

FARMINGTON CITY COUNCIL
STUDY SESSION
JUNE 4, 2012

A study session of the Farmington City Council was held on Monday, June 4, 2012, 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, Galvin, Kuiken, McShane.

COUNCIL MEMBERS ABSENT: Cowley.

CITY ADMINISTRATION: City Clerk Halberstadt, City Manager Pastue.

APPROVAL OF AGENDA

06-12-121 MOTION by McShane, seconded by Kuiken, to approve the agenda as presented. MOTION CARRIED UNANIMOUSLY.

BILL DWYER – COUNTY COMMISSIONER UPDATE

Bill Dwyer, County Commissioner, provided an update to Council on Commission and Oakland County activities including: budget status, redistricting, and DIA question on August Primary ballot. He advised the County's budget is healthy with a \$200 million surplus.

Discussion followed regarding the issue of the K-2 synthetic drug, its removal from local stores and the need for legislation to ban its use.

Discussion continued regarding regional transportation and the need to address opt-out communities.

Galvin pointed out that the Macomb County Commission makes the decision to place the SMART millage on the ballot thereby avoiding the issue of opt-out communities. He questioned why Oakland County doesn't operate in the same way.

Buck advised Farmington is always open for assistance from the County in providing job creation and economic development.

Discussion followed regarding uses for the training center in downtown that was vacated by Farmington Public Schools.

Kuiken advised the city is always looking for grant and funding opportunities.

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TOM WILKINSON – YMCA UPDATE

Tom Wilkinson, Community Relations representative for the YMCA, was present to provide an update on current events and programs offered by the YMCA.

Buck encouraged any one of the Councilmembers to serve on the YMCA Board.

Wilkinson stated they are currently in the process of rebranding themselves. He noted their areas of focus include: youth development, social responsibility and healthy living. He discussed the Strong Kids Campaign and their campaign goal of \$140,000.

REVIEW OF PROPOSED COMMERCIAL REHABILITATION DISTRICT INCENTIVE POLICY

Pastue reviewed the provisions of a proposed policy for the Commercial Rehabilitation District (CRD).

Responding to a question from McShane, Pastue advised the Commercial Rehabilitation Act has only been recently used by other communities due to recent changes in legislation.

McShane expressed support for the CRD, noting it is another tool in the toolbox for redevelopment.

Buck recommended changing Item 4F under General Terms of Agreement of the Policy to read “Delinquency with regard to any obligations to the City.”

Galvin cited the Drakeshire and Grand River/Halsted properties as great examples for this type of redevelopment incentive. He stated the CRD needs to make properties more attractive to developers.

Council concurred with the proposed CRD policy with the change noted by Buck.

Attorney Schultz advised this is just the first step in the development of the policy. The final policy will be more specific with additional language included.

DISCUSSION – “PUBLIC COMMENT” SECTION ON REGULAR AGENDA

Pastue advised Galvin suggested at the last meeting that Council may want to address the issue of “public comment” and related procedures. He noted Farmington is one of only a few communities that place public comment at the end of the agenda. He further noted public comment is at the front end of the School Board and Farmington Hills Council agendas. He pointed out they both allow the public to register to make a comment prior to an agenda item.

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McShane asked why Council is addressing this issue at this time.

Galvin responded that he has been confused about how public comment should be managed since it has been handled in a multitude of different ways. He cited a couple of recent inconsistencies that occurred relative to public comment. He stated the public should have a clear understanding of how they should speak to Council.

McShane did not believe there is an issue with public comment, but was open to moving it up earlier in the agenda. She expressed concern regarding a requirement to register to speak before an agenda item. She questioned how the registrations would be administered.

Discussion followed regarding how the order of agenda items is determined.

Galvin noted that it is common for communities to establish a policy on meeting procedure.

Buck discussed changing the order of the agenda to accommodate public comment under special circumstances.

Kuiken noted providing two different opportunities for the public to speak might provide more order to a meeting.

Buck expressed support for registering to speak prior to an agenda item and moving public comment to earlier in the agenda.

Discussion followed regarding the process for managing a large number of people who want to speak and the importance of communicating an approved procedure to the public.

McShane expressed support for offering two opportunities for the public to speak during a meeting.

Kuiken expressed concern that those people who want to reflect on what transpired in the meeting would not have that opportunity at the end of the meeting if public comment was moved to earlier in the agenda.

Galvin suggested that those individuals who want to comment on agenda items would register to speak during the general public comment section at the beginning of the meeting and all others would speak during the public comment section at the end of the meeting.

Discussion followed regarding the need to accommodate all public comment.

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McShane expressed support for any procedure that would improve communication and does not restrict hearing from the public.

Buck reiterated his support for moving general public comment earlier in the agenda and allowing the public to register to speak prior to an agenda item. He believes the public wants the opportunity to express their views prior to deliberation.

Galvin opposed the idea of allowing public comment prior to agenda items. He stated public comment on agenda items should occur during a public comment section at the beginning of the agenda.

Buck concurred with Galvin to allow public comment on agenda items during a public comment section at the beginning of the meeting, but without the need to register. He expressed the importance of allowing the public to express their point of view *before* Council action is taken.

Galvin commented the registration process is not a bad idea because it provides the information necessary for the record.

Buck noted registration could become an exclusionary process.

Galvin reiterated that informing the public on how to communicate with Council is more important than establishing the methodology in the agenda.

Kuiken pointed out that most of the time it isn't an issue, but when there is a more contentious issue it doesn't work as well.

Galvin expressed the importance of establishing a policy regarding the public's communication with Council beyond public comment.

McShane suggested looking at how other cities manage public comment.

Kuiken recommended making no changes until additional information is available.

Pastue will pursue other examples of meeting procedures from other cities. As part of this process he will develop a resolution for adopting rules of the City Council.

AGENDA AMENDMENT

06-12-122 MOTION by Buck, seconded by Galvin, to amend the agenda moving Public Comment to Item No. 9, adding "Discussion – Proposed Ordinance Allowing Keeping of Chickens" as Item No. 10, and moving Closed Session to Item No. 12 following Council Comment. MOTION CARRIED UNANIMOUSLY.

CIVIC THEATER DISCUSSION

Sponsorships

Pastue discussed the concept of sponsorships associated with capital improvements to the Civic Theatre. He requested Council feedback as to whether it would be appropriate, given public ownership of the theater, to approach the community and/or organizations for major improvements to the theater.

Responding to a question from Galvin, Pastue stated any profits or funds gained through sponsorships would stay with the Civic Theater Fund rather than going into the General Fund.

Discussion followed regarding possible naming rights related to the theater such as popcorn containers, theater seats, etc.

Responding to a question from Galvin, Pastue stated they are looking at both charitable contributions and paid advertising.

McShane expressed support for sponsorships and allowing naming rights.

Buck advised there is a significant difference between sponsorship and paid advertising. He stated the City should contemplate what a sponsorship program would look like.

Galvin expressed support for pursuing charitable contributions, but expressed concern regarding paid advertising.

Buck pointed out the theater already does paid advertising on the screens prior to the shows.

Discussion followed regarding the numbers of improvements needed to be done at the theater including the ability to accommodate live shows.

Buck stated it would be helpful to find out what other city-owned theaters are doing.

General Manager's Contract

Pastue discussed the desire of Scott Freeman, Theatre General Manager, to amend his contract. Mr. Freeman would like an increase in salary from his current \$48,100 to somewhere in the \$60,000 plus range. Pastue advised the theater has been profitable since Scott has taken over. He noted based on

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Scott's current contract he will receive an \$8,000 bonus this year. Pastue commented Scott does a great job of marketing and maintaining the theatre.

McShane would like to know what other theatre managers are making before she could agree to any changes in compensation. She pointed out the City had a volunteer Civic Theatre Committee some of whose members volunteered to do work for the Theatre.

Pastue stated Scott has a level of commitment to the Theatre that has made a difference.

McShane recognized the excellent job Scott has done. She pointed out the major cost cutting the City has done and continues to do which makes it difficult to justify the type of salary increase proposed. She would like to know if Scott's salary is competitive with other theatre general managers.

Galvin stated he has no problem with rewarding people for profitable performance. He asked if a performance review has been conducted. Pastue responded not a formalized one.

Galvin advised a performance review would be a good way to measure achievement of goals and whether an increase is warranted.

Kuiken commented on the remarkable job Scott has done with the theatre. She discussed the need to set goals and by allowing him additional pay for additional work he would be able to achieve them in a more efficient manner. It would help to quantify why he deserves a pay increase. She recognized the limits on city funds.

Buck asked what additional responsibilities Scott would undertake and the scope of the job to warrant such an increase. He pointed out the salary cuts all city employees have taken. He stated it would be difficult to justify an increase unless the scope of the job is expanded.

Responding to a question from Buck, Pastue stated with the potential increase the bonus would remain, but restructured in terms of percentage and achievement of goals.

Buck stated he needs a better understanding of the scope of the duties and maybe there are other areas of the city Scott could apply his energy and expertise.

McShane stated this is not just about performance, but necessitates a review of the requirements of the position. What does the city want from the position regardless of who is in it. What areas does Council agree they want to allow for wage increases and what areas do they not. She agreed with Buck's recognition

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of the benefit and wage cuts employees have taken all the while doing a good job.

REVIEW OF DRAFT MEMORANDUM OF UNDERSTANDING – GROVE STREET

Pastue advised the city has been working with the prospective new owners of the TJ Maxx Shopping Center. He stated one of the key components of the purchase is the highway easement the city would need to secure. The city may come up with a dollar amount to acquire the easement and the owners in turn would be special assessed for part of the project, not uncommon for a public project.

Pastue discussed the general framework of the Memorandum of Understanding between the prospective owners and the city. As part of the agreement, the owners have agreed the existing pylon sign would be replaced. He stated this agreement goes a long way towards finalizing the purchase. He advised the DDA has already approved façade improvements up to \$60k.

Pastue stated the agreement also provides that the city would begin construction on the Grove Street project beginning in April 2013. He advised a final version of this agreement would be brought before Council.

Responding to a question from Kuiken, Pastue stated a closing date on the property has not been set.

McShane asked about the date by which the owners would be required to make their improvements. Pastue responded there may be a separate arrangement since the improvements would be tied to the DDA incentive.

City Attorney Schultz stated a document could be developed to address a timeline on improvements.

McShane asked if the city would still be held liable for completing the Grove Street project in 2013, if its financial situation changes due to the economy. She asked if a clause could be included in the agreement that if economic conditions change the city has the option of not moving forward with the project.

Schultz advised a clause in the agreement could be included, however, it may be a deterrent to finalizing the agreement. He stated there could be a discussion with the owners regarding an outside date.

Pastue pointed out the sizable commitment on the part of the owners to improve the center's façade and they believe the Grove Street project is part of the overall improvement. He stated it would not be good for the city to be irresolute on this project.

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Galvin asked if by approving the Memorandum of Understanding the city is also approving the Grove Street project. Pastue responded yes and pointed out the FY 2012-13 budget includes the funds for the project.

Schultz stated this agreement in its final form will be an agreement to work towards an agreement.

Discussion followed regarding approval of the Grove Street project and whether other road projects require approval.

Galvin pointed out in 2009 the voters approved the Grove Street project.

Buck clarified bonding for the project was approved by voters.

Schultz advised the process going forward would be for Pastue to make changes to the agreement based on Council input; he would then meet with the prospective owners and discuss the changes; and the agreement would then be brought back to Council for a formal vote.

Buck would like to see a final closing date on the purchase of the center. He noted this project has gone on for a very long time with significant city effort.

McShane pointed out their economic condition could change.

Pastue advised the world had changed in terms of redevelopment. He stated the way things were done 5 or 10 years ago are not coming back. The city needs to maintain a strong commitment to redevelopment or opportunities will be lost.

McShane expressed concern regarding citizens' liability on the project.

Buck pointed out there are other opportunities the city could be pursuing. He would like the project booked and milestones developed towards completion.

Kuiken would like a commitment from the prospective owners for a date to finalize their purchase and plan for improvements.

Galvin stated rather than a deadline, an implementation plan could be developed establishing certain goals to meet in stages moving toward a point of no return.

McShane asked regarding the city's guidelines for any redevelopment project.

PUBLIC COMMENT

Mike Weddell, 22763 Manning Street, made four points regarding keeping of chickens: 1) chickens are less of a nuisance than dogs, 2) yet to hear a good

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reason for banning chickens if you accept they are not a nuisance, 3) if Council agrees with his views they cannot start with the proposed ordinance which is designed to ban chickens, and 4) don't legislate out of ignorance.

DISCUSSION - PROPOSED ORDINANCE ALLOWING KEEPING OF CHICKENS

Pastue addressed two follow-up items from the previous meeting regarding the ordinance. The first item is whether existing owners of chickens would be permitted to continue or be required to immediately cease. He stated a reasonable enforcement would be to allow any existing situations to continue with no new chickens. The second item deals with the question of requiring chicken owners to obtain their neighbors approval. Attorney Schultz stated the answer to this requirement is no because the city cannot delegate its authority.

Discussion followed regarding the requirements for the location of the chicken coop. Pastue discussed setback requirements and pointed out a chicken coop is typically not placed next to the house. He discussed the potential rodent issue. He pointed out chickens are not a traditional use in an urban environment.

Responding to a question from Kuiken, Schultz advised the size of the coop would have to meet the standards of an accessory structure.

McShane commented she does not see the need for government intervention. She likes Ferndale's ordinance requirements on keeping chickens. She stated the proposed ordinance basically outlaws chickens. She doesn't understand mandating a regulation that has not been a problem. She pointed out views on keeping chickens is changing across the country.

Pastue advised Council to proceed with caution on this very non-traditional type of use in a residential area. He stated regulations have to be for everyone.

Buck pointed out there have been no complaints against current chicken owners. He stated the city is attempting to regulate something to which no one has expressed opposition.

Buck recognized the majority of Council supports the proposed ordinance.

Pastue advised Council can always make changes to the proposed ordinance in terms of setback requirements, etc.

Schultz cautioned not to be too lax in setting ordinance regulations. He stated the regulations can always be relaxed at a later date.

Responding to a question from Buck, Mr. Weddell stated he would not be in compliance with the proposed ordinance as written.

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Schultz pointed out there are two setback issues: protection of neighbors and house to chicken area in terms of hygiene.

McShane noted she would have voted no if she had known that the restriction on keeping chickens would outlaw them altogether. Buck concurred.

Kuiken expressed concern regarding changing setback requirements due to the fact that Farmington properties are small.

Galvin expressed concern regarding the accessory building standards. He pointed out a chicken coop could be fairly large. He described a situation where it would be possible for a resident to abut several homes with chicken coops.

Pastue would like to change the ordinance so that it meets a comfort level for all Council members. He will investigate the standard size of a coop.

Schultz advised Council may need to see three versions of the ordinance in order to see available alternatives.

Both McShane and Buck expressed their beliefs that the vote on the ordinance is pretty much set and offering different versions will likely not make a difference.

Pastue encouraged Council to consider options that will be presented at the next meeting.

COUNCIL COMMENT

McShane commented on a recent Millennial Mayors Congress she attended. She heard from the young people who attended that they love certain things about Farmington such as the Basement Burger Bar, Farmers Market and Civic Theatre. She stated they felt there was not enough for their age group in terms of entertainment, events, etc. They think so many of the activities are geared to five year olds. They pointed to other cities that offer them so much more. They believe both cities of Farmington and Farmington Hills have missed the mark in reaching their age group.

Pastue stated the feedback he received was a desire for bike paths. He noted the cities will be receiving a compilation of their feedback.

Buck suggested inviting Sean Murphy to a study session to share the views of his age group.

Buck noted the city has reached a 50-year relationship with OHM Engineering. He cited an ad that was recently published to that effect.

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CLOSED SESSION

06-12-123 MOTION by Kuiken, seconded by Galvin, to enter into closed session to review City Attorney confidential correspondence and land acquisition.

ROLL CALL

Ayes: Galvin, Kuiken, McShane, Buck.

Nays: None.

Absent: Cowley.

MOTION CARRIED UNANIMOUSLY.

Council entered into closed session at 10:15 p.m.

06-12-124 MOTION by McShane, seconded by Galvin, to exit closed session.
MOTION CARRIED UNANIMOUSLY.

Council exited closed session at 10:50 p.m.

ADJOURNMENT

06-12-125 MOTION by McShane, seconded by Kuiken, to adjourn the meeting.
MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 10:55 p.m.

J.T. (Tom) Buck, Mayor

Susan K. Halberstadt, City Clerk

APPROVED: June 18, 2012