

FARMINGTON CITY COUNCIL
REGULAR MEETING
OCTOBER 17, 2011

A regular meeting of the Farmington City Council was held on Monday, October 17, 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 7:03 p.m. by Mayor Buck.

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

COUNCIL MEMBERS ABSENT: None.

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

PLEDGE OF ALLEGIANCE

APPROVAL OF ITEMS ON CONSENT AGENDA

10-11-173 MOTION by McShane, seconded by Knol, to approve the items on the consent agenda as presented:

- A. Special Meeting Minutes of September 19, 2011
- B. Regular Meeting Minutes of September 19, 2011
- C. Special Meeting Minutes of September 26, 2011
- D. Special Meeting Minutes of September 27, 2011
- E. Regular Meeting Minutes of October 3, 2011
- F. Approve Farmington Monthly Payments Report, September 2011
- G. Approve Building Department First Quarter Report July 1 through September 30, 2011
- H. Approve Public Safety Monthly Report, September 2011

MOTION CARRIED UNANIMOUSLY.

APPROVAL OF REGULAR AGENDA

10-11-174 MOTION by Knol, seconded by Galvin, to approve the regular agenda. MOTION CARRIED UNANIMOUSLY.

PRESENTATIONS/PUBLIC HEARINGS

**PUBLIC HEARING – PROGRAM 2011-12 COMMUNITY DEVELOPMENT
BLOCK GRANT APPLICATION**

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10-11-175 MOTION by Knol, seconded by Wright, to open the public hearing for the purpose of receiving feedback on the 2011-2012 Community Block Grant Application. MOTION CARRIED UNANIMOUSLY.

Kristen Kuiken, 33808 Glenview Court, inquired if the City can roll over CDBG money for future economic development.

Pastue replied there are a number of potential uses for the CDBG program including economic development, providing they meet the requirements.

Kuiken asked what factors specifically lead to the decision to use it towards the Senior Services Program this year; and if economic development was considered for this funding.

Pastue answered a specific project has not been identified for the funds. There are limitations on the development and the funds must be used within 2 years.

Kuiken inquired as to future economic development plans utilizing CDGB money. Pastue provided future uses on economic development/redevelopment.

Pastue pointed out the benefit from the Senior Program essentially freed up some general fund money because they have been provided for outside the CDGB fund.

Knol asked as to the time requirements for the City to complete the application through the state.

Pastue replied it is a multi level process and the scope of the project would determine the timeframe.

10-11-176 MOTION by McShane, seconded by Wright, to close the public hearing on the 2011-2012 Community Block Grant Application. MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

**CONSIDERATION TO ADOPT ORDINANCE C-758-2011 TO AMEND
CHAPTER 3 OF THE CITY CODE, ALCOHOLIC LIQUORS**

Galvin inquired regarding the location of "Painting with a Twist".

Pastue stated the site has not yet been determined. Pastue pointed out the Liquor Ordinance has not been updated since 1977.

Galvin asked as to the approximate number of similar requests. Pastue replied there are generally a handful of inquiries received.

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Wright expressed concern regarding possible undesirable uses that would be covered under the proposed ordinance changes.

Bucked pointed out since the ordinance was last reviewed there have been three applications and now the second application was withdrawn.

McShane inquired as to how the proposed use will be properly regulated and managed; and what role does the Michigan Liquor Control Commission (LCC) play in this process.

Responding to McShane, Pastue replied the LCC would not be involved because there is no license requirement. The primary purpose of the proposed use is instructional and alcohol is secondary.

McShane asked Director Schulz if children will be segregated from the areas of the establishment where alcohol will be allowed and how this will be monitored.

Responding to McShane, Director Schulz stated this would be monitored in the same fashion as licensed establishments are monitored.

McShane asked Director Schulz if he is comfortable with the ability to police this type of proposed use.

Schulz indicated he is comfortable and pointed out minor children are allowed to remain with their parents in licensed establishments.

Wright inquired regarding special risk insurance and who would be responsible for providing such coverage.

Responding to Wright, Pastue noted the City Attorney does not believe there is concern relative to liability. He noted the City will provide the zoning permit for the establishment's principal use. He stated the primary responsibility lies with the owner of the establishment to comply with all State and Local rules and regulations.

Wright asked regarding the City's accountability if an establishment becomes problematic.

Pastue stated that he along with the City Attorney would ultimately ask the City Council to rescind this aspect of the Ordinance.

Wright noted the proposed establishment currently exists in Ferndale and requested a copy of Ferndale's Ordinance.

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MOTION 10-11-177 Motion by Knol, seconded by Galvin, to adopt Ordinance C-758-2011 to amend Chapter 3, "Alcohol," Article I, "In General," Section 3-5, "Consumption in Public," in order to allow consumption of alcohol in certain stores or establishments in areas not open to the general public, with certain limitations. [\[SEE ATTACHED ORDINANCE\]](#).

ROLL CALL

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

NEW BUSINESS

CONSIDERATION TO ADOPT RESOLUTION AMENDING CHAPTER 7 OF THE FEE SCHEDULE REGARDING BUSINESS LICENSES, PERMIT, AND REGISTRATION FEES

RESOLUTION 10-11-178 Motion by McShane, seconded by Knol, to adopt a resolution amending Chapter 7 of the Fee Schedule to reduce the amount of the delinquent penalty and extend new business registrations that occur in the last quarter of the year to the following year as well. [\[SEE ATTACHED RESOLUTION\]](#).

ROLL CALL

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

CONSIDERATION OF STATE TRUNKLINE OPERATING PERMIT AND INDEMNIFICATION RESOLUTION

McShane asked how the amount is determined for maintenance of Grand River within the City limits. Pastue stated it is strictly a function of winter maintenance.

Responding to an additional question from McShane, Pastue stated the City has not had a problem in receiving payment from the State for road maintenance. He recognized Mr. Gushman for doing a great job in maintaining Grand River.

Responding to a question from Galvin, Pastue stated there have been no changes in the rates the State pays for road maintenance.

MOTION 10-11-179 Motion by Galvin, seconded by Wright, to authorize the City Manager to submit an annual permit application to the Michigan Department of Transportation (MDOT) for Miscellaneous Operations within the State Trunkline Right of Way, and to adopt MDOT Performance and Indemnification Resolution. [\[SEE ATTACHED RESOLUTION\]](#).

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ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO RATIFY AGREEMENT WITH THE MICHIGAN STATE
POLICE FOR THE PUBLIC SAFETY VIDEO SURVEILLANCE PROJECT**

Wright asked if there will be a posting to notify the area is under surveillance. Pastue replied no posting is planned. He stated the primary use is for the Public Safety Department. He noted the camera will be visible for all to see.

McShane stated the installation of the surveillance equipment is a great idea and a positive move for the City. She noted it will help to prevent alcohol and drug use, as well as property destruction. McShane asked who participated in obtaining the grant.

Director Schulz replied Commander Demers and a Farmington resident. McShane thanked those who assisted.

Knol pointed out additional reasons to support the surveillance; such as the safety of young children and sense of security at the playscape.

Buck noted that generally society behaves better in public when on video.

Galvin asked Councilmember Knol if parents would feel safer if a sign was posted at the playscape.

Knol replied she is more concerned about deterring an offender, but she would defer to the Public Safety Department regarding posting of a sign.

Director Schulz noted it will be some time before the cameras are installed. He stated the advantages of sign placement can be reviewed at that time.

Buck pointed out open cameras on highways are accessible to the public via internet.

Wright noted signage can oftentimes be more effective than the equipment.

MOTION 10-11-180 Motion by Wright, seconded by McShane, to ratify a grant agreement with the Michigan State Police to receive \$23,168 in grant proceeds to install surveillance equipment at the Sundquist Pavilion and at the Shiawassee Park Playscape.

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ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE ESTIMATE #4 AND CHANGE ORDER #1 FOR THE 2011 FARMINGTON ROAD AND WATER MAIN IMPROVEMENTS PROGRAM

RESOLUTION 10-11-181 MOTION by McShane, seconded by Knol, to approve payment of Construction Estimate #4 and Change Order #1 to Sole Construction in the amount of \$115,946.27 for work completed on the 2011 Farmington Paving and Water Main Improvements Program.

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE ESTIMATE #2 FINAL AND BALANCING CHANGE ORDER #1 FOR THE FLORAL PARK SUBDIVISION SANITARY SEWER TELEVISIONING PROJECT

RESOLUTION 10-11-182 MOTION by Knol, seconded by Galvin, to approve payment of Construction Estimate #2 and balancing change order #1 to Advance Underground in the amount of \$18,417.13 for *final* work completed on the Floral Park Subdivision Sanitary Sewer Televisioning Project.

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO INTRODUCE ORDINANCE C-759-2011 TO AMEND TRAFFIC CONTROL ORDERS

Responding to a question from Galvin, Director Schulz replied he is unaware of any studies regarding the amount of time it takes for the public to adjust to traffic control changes. He pointed out the public would be given more than a reasonable amount of time before enforcement takes place.

Galvin asked how we acquire more spaces on one side of the street when both sides are of equal length. Schulz responded the difference is due to the number of curb cuts.

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Pastue noted for a time the traffic flow would be monitored as a result of the changes. Additionally, the City would ask the Library to assist in notifying their patrons regarding this parking change.

McShane agreed that parking on the east side of Liberty Street where there are less curb cuts makes perfect sense. She asked for clarification on the change order for Grand River from Farmington Road to Warner.

Schulz responded that under the Old Grand River configuration there was no parking on the north side between 3:30 p.m. and 6:30 p.m. to allow for rush hour traffic. Under the new configuration the curb cut parking eliminates that need.

McShane noted the change for Flanders Street makes sense. She expressed some concern regarding the parking for sporting events; feels it is important to monitor. Schulz responded historically it hasn't been an issue.

MOTION 10-11-183 Motion by Galvin, seconded by McShane, to introduce Ordinance C-759-2011 to amend Traffic Control Orders of the City of Farmington. **[SEE ATTACHED ORDINANCE]**. MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENT

Kim Thompson-Everett, 23210 Lilac, inquired regarding the status of the sewer lining project for Floral Street.

Gushman responded it took longer than expected to get the televising portion of the project completed in order to determine where possible dig ups should occur. He stated the dig ups will be done this Fall and the sewer lining will be complete in the Spring of next year.

Thompson-Everett stated the City was remiss in sharing information with the residents regarding the status of this project.

Gushman advised the City is not that far off schedule with regard to the targeted date for completion. He stated the urgency is to have the work completed within a few years to prevent pipes from collapsing.

Thompson-Everett pointed out it is not uncommon for the sewer lines to frequently back up in Floral Park.

Gushman advised the problem occurs in the lines that run to the houses, not the main sewer line.

Pastue stated urgency was not a factor and apologized if that impression was given. He stated it just made sense to do the project now. He advised that due

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to underground contractors and equipment issues the project was slightly delayed.

Thompson-Everett inquired if the equipment purchased from Farmington Hills will be used for this project.

Gushman responded the project is very time consuming as well as labor intensive and could not reasonably be done using City staff and equipment.

Pastue stated a letter regarding the status of the project will be sent to residents of Floral Park.

COUNCIL COMMENT

McShane expressed appreciation and thanked the Governor Warner Mansion staff of volunteers for a wonder haunted house event at the Warner Mansion. She discussed the wonderful mourning costumes, historical information that was shared about the people who lived in the house, and different elements of funerals from that period.

Responding to a question from McShane, Pastue advised deer hunting is not permitted in Farmington.

Galvin inquired about arranging a study session on Economic Development. Pastue advised study sessions are typically scheduled the first Monday of the month.

Galvin suggested getting started before the election in order to meet with Valerie Knol and Dave Wright to gain their expertise.

McShane agreed it is a good idea to involve Knol and Wright in a discussion on economic development. She stated the need for a preliminary meeting to structure an outline on economic development.

Wright suggested adding a study session following the next meeting on November 7th.

ADJOURNMENT

10-11-184 MOTION by Knol, seconded by McShane, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 8:10 p.m.

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J. T. (Tom) Buck, Mayor

Susan K. Halberstadt, City Clerk

APPROVED: November 21, 2011