted five items of significance in the proposed ordinance that reflect good water management practices.

Mayor Knol asked for clarification of the times for lawn and landscape irrigation.

Councilmember Buck expressed the importance of these changes if they result in reduced costs, water is conserved and the community is encouraged to become more responsible in the use of this natural resource.

Councilmember Wiggins clarified *all* landscape and lawn irrigation including manual irrigation would be restricted to specific days and times.

Knol expressed concern regarding restriction of manual irrigation that includes watering plants. She noted this provision was not discussed in an earlier study session.

Pastue stated DWSD would like both manual and automated lawn irrigation limited in the ordinance. He recognized plants would still be watered everyday.

Knol stated residents who water their plants during the restricted hours would be in violation even though restricting plant watering is not the intent of the ordinance.

COUNCIL PROCEEDINGS -6-
July 21, 2008

Attorney Schultz advised Council comments will be taken into consideration and administration will return at the second reading of the ordinance with language that will address these concerns.

Wright asked if the language of the ordinance is dictated by the City's efforts to encourage water conservation or is it dictated by a DWSD agreement.

Attorney Schultz responded exact language is not dictated by DWSD, however, the concept of water conservation must be implemented in order to qualify for a discount on water rates.

Wright noted there is no differentiation in the ordinance between watering plants and watering the lawn.

Discussion continued regarding the exact intent of the ordinance.

Knol noted the behavior the City is trying to affect is the large water users which are typically commercial properties or residential properties with automatic sprinklers.

Pastue stated the ordinance will be brought back to Council with greater clarity and definition.

07-08-140 MOTION by Wiggins, seconded by Buck, to introduce Ordinance C-733-2008 amending Chapter 34 of the City Code, Water and Sewer, pertaining to outdoor water restrictions amended as follows: hours designated in Item 4 under Section 1 will change to 6:00 a.m. and 11:00 a.m.; change section (d) to (c) and subsequent section identification accordingly; and clarify language regarding manual irrigation. **[SEE ATTACHED ORDINANCE]**. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO INTRODUCE ORDINANCE C-732-2008 REGULATING GARAGE SALES

Administration advised the City has received numerous complaints regarding yard sales that take place each weekend at the same location. Administration further advised the City Code does not have any direct regulations to control or limit this type of activity. The proposed ordinance would limit a property to two garage sales per year and no garage sale could last more than 72 hours.

07-08-141 MOTION by Wright, seconded by Wiggins, to introduce Ordinance C-732-2008, to add Chapter 15.5, Garage Sales, to regulate, control and limit garage sales in the City of Farmington. **[SEE ATTACHED ORDINANCE]**. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO INTRODUCE ORDINANCE C-734-2008 TO AMEND CHAPTER DEALING WITH RETIREMENT SYSTEM

COUNCIL PROCEEDINGS -7-
July 21, 2008

Administration advised Council at an earlier meeting discussed and reviewed the general structure of the separation and employment agreement with the Assistant City Manager. Administration further advised as a result of this agreement the City Attorney has recommended amending the City Code dealing with administration of the pension system. Administration advised the effective date of August 1, 2008 will be changed to a later date and a couple of typos will be corrected for the second reading of the ordinance.

07-08-142 MOTION by Wiggins, seconded by Wright, to introduce Ordinance C-734-2008 to amend the City Code dealing with the Farmington Employees Retirement System to provide conditions associated with the early retirement and elimination of the Assistant City Manager position. [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ADOPT RESOLUTION TO PLACE CHARTER AMENDMENT PROPOSALS ON THE NOVEMBER 2008 GENERAL ELECTION BALLOT

RESOLUTION 07-08-143 Motion by Wiggins, seconded by Buck, to adopt a resolution to place four charter amendment proposals dealing with organization of government on the November 2008 General Election ballot. [SEE ATTACHED RESOLUTION].

ROLL CALL

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

CONSIDERATION TO APPROVE PROPOSAL FOR SCREEN CURTAIN FOR THE FARMINGTON CIVIC THEATRE UPPER AUDITORIUM

Responding to a question from Councilmember Wiggins, Pastue stated the City has worked with North Coast Studios, Inc. in the past and found their costs to be reasonable.

Wright questioned the need for a curtain in front of the screen since it provides limited protection. Pastue responded it would be more of a psychological barrier.

RESOLUTION 07-08-144 Motion by Wiggins, seconded by Wright, to accept a proposal from North Coast Studios, Inc. in the amount of \$3,655.00 to install a curtain for the upper auditorium at the Civic Theatre.

ROLL CALL

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

CONSIDERATION TO TERMINATE AGREEMENT WITH FARMINGTON PUBLIC SCHOOLS REGARDING BASKETBALL COURT FACILITY AT CLOVERDALE SCHOOL

RESOLUTION 07-08-145 Motion by Wright, seconded by Wiggins, to authorize termination of an agreement with Farmington Public Schools regarding the basketball court at Cloverdale School and authorize the City Manager to execute any documents necessary to terminate the agreement subject to review and approval by the City Attorney. [SEE ATTACHED AGREEMENT]. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE CONSTRUCTION ESTIMATE #2 FOR THE POWER ROAD RECONSTRUCTION AND WATER MAIN IMPROVEMENTS

RESOLUTION 07-08-146 Motion by Buck, seconded by Wiggins, to approve payment of construction estimate #2 to Sole Construction in the amount of \$88,003.62 for the Power Road Project.

ROLL CALL

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

CONSIDERATION TO APPROVE SMART AGREEMENT FOR TRANSFER OF MUNICIPAL AND COMMUNITY CREDITS

Buck noted it has been approximately two years since the City renewed its agreement with SMART. He requested an evaluation of the service and routes provided by SMART.

RESOLUTION 07-08-147 Motion by Buck, seconded by Wiggins, to authorize the City Manager to sign an agreement with SMART for Municipal and Community Credits on behalf of the City for Fiscal Year 2009. [SEE ATTACHED AGREEMENT].

ROLL CALL

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

CONSIDERATION TO AUTHORIZE PURCHASE REPLACEMENT VAN

RESOLUTION 07-08-148 Motion by Wright, seconded by Wiggins, to authorize purchase of a 2008 Dodge Caravan from Bill Snethkamp Dodge, Inc. in the amount of \$19,112.50.

COUNCIL PROCEEDINGS -9-
July 21, 2008

ROLL CALL

Ayes: Buck, Knol, Wiggins, Wright.

Nays: None.

Absent: McShane.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENT

Tom Sanderson, 32718 Grand River, offered ideas for amending the Water and Sewer Ordinance.

Tony Cassanova, representing the Orchard Grove Community Church Tastefest, thanked Council for their approval of the event.

Beverly Borr, 32718 Grand River, asked if the Power Road project has been completed between Grand River and Shiawassee Road. Pastue advised one more layer of asphalt needs to be laid in late August or early September.

COUNCIL COMMENT

Councilmember Wiggins noted the success of the recent Founders Festival and requested an accounting from the City concerning the event.

Councilmember Wright questioned distribution of the revenue from the Festival. Pastue stated revenue stays with the Festival.

ADJOURNMENT

07-08-149 Motion by Wiggins, seconded by Buck, to adjourn the meeting.
MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 9:45 p.m.

Valerie S. Knol, Mayor

Susan K. Halberstadt, City Clerk

APPROVED: August 18, 2008