

FARMINGTON CITY COUNCIL  
REGULAR MEETING  
June 18, 2012

A regular meeting of the Farmington City Council was held on Monday, June 18, 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 7:05 p.m. by Mayor Buck.

**COUNCIL MEMBERS PRESENT:** Buck, Cowley, Galvin, Kuiken, McShane.

**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**

**06-12-128** MOTION by Kuiken, seconded by Cowley, to approve the items on the consent agenda:

- A. Joint Meeting Minutes of May 15, 2012
- B. Study Session Meeting Minutes of May 21, 2012
- C. Regular Meeting Minutes of May 21, 2012
- D. Special Meeting Minutes of June 4, 2012
- E. Approve Farmington Monthly Payments Report May 2012
- F. Approve Farmington Public Safety Monthly Report May 2012
- G. Special Event Request-Flagstar Cruise-Thru
- H. Special Event Request - Vonage

MOTION CARRIED UNANIMOUSLY.

**APPROVAL OF REGULAR AGENDA**

**06-12-129** MOTION by Cowley, seconded by Kuiken, to approve the regular agenda as amended; moving item 8, Public Comment, to item 6, and changing Presentation/Public Hearings and Unfinished Business to items 7 & 8 respectively. MOTION CARRIED UNANIMOUSLY.

**PRESENTATIONS/PUBLIC HEARINGS**

**2011 MISS OAKLAND COUNTY, KELLY OLES AND THE 2012 MISS OAKLAND COUNTY CONTESTANTS – Francesca Tuzzolino**

Francesca Tuzzolino spoke about the success Miss Oakland County contestants had in the Miss Michigan pageant recently and in the past. She discussed the success of their sponsorship and scholarship programs. She pointed out Miss Oakland County is a non-profit organization operated by volunteers.

Kayla Pingel spoke regarding her platform as a 2012 Miss Oakland County contestant.

**PROCLAMATION – SUNNY DAY CARE CENTER 20<sup>TH</sup> ANNIVERSARY**

Mayor Buck and Council presented Sue Casey, owner of Sunny Day Care Center and Montessori, with a proclamation recognizing the 20<sup>th</sup> anniversary of the Center.

**PUBLIC HEARING – FISCAL YEAR 2012-13 BUDGET AND MILLAGE RATES**

City Manager Pastue reviewed the proposed Fiscal Year 2012-13 budget and millage rates.

**06-12-130** MOTION by McShane, seconded by Kuiken, to open the public hearing to receive public comment on the proposed FY 2012-13 budget and millage rates. MOTION CARRIED UNANIMOUSLY.

No public comment was heard.

**06-12-131** MOTION Kuiken, seconded by Cowley, to close the public hearing. MOTION CARRIED UNANIMOUSLY.

**PRESENTATION – PUBLIC SAFETY ANNUAL REPORT**

Director Schulz provided a review of the Public Safety Department (DPS) activities and crime experience for 2011. He announced for the fifth straight year that "Part A" (most serious) crimes decreased in 2011 by 4.2%. He noted the number of commercial break-ins increased by six over the previous year. He indicated there were two armed robberies compared to none in the previous year.

Schulz reported his department purchased a new fire truck with grant funds from the Department of Homeland Security Assistance to Firefighter Grant in the amount of \$275,000. The department also received a BYRNE grant for just over \$25,000 to purchase surveillance cameras that will be placed at the Riley Pavilion and Shiawassee Playscape in 2012.

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Schulz discussed other 2011 related statistics including: no fatal motor vehicle accidents occurred; over 1500 special patrols in the apartment complexes; and no civilians or officers were seriously injured.

Schulz advised there was one commercial fire and five residential fires in 2011. He stated Sergeant Madeline responded to seven hazardous material incidents in Oakland County. The department conducted over 208 fire inspections.

Responding to a question from Kuiken, Director Schulz attributed the decrease in Part A crimes to increased education through the neighborhood watch program and aggressive patrols in the neighborhoods.

Responding to a question from McShane, Director Schulz stated there was no obvious reason why calls for service increased.

McShane noted the incredible amount of services Public Safety offers the community. She pointed out the "vacation" service offered to residents where the department will keep watch over homes of owners who have informed them they will be on vacation. She suggested informing residents of this service in an upcoming newsletter.

Cowley complimented Director Schulz and his staff on a fine year. He noted he and his dad were recipients of DPS service last year. He questioned why adult arrests were up.

Schulz responded his department has been very active on patrol, making contact with a lot of individuals; and more people are possessing marijuana.

Referring to the increased patrols in the apartment complexes, Cowley noted certain taxpayers receive an inordinate amount of services. He asked if Schulz could calculate the cost for these patrols.

Schulz responded he could ballpark the time spent on those patrols.

Cowley stated any data in that regard would be helpful.

Responding to a question from Galvin, Schulz stated there has been minimal activity on the Traffic and Safety Board. He stated the members have done an outstanding job over the past years in addressing main traffic concerns in the city.

Buck expressed his gratitude to Director Schulz and his department for their service and commitment to residents and business owners.

Schulz thanked Council for their continued support of his department.

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**PUBLIC COMMENT**

Al Vanreenterghen, 24032 Earl Court, complimented the Public Safety Department for doing an excellent job.

Kathryn Brusack, 25848 Livingston Circle, stated the number of calls for service to the DPS shows the comfort level of residents with the department; complimented the DPS facebook page; and questioned proposed city construction.

Michael Weddell, 22763 Manning, expressed support for the proposed chicken ordinance, but requested a less restrictive one. He responded to concerns expressed by Council at an earlier meeting. He stated the concern expressed by Galvin regarding the size of the accessory building should be minimal because a 3-hen restriction requires only a small structure.

Referring to Kuiken's concern regarding where the city should draw the line with regard to other animals, Weddell pointed out the ordinance only addresses chickens.

Addressing the concern regarding a chicken coop abutting the house, Weddell stated it should be near a dwelling due to the need for electricity. He advised there should be no need for concern regarding pests.

Weddell pointed out that for the City to say keeping chickens is a non-traditional use is not a strong enough objection.

Weddell complimented the Planning Commission and Council for their fairness in looking at this issue.

Pat Clooney, 33265 Cloverdale, spoke about the inappropriate treatment of chickens that were recently kept at a neighbor's home.

Deborah Goldberg, 32707 Cloverdale, spoke about her experience with neighbors who kept chickens, noting the mess and potential rodent problem they cause.

**UNFINISHED BUSINESS**

**CONSIDERATION TO ADOPT ORDINANCE C-763-2012, AMENDING  
CHAPTER 35 OF THE ZONING CODE TO REGULATE THE RAISING OF  
CHICKENS IN RESIDENTIAL DISTRICTS**

Pastue reviewed proposed alternatives to the following concerns expressed by Council at an earlier meeting that included: accessory building maximum size including run; minimum distance from adjoining dwelling; and minimum distance from owner's dwelling.

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McShane stated her belief that the majority of residents do not have a problem with residents keeping three chickens. She pointed out they are less of a nuisance than dogs.

McShane recommended two amendments to the ordinance:

- 1) Accessory structure should be a minimum of 10' from adjoining dwelling. *She noted that a 50' minimum would basically outlaw chickens in Farmington.*
- 2) Strike the provision that the structure must be 15' from owner's dwelling. *She noted the structure could be plugged into an electric source when next to owner's dwelling; and if located next to the owner's dwelling means it would be even farther away from adjoining dwelling.*

Galvin thanked the Planning Commission, City Administration and residents for their hard work in addressing this issue.

Buck recommended a greater distance from the adjoining dwelling than recommended by McShane.

Pastue pointed out a setback of 15' from the property line is already in the ordinance which would conflict with the proposed 10' minimum.

Cowley questioned who would police keeping of chickens. He pointed out this would be an even greater burden on administration.

Pastue advised there is currently no permit or licensing structure in place to address this issue. The city would basically respond to resident complaints.

Kuiken pointed out communities who typically allow chickens have larger parcels than Farmington. She expressed concern regarding setting precedent for the future; potential predator and rodent issues; and related illnesses.

**06-12-132** MOTION by McShane, seconded by Buck, to adopt Ordinance C-763-2012 amending chapter 35, Zoning, dealing with regulations pertaining to raising chickens in a residential district with two amendments: 1) that the accessory structure is a minimum distance of 20' from adjoining dwelling; and 2) strike the provision that the structure must be 15' from owner's dwelling.

**ROLL CALL**

Ayes: McShane, Buck.  
Nays: Cowley, Galvin, Kuiken.  
Absent: None.  
MOTION FAILED.

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**CONSIDERATION TO ADOPT COMMERCIAL REHABILITATION DISTRICT POLICY**

**RESOLUTION 06-12-133** Motion by McShane, seconded by Kuiken, to adopt a Commercial Rehabilitation District Policy as presented. [SEE ATTACHED POLICY].

**ROLL CALL**

Ayes: Galvin, Kuiken, McShane, Buck, Cowley.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS**

**CONSIDERATION OF RESOLUTION TO ADOPT FISCAL YEAR 2012-13 BUDGET AND MILLAGE RATES**

**RESOLUTION 06-12-134** Motion by Galvin, seconded by Cowley, to adopt a resolution approving Fiscal Year 2012-13 Budget and Millage Rates. [SEE ATTACHED RESOLUTION].

**ROLL CALL**

Ayes: Kuiken, McShane, Buck, Cowley, Galvin.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO ADOPT DOWNTOWN DEVELOPMENT AUTHORITY'S FISCAL YEAR 2012-13 BUDGET AND ESTABLISH 2012 PRINCIPAL SHOPPING DISTRICT SPECIAL ASSESSMENT**

**RESOLUTION 06-12-135** Motion by Kuiken, seconded by McShane, to adopt a resolution approving Fiscal Year 2012-13 Downtown Development Authority budget and confirm 2012 Principal Shopping District special assessment. [SEE ATTACHED RESOLUTION].

**ROLL CALL**

Ayes: McShane, Buck, Cowley, Galvin, Kuiken.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO ADOPT FISCAL YEAR 2012-13 47<sup>TH</sup> DISTRICT COURT, BROWNFIELD REDEVELOPMENT AUTHORITY AND JOINT AGENCY BUDGETS**

**RESOLUTION 06-12-136** Motion by McShane, seconded by Kuiken, to adopt a resolution approving Fiscal Year 2012-13 Budget for the 47<sup>th</sup> District Court,

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Brownfield Redevelopment Authority, and joint agencies. [\[SEE ATTACHED RESOLUTION\]](#).

ROLL CALL

Ayes: Buck, Cowley, Galvin, Kuiken, McShane.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO ADOPT RESOLUTION TO AMEND RESIDENTIAL REFUSE/RECYCLING USER CHARGE, EFFECTIVE JULY 1, 2012**

Responding to a question from Galvin, Pastue confirmed the cost of the new recycling bin is included in the user charge. He advised there will be a modest reduction as a result of the new recycling process.

Responding to a question from Buck, Pastue stated he will arrange for Mike Csapo from Resource Recovery and Recycling Authority of Southwest Oakland County (RRRASOC) to present at either the July or August meeting.

**RESOLUTION 06-12-137** Motion by Galvin, seconded by Kuiken, to adopt a resolution to amend Residential Refuse/Recycling User Charge, effective July 1, 2012. [\[SEE ATTACHED RESOLUTION\]](#).

ROLL CALL

Ayes: Cowley, Galvin, Kuiken, McShane, Buck.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO AMEND WATER AND SEWER RATES, EFFECTIVE JULY 1, 2012**

Responding to a question from Cowley, Pastue advised water and sewer rates will continue to rise given Detroit's infrastructure deficit. He further advised the city is spending less on controllable costs than it was six years ago.

Cowley noted his business costs for water and sewer have gone up over \$5,000 a year. He further noted he has purchased a rain barrel for his home to control water costs.

McShane asked about obtaining a statement of collections from Detroit Water and Sewer. She noted they have a high number of user delinquencies, especially commercial properties.

Pastue will try to provide that data to Council.

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McShane expressed concern that the city has no control over costs; if you use less you pay more for water; the city is subsidizing a system that is not viable and fair for users. She would like to see smoothed rates.

Pastue stated the city is simply passing on rates from Detroit Water and Sewer. He pointed out the city does everything it can to minimize impact on residents.

McShane stated the increases would be more palatable if the city believed it was getting its money's worth.

Galvin pointed out this is a perfect example why the city is dependent on the City of Detroit and their success; and why we need regional cooperation. He stated Oakland County needs representation on that board.

Buck pointed out the city has taken several steps to manage water rates including more effective use of the water tower and enactment of ordinances to control water usage. He noted the city's rates have risen somewhat less than those of surrounding communities. He pointed out water rates are very competitive with other urban areas and quality of water is better. He noted there is a regional board and voters will be electing a representative from Oakland County to serve on that board.

**RESOLUTION 06-12-138** Motion by Galvin, seconded by Kuiken, to adopt Chapter 11 of the City Fee Schedule, as presented, amending the water and sewer fees effective July 1, 2012. **[SEE ATTACHED FEE SCHEDULE].**

**ROLL CALL**

Ayes: Galvin, Kuiken, McShane, Buck, Cowley.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPROVE ESTIMATE #6 AND CHANGE ORDER #2 FOR 2011 FARMINGTON PAVING AND WATER MAIN IMPROVEMENTS PROGRAM**

**RESOLUTION 06-12-139** MOTION by McShane, seconded by Kuiken, to approve payment of Construction Estimate #6 and Change Order #2 to Sole Construction in the amount of \$68,290.70 for work completed on the 2011 Farmington Paving and Water Main Improvements Program.

**ROLL CALL**

Ayes: Kuiken, McShane, Buck, Cowley, Galvin.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

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

Pastue advised Steve Brown from SMART will be at the next Council meeting.

Kuiken noted she has seen a number of connector buses throughout the community.

Cowley would like data from SMART regarding usage of the connector buses and outlying locations to determine if the city's compromise with SMART was well-founded.

Galvin recommended inviting someone from SEMCOG to talk about long term regional mass transit strategies.

Pastue agreed to follow-up with SEMCOG.

**RESOLUTION 06-12-140** Motion by Cowley, seconded by Galvin, to authorize the City Manager to sign the agreement with SMART for Municipal Credits and Community Credits on behalf of the city for Fiscal Year 2013. [SEE ATTACHED AGREEMENT].

**ROLL CALL**

Ayes: McShane, Buck, Cowley, Galvin, Kuiken.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO AMEND ANIMAL CARE CENTER SERVICES AND DISPOSAL INTERLOCAL AGREEMENT WITH OAKLAND COUNTY AND TO AMEND CHAPTER 6 OF THE CITY FEE SCHEDULE REGARDING ANIMAL CONFINEMENT**

**RESOLUTION 06-12-141** Motion by Kuiken, seconded by McShane, to amend an agreement with Oakland County Animal Care Center for the boarding and disposal of small domestic animals, and amend chapter 6, Section 2 of the City Fee Schedule to establish the daily animal confinement rate at \$27.00. [SEE ATTACHED AGREEMENT].

**ROLL CALL**

Ayes: Buck, Cowley, Galvin, Kuiken, McShane.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

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**BOARD AND COMMITTEE REAPPOINTMENTS/APPOINTMENT**

**06-12-142** MOTION by McShane, seconded by Kuiken, to reappoint James Moran to the Farmington Community Library Board of Directors for a 4-year term ending June 30, 2016. MOTION CARRIED UNANIMOUSLY.

**06-12-143** MOTION by Galvin, seconded by Cowley, to reappoint Kenneth Chiara to the Traffic and Safety Board for a 3-year term ending July 31, 2015; and appoint Patrick Thomas to the Traffic and Safety Board to fill an unexpired term ending July 31, 2014. MOTION CARRIED UNANIMOUSLY.

**DEPARTMENT HEAD COMMENT**

Director Gushman advised the Floral Park Sewer Lining Project is 70% complete and should be finished by the first week of July. He stated the sewer interceptor cleaning from Grand River to the Nine Mile station has been completed. He advised almost 100 yards of debris was removed which will greatly improve flow in the pipe and provide more capacity.

Treasurer Weber advised tax bills will be mailed out July 1<sup>st</sup>. He asked residents to confirm their payments are being mailed to the "23600 Liberty" address rather than the P.O. Box that has been discontinued.

Clerk Halberstadt announced an upcoming porch party at the Mansion.

**COUNCIL COMMENT**

Galvin stated he recently attended a meeting of the Farmington Children Youth and Families Commission. He asked city administration to look into a possible opening on that Commission. He further asked if there is a liaison from Council to the Commission. He suggested placing this question on the next agenda. He questioned how the city promotes board and commission vacancies.

Pastue responded vacancies are placed on cable, city website, newspapers, etc. He stated the most effective recruitment tool is word of mouth.

Galvin pointed out there is a lot of talent in the community. He noted sometimes volunteers who are serving are afraid to step away until a replacement is available. He invited anyone interested in serving to contact Council or city administration.

McShane asked about current openings on boards and commissions.

Pastue responded there are openings on the Beautification Committee and Historical Commission.

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McShane noted on a recent Saturday morning she attended a meeting of the Multi Cultural Multi Racial Commission. She recognized the difficulty in taking time out to attend these meetings. She suggested Council members take turns attending Board and Commission meetings.

McShane pointed out that on a recent Thursday evening there was a well attended porch party at the Mansion and swing dancing at the Riley Pavilion demonstrating once again this wonderful family community.

Kuiken shared some projections from the 2040 SEMCOG forecast.

Cowley recognized the progress that has been made on economic development by both the city and DDA. He spoke about existing projects including Grove Street and infrastructure improvements; and potential projects 3-15 years out. He complimented City Manager Pastue, noting that in a very short time he has ramped up the activity base and taken the opportunity with existing projects to move the needle in a difficult economy.

In addressing the proposed chicken ordinance, Cowley believed allowing chickens would not be good for residential marketing and noted lot sizes are too small. He stated infringing on neighbor's rights is something he takes seriously.

**ADJOURNMENT**

**06-12-144** MOTION by McShane, seconded by Kuiken, to adjourn the meeting.  
MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 9:07 p.m.

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J. T. (Tom) Buck, Mayor

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Susan K. Halberstadt, City Clerk

APPROVED: July 16, 2012