

FARMINGTON CITY COUNCIL  
REGULAR MEETING  
May 19, 2008

A regular meeting of the Farmington City Council was held on Monday, May 19, 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, McShane, Wiggins, Wright.

**ABSENT:** None.

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

**CONSENT AGENDA**

**05-08-077** MOTION by Buck, seconded by Wiggins, to approve the following items on the consent agenda:

- Joint Meeting Minutes of April 15, 2008
- Special Meeting Minutes of April 21, 2008
- Regular Meeting Minutes of April 21, 2008
- Budget Meeting Minutes of April 28, 2008
- Van Tour Minutes of April 28, 2008
- Special Meeting Minutes of May 5, 2008
- Public Safety Monthly Report – April 2008
- Farmington Monthly Payments Report – April 2008
- Quarterly Investment Report
- City of Farmington Financial Report Quarter Ended March 31, 2008
- 47<sup>th</sup> District Court Financial Report Quarter Ended March 31, 2008
- Huron River Hunting and Fishing Club Outdoor Events

MOTION CARRIED UNANIMOUSLY.

**APPROVAL OF REGULAR AGENDA**

**05-08-078** MOTION by McShane, seconded by Wiggins, to approve the agenda as submitted. MOTION CARRIED UNANIMOUSLY.

**PRESENTATIONS/PUBLIC HEARINGS**

**CONSIDERATION TO APPROVE BREAST CANCER 3-DAY WALK SPECIAL EVENT REQUEST**

Present: Jordan Byron – Michigan Crew Volunteer Coordinator

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Mr. Byron advised the route through Farmington would be the same as last year. He noted his staff will meet with the Public Safety Department to confirm plans and address any issues.

**RESOLUTION 05-08-079** Motion by Wright, seconded by Buck, to approve an outdoor special event request for the Breast Cancer 3-Day Fundraising Walk scheduled for September 26, 2008. [SEE ATTACHED REQUEST]. MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPROVE BELLACINO'S 2008 WPON 1460 AM CAR SHOW**

Present: Keith Balcom, Co-owner of Bellacino's

Responding to a question from Councilmember McShane, Mr. Balcom stated no other merchants are involved in the car show. McShane suggested holding the car show on the Saturday during Founders Festival to showcase the Village Commons Shopping Center.

Responding to question from Councilmember Buck, Mr. Balcom stated a definite date each month to hold the car show has not yet been decided.

**RESOLUTION 05-08-080** Motion by McShane, seconded by Wiggins, to approve a request from Bellacino's Restaurant to hold a classic car show, in conjunction with WPON 1460 AM, in the western end of the Village Commons Parking Lot, on Saturday, May 31, 2008, from 5:00 p.m. to 8:30 p.m., and authorize the applicant to hold one such event each month through October 2008. MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPROVE OUTDOOR SEATING FOR GALA RESTAURANT IN MUNICIPAL PARKING LOT**

Administration advised Planning Commission has approved a request from *Gala* Restaurant for outdoor seating in the Municipal Parking lot contingent upon approval by the City Council for use of the parking lot and the Michigan Liquor Control Commission (LCC). Administration recommended Council approval of this request.

Responding to a question from Councilmember Wiggins, Pastue stated the earliest an approval would be received from the LCC would be at their June 9<sup>th</sup> board meeting.

Responding to a question from Mayor Knol, Pastue stated it would be possible for Gala to provide outside service without selling liquor, however, he is unsure the owner would be interested in this option.

Councilmember Buck recused himself from deliberations due to his financial interest in the affected property.

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Responding to a question from Councilmember McShane, Pastue indicated notices regarding this request have not gone out to surrounding residential and business property owners.

Responding to a further question, Pastue stated entertainment was not part of the outdoor seating request, however, the City has recommended including it in the agreement.

Councilmember McShane expressed concern regarding the reduction of parking spaces, however, she expressed support for the idea of outdoor dining.

Mayor Knol advised a decibel level should be specified if entertainment is part of the agreement.

McShane noted the practice of sending a notice to businesses and residents within 500' when a request is received for outdoor entertainment and dining. She stated the City needs to be cognizant of the impact outdoor entertainment might have on neighbors.

Councilmember Wright clarified the City put the entertainment provision in the agreement and it was not part of the request from Gala. He noted the limited space might not allow for entertainment.

McShane suggested removing the entertainment provision since it was not part of the original request. She stated, however, if Council elects to retain this provision then rules regarding hours and decibel levels must be established.

Discussion followed regarding keeping entertainment in the agreement.

Director Nebus recommended keeping the entertainment provision in the agreement. He stated a violation of any part of the agreement gives the LCC greater leverage in revoking an outdoor permit.

Wiggins recommended against allowing outdoor seating without serving alcohol. He stated the liability of serving alcohol to outside diners would be too great. Director Nebus strongly concurred with this recommendation.

**RESOLUTION 05-08-081** Motion by Wright, seconded by Wiggins, to approve a request from *Gala* Restaurant, 33316 Grand River, for outdoor seating in three parking spaces of the Municipal Parking lot located directly behind their building subject to the City Attorney preparing an agreement for its use and approval by the Michigan Liquor Control Commission. MOTION CARRIED (4 AYES, 1 ABSTENTION).

**UNFINISHED BUSINESS**

**CONSIDERATION TO ADOPT ORDINANCE C-731-2008 TO AMEND CHAPTER 16 OF THE CITY CODE DEALING WITH SOLID WASTE SERVICES, RECYCLING SERVICES, YARD WASTE SERVICES AND FEES FOR SERVICES**

**05-08-082** MOTION by McShane, seconded by Buck, to adopt Ordinance C-731-2008 to amend Chapter 16 of the City Code relating to solid waste, recycling, yard waste services, and fees for the services. **[SEE ATTACHED ORDINANCE]**. MOTION CARRIED UNANIMOUSLY.

**ROLL CALL**

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS**

**CONSIDERATION TO APPROVE FARMINGTON AREA FOUNDERS FESTIVAL (FAFF) SPECIAL EVENT REQUEST**

Present: Henry Tarnow

Mr. Tarnow, representing FAFF, was present to discuss planned events for the festival and respond to questions from Council.

**RESOLUTION 05-08-083** Motion by Wiggins, seconded by McShane, to grant a Special Event Permit for the Farmington Area Founders Festival for the dates of July 16-20, 2008; and further:

- Authorize the closing of Shiawassee between Power Road and Farmington Road (east) on Thursday, July 17, between 10:00 a.m. and 5:00 p.m. for Kids Day in the Park.
- Authorize the Department of Public Safety to apply for the permit necessary to close Grand River Avenue from 8:00 a.m. until 1:00 p.m. on Saturday, July 19, for the purpose of conducting parade activities and the Fun Run.
- Adopt a resolution holding the State of Michigan Department of Transportation harmless for liability, which may result in the closing of Grand River and authorize City departments to provide the service required for the Farmington Area Founders Festival.

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- Authorize submitting temporary liquor license application to the Liquor Control Commission for the Founders Cafe that would run July 17 (Thursday) thru July 19 (Saturday).
- Authorize submitting temporary liquor license application to the Liquor Control Commission for the Alley Regally that would run July 17 (Thursday) thru July 19 (Saturday).

MOTION CARRIED UNANIMOUSLY

**CONSIDERATION TO APPROVE RENEWAL OF PERSONAL PROPERTY CONTRACT FOR THE 2009 ASSESSMENT ROLL**

**RESOLUTION 05-08-084** MOTION by McShane, seconded by Wiggins, to approve renewal of personal property administration contract with the Oakland County Equalization Department for a one-year term beginning July 1, 2008. [SEE ATTACHED CONTRACT].

**ROLL CALL**

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPROVE PUBLIC HEARING NOTICE FOR PROPOSED FY 2008/09 BUDGET AND PROPERTY TAX**

**05-08-085** MOTION by Buck, seconded by Wiggins, to schedule a public hearing to review the FY 2008-09 proposed budget and millage rate, on Monday, June 2, 2008 at 7:00 p.m. and authorize the City Clerk to publish a notice of the public hearing. MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO CERTIFY 2008 DELINQUENT INVOICES, AND WATER AND SEWER BILLS**

Responding to a question from Councilmember McShane, Treasurer Weber stated delinquencies with balances over \$100 and are late for two quarters are placed on the tax roll.

Treasurer Weber clarified delinquency fees are not tax deductible.

Responding to a question from Councilmember Wright, Treasurer Weber surmised the substantial increase in delinquencies is related in part to the economic downtown.

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**RESOLUTION 05-08-086** Motion by Wright, seconded by McShane, to place delinquent invoices and delinquent water and sewer bills, in the amount of \$146,938.77 on the 2008 City of Farmington tax roll pursuant to City Code. [SEE ATTACHED LISTING].

**ROLL CALL**

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

**CONSIDERATION TO CONTINUE GENERAL ACCOUNTING SERVICES FOR SWOCC**

**RESOLUTION 05-08-087** Motion by Wright, seconded by Buck, to authorize continuation of general accounting services for SWOCC for a one-year period beginning July 1, 2008, with compensation set at \$14,627 in cash, and in-kind production services equivalent to \$5,470.

**ROLL CALL**

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

**CONSIDERATION TO ACCEPT OAKLAND COUNTY CDBG COOPERATIVE AGREEMENT RESOLUTION FOR THE PROGRAM YEARS 2009-2011**

**RESOLUTION 05-08-088** Motion by Wiggins, seconded by Wright, to adopt a resolution for the City of Farmington to continue participation in Oakland County Urban County Community Development Block Grant (CDBG) program for program years 2009-2011. [SEE ATTACHED RESOLUTION].

**ROLL CALL**

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

**CONSIDERATION TO ACCEPT RESIGNATION OF DIANE CASSIDY FROM DDA BOARD**

Mayor Knol requested Administration send a letter of appreciation to Ms. Cassidy for her service to the City. She noted Ms. Cassidy was a great asset to the DDA Board.

**05-08-089** MOTION by McShane, seconded by Wiggins, to accept the resignation of Diane Cassidy from the Downtown Development Authority Board of Directors. MOTION CARRIED UNANIMOUSLY.

## **BOARD AND COMMISSION REAPPOINTMENTS**

**05-08-090** MOTION by McShane, seconded by Wright, to reappoint Maggie Loridas and Mary Anita McHugh to the Commission on Aging for three-year terms expiring June 30, 2011; to reappoint Sara Bowman to the Planning Commission for a three-year term expiring June 15, 2011; and to reappoint Paul Buyers to the Zoning Board for a three-year term expiring June 30, 2011. MOTION CARRIED UNANIMOUSLY.

## **PUBLIC COMMENT**

None.

## **COUNCIL COMMENT**

Councilmember McShane expressed concern regarding vacant homes in the neighborhoods and the continuing concern regarding rodents. She stated residents would like more information either through Neighborhood Watch or the City Newsletter regarding how to address this problem.

City Manager Pastue recommended residents of neighboring vacant properties contact the Department of Public Works with their concerns.

McShane recommended sending a letter to previous applicants for Boards and Commission positions alerting them to current vacancies.

Councilmember Wiggins confirmed with Director Gushman that weeds or grass 8" or higher is in violation of code.

Councilmember Buck passed on compliments from residents and community stakeholders to the Department of Public Works regarding the great appearance of City parks and streets. He further recognized the great service provided by the Public Safety Department.

Pastue encouraged residents to participate in the Learning Configurations Survey sponsored by Farmington Public Schools located at [www.Farmington.k12.mi.us](http://www.Farmington.k12.mi.us).

Mayor Knol asked regarding the status of a response from Detroit Edison (DTE) concerning power outages in a particular area of the City.

Pastue noted an e-mail was sent in the last week to DTE concerning this issue. He stated a community meeting will be scheduled to discuss DTE's plans to correct this problem.

## **ADJOURNMENT**

**05-08-091** Motion by Wright, seconded by Wiggins, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

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The meeting adjourned at 9:05 p.m.

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Valerie S. Knol, Mayor

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Susan K. Halberstadt, City Clerk

APPROVED: June 16, 2008