

FARMINGTON CITY COUNCIL  
REGULAR MEETING  
July 16, 2012

A regular meeting of the Farmington City Council was held on Monday, July 16, 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.

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

**ABSENT:** None.

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

**PLEDGE OF ALLEGIANCE:** Director Schulz led the Pledge.

**APPROVAL OF ITEMS ON CONSENT AGENDA**

**07-12-159** MOTION by McShane, seconded by Cowley, to approve the items on the consent agenda as presented:

- A. Special Meeting Minutes of June 18, 2012
- B. Regular Meeting minutes of June 18, 2012
- C. Special Meeting Minutes of June 25, 2012
- D. Approve Farmington Monthly Payments Report June 2012
- E. Approve Farmington Public Safety Monthly report June 2012
- F. Special Event Request – 911 Memorial Service
- G. Special Event Request – 3-day Cancer Walk
- H. Consideration to Approve Eight Mile Boulevard Association Annual Membership
- I. Consideration to Ratify Payment for Sewer Repair Restoration for the Floral Park Sewer Lining Project

MOTION CARRIED UNANIMOUSLY.

**PUBLIC COMMENT**

Gail Ledderer, 36229 Old Homestead, Farmington Hills, expressed concern regarding objections to the use of a PA system during swim meets at the Farmington Glen Aquatic Club. She noted the club only uses the PA system for three swim meets a year.

**APPROVAL OF REGULAR AGENDA**

**07-12-160** MOTION by Cowley, seconded by Kuiken, to approve the regular agenda as presented. MOTION CARRIED UNANIMOUSLY.

**PRESENTATIONS/PUBLIC HEARINGS**

COUNCIL PROCEEDINGS -2-  
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**SPECIAL EVENT REQUEST – BENEFIT FOR CIPRIANO FAMILY**

Pastue advised the City received a special event request from Curt and Sheila Sigro to hold a fundraiser at the Sundquist Pavilion for the Cipriano Family. The fundraiser is being sponsored by the Solitaire Band in conjunction with Catholic Central High School. The event is scheduled for Sunday, July 22, 4:00 – 6:00 p.m.

McShane questioned who had the responsibility for clean up and Pastue responded he would address it with applicants.

**07-12-161** MOTION by Kuiken, seconded by Galvin, to approve a special event request to hold a fundraiser for the Cipriano Family on Sunday, July 22, 2012 4:00 – 6:00 p.m. at the Sundquist Pavilion. MOTION CARRIED UNANIMOUSLY.

**UNFINISHED BUSINESS**

No unfinished business was heard.

**NEW BUSINESS**

**CONSIDERATION OF RESOLUTION TO APPROVE LOT SPLIT REQUEST**

Pastue advised the City received a request from the property owners at 34101 Oakwood and 34166 Cortland to recombine a portion of a previous lot split of these two parcels. Upon review of the request, the City determined that it will not create any non-conformity issues as it pertains to the City Code. Further the proposed lot split has been reviewed by the Oakland County Equalization Department where it was determined to be compliant with the Michigan Land Division Act.

**RESOLUTION 07-12-162** Motion by McShane, seconded by Galvin, to adopt a resolution approving a recombining of a portion of a previous lot split involving properties located at 34166 Oakland Avenue and 34166 Cortland Avenue. [SEE ATTACHED RESOLUTION].

**ROLL CALL:**

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPROVE AGREEMENT WITH VOLUNTEER ENERGY REGARDING NATURAL GAS SERVICE**

COUNCIL PROCEEDINGS -3-  
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Pastue advised the City received a proposal from Volunteer Energy to provide natural gas to city facilities. Based on review of gas bills through Consumers Energy a savings of \$7,728.28 was estimated to be gained by utilizing these services. The company services a number of municipalities in Michigan.

Kuiken inquired regarding the experience of other communities with Volunteer Energy. Pastue responded the City Manager of South Lyon expressed satisfaction with their services.

Responding to a question from McShane, Pastue stated the Michigan Municipal League is looking at other energy providers.

**RESOLUTION 07-12-163** Motion by Galvin, seconded by Kuiken, to approve an agreement with Volunteer Energy to provide natural gas service to City facilities subject to final review by the City Attorney. [SEE ATTACHED AGREEMENT].

**ROLL CALL:**

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPROVE ENTERTAINMENT PERMIT FOR BASEMENT BURGER BAR, INC.**

Due to a possible conflict of interest, Mayor Buck asked to be recused from discussion and vote on this agenda item.

**07-12-164** MOTION by Galvin, seconded by Kuiken, to allow Mayor Buck to recuse himself from consideration to approve an entertainment permit for Basement Burger Bar, Inc. MOTION CARRIED UNANIMOUSLY.

Pastue advised the Public Safety Department received a request from Basement Burger Bar, located at 33316 Grand River, for an entertainment permit. He indicated they are planning a "Trivia Night" on Tuesdays and "Name that Tune" on Wednesday evenings. In addition, there would be a band playing on the third Friday of each month from 9:00 p.m. to 12:00 a.m.

McShane noted this type of activity is already taking place at the establishment. Director Schulz advised they would be better protected with a permit in place to conduct those activities.

McShane expressed concern regarding the noise affecting residents in the area.

Schulz pointed out residents are not directly above the restaurant. Kuiken pointed out the previous tenant, Gala Restaurant, also had entertainment.

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Galvin inquired as to the number of other similar permits and how they are monitored. Schulz responded there are only one or two other such permits and they are only monitored based on complaints.

**RESOLUTION 07-12-165** Motion by McShane, seconded by Kuiken, to adopt a resolution authorizing an Entertainment Permit for Basement Burger Bar, Inc. located at 33316 Grand River, Farmington. **[SEE ATTACHED RESOLUTION].**

**ROLL CALL:**

Ayes: Kuiken, McShane, Cowley, Galvin.

Nays: None.

Absent: None.

Recused: Buck.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO INTRODUCE ORDINANCE C-764-2012, NOISE ORDINANCE**

Pastue advised City Administration is recommending City Council introduce an ordinance dealing with noise control. He stated the Planning Commission held a public hearing in March and recommends approval of the Noise Control Ordinance, bearing in mind the *Exemptions* section.

McShane inquired whether the ordinance is online and Pastue responded not yet. She also inquired how residents can determine maximum decibel level. Pastue responded Public Safety has the ability to measure it, but ultimately it is the property owner's responsibility.

McShane recommended that if the ordinance passes it should be publicized in the city newsletter or on cable outlining its parameters. She encouraged citizens to read the proposed ordinance and address any questions to the City Manager's office and provide feedback to Council.

Galvin asked Pastue to reiterate the coincidental timing of the proposed ordinance and the concerns expressed regarding the Farmington Glen Aquatic Club.

Pastue advised there has been some ongoing concern about noise level at the Club, noting officers had been out there on several occasions. He stated the timing of the ordinance is purely coincidental. He pointed out the Planning Commission started work on the ordinance in December and held a public hearing in March.

Pastue advised the ordinance allows for athletic events and a broader interpretation of hours that would apply. He stated there will be consideration of reconfiguring the loud speakers at the swim club.

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**07-12-166** MOTION by Kuiken, seconded by Galvin, to introduce Ordinance C-764-2012 amending Chapter 19 of the City Code dealing with Noise Control. [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO INTRODUCE ORDINANCE C-765-2012,  
INSTRUCTIONAL ENTERTAINMENT.**

Pastue advised that when City Administration was first approached by *Painting With a Twist*, the proposed use was not a clear fit for the Zoning Code's table of uses. Furthermore, when Council amended the City Code dealing with alcohol, it was necessary to define instructional entertainment and which commercial districts it would be appropriate in.

Pastue stated the Planning Commission reviewed and discussed a draft ordinance in early 2012 and held a public hearing in March. They are recommending approval of the ordinance.

**07-12-167** MOTION by Kuiken, seconded by McShane, to introduce Ordinance C-765-2012 amending the Zoning Code to regulate instructional entertainment uses. [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO INTRODUCE ORDINANCE C-766-2012 REGULATING  
THE DISCHARGE AND IGNITION OF FIREWORKS**

Pastue advised Public Act 256 of 2011 expanded the types of fireworks that could be discharged in the State of Michigan as well as commercial sales for same. The Act places considerable restrictions on local units of government regarding the sale of fireworks and their use. However, it does allow local units to authorize when fireworks can be discharged or ignited.

McShane expressed concern regarding where fireworks can be set off, asking if there was sufficient language to protect the City.

City Attorney Schultz stated the language is from the state statute and is probably not sufficient, but he believes the legislature will fix it.

Kuiken asked Schultz if a permit is required for fireworks displayed at events. Schultz responded the ordinance refers to the statute for display fireworks which are typically large commercial grade fireworks. He stated personal use of consumer fireworks does not require one.

Galvin recommended updating the city website to inform the community on use of fireworks.

Director Schultz stated local media will educate their readers and other information can be sent out to the public via e-mail.

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**07-12-168** MOTION by Kuiken, seconded by Galvin, to introduce Ordinance C-766-2012 amending Chapter 20 of the City Code by adding a new section regulating the discharge and ignition of fireworks. [SEE ATTACHED ORDINANCE].  
MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPROVE RESOLUTION REGARDING WEST NILE VIRUS REIMBURSEMENT**

Pastue stated back in 2003 Oakland County provided funding to local units of government to address concerns related to the West Nile Virus. This year the City will receive \$1,333.20 to purchase briquettes that will be placed in catch basins throughout the City. In order to receive funding reimbursement it is necessary for City Council to adopt a resolution authorizing the City Manager to submit for reimbursement under the program.

**RESOLUTION 07-12-169** Motion by McShane, seconded by Galvin, to adopt a resolution authorizing the City Manager to submit a reimbursement request to Oakland County in the amount of \$1,333.20 under the West Nile Virus Fund program. [SEE ATTACHED RESOLUTION].

**ROLL CALL:**

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPROVE ESTIMATE #1 FOR THE FLORAL PARK SUBDIVISION SEWER REHABILITATION**

**RESOLUTION 07-12-170** Motion by Kuiken, seconded by McShane, to approve payment of estimate #1 in the amount of \$498,000.45 to Inland Waters Pollution Control for work completed on the Floral Park Subdivision sewer rehabilitation.

**ROLL CALL**

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPROVE ESTIMATE #7 FINAL AND CHANGE ORDER #3 FOR THE 2011 FARMINGTON PAVING AND WATER MAIN IMPROVEMENTS PROGRAM**

**RESOLUTION 07-12-171** MOTION by McShane, seconded by Galvin, to approve payment of estimate #7 Final and Change Order #3 in the amount of \$57,661.93 to Sole Construction for work completed on the Farmington Paving and Water Main Improvements Program.

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ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO ACCEPT METRO ACT PERMIT WITH EXTENET SYSTEMS INC.**

Pastue indicated the City had received an application from ExteNet to operate their telecommunication systems in the public right-of-way. They would primarily be operating on telephone poles and streetlights owned by DTE. The application included a map delineating the locations. The City would receive \$0.05/linear foot of cable.

McShane questioned the \$0.05 per linear foot and Pastue responded there has been no change in that rate since implementation.

Kuiken asked if there was any impact on current providers and Pastue responded in the negative.

**RESOLUTION 07-12-172** Motion by Kuiken, seconded by Cowley, to approve METRO Act permit with ExteNet Systems, Inc and authorize the City Manager and City Clerk to sign the permit upon final review by the City Attorney. [SEE ATTACHED PERMIT].

ROLL CALL:

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO ADOPT RESOLUTION EXPANDING THE AUTHORIZATION TO ACCEPT CREDIT CARD PAYMENTS FOR PROPERTY TAXES, UTILITY BILLS, AND OTHER CITY PAYMENTS**

Pastue advised City Administration is recommending that the City Council adopt a resolution expanding the authorization to accept credit card payments for property taxes, utility bills, and other payments such as permits, licenses, fines, and fees for services. City Treasurer Weber is comfortable that his department has the mechanisms and internal controls to accept credit card payments and record properly.

Weber indicated accepting credit card payments through the website and at the counter would be up and running by the end of September. Four different providers are being reviewed and the decision will be made in the next couple weeks.

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Responding to a question from Galvin, Weber indicated transaction fees would be paid by the consumer.

Responding to a question from McShane, Weber stated the service would not be available for the current tax season where payments are due by August 31<sup>st</sup>.

**RESOLUTION 07-12-173** Motion by McShane, seconded by Kuiken, to adopt a resolution expanding the authorization to accept credit card payments for property taxes, utility bills, and other City payments. **[SEE ATTACHED RESOLUTION].**

**ROLL CALL:**

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**DEPARTMENT HEAD COMMENTS**

Schulz discussed the number of road closures that will take place during the Founders Festival.

Gushman provided an update on the sidewalk construction project. He indicated the Farmington Road construction project is now underway.

Clerk Halberstadt encouraged everyone to vote in the August Primary election. She discussed a number of activities that will be held at the Warner Mansion over the Founders Festival weekend.

Pastue advised there has been a short delay in the delivery of the new recycling bins.

**COUNCIL COMMENTS**

Cowley encouraged everyone to attend the upcoming Founders Festival.

Responding to a question from Galvin, Halberstadt advised the deadline for mailing out absentee ballots is Saturday, August 4<sup>th</sup>.

Kuiken stated she recently attended the Southeast Michigan Council of Governments (SEMCOG) general assembly meeting in Detroit. She noted the guest speaker, Herman Moore, encouraged local governments to view adversities as opportunities to make improvements and look outside the box. She had an opportunity to speak with Carmine Palombo, Director of Transportation Programs for SEMCOG, and invited him to meet with Council to provide an update on what is currently going on in transportation.

She commented the SMART connector busses have only the Farmington Hills logo, but no recognition of Farmington.



COUNCIL PROCEEDINGS -9-  
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McShane complimented the Department of Public Works on their flower creation of the US flag planted at Warner and Shiawassee Streets.

McShane raised an issue regarding a vendor who is attempting to sell water service line coverage in the City. She stated the letter sent out by the vendor leads the consumer to believe the City is behind this type of coverage. Gushman stated this type of coverage promotion has been going on for years. He advised residents to contact his office to determine if this type of coverage would be to their advantage.

Pastue noted the City has had very few problems with leads coming from water mains to homes. He encouraged residents to contact the Department of Public Services with their questions and concerns.

Mayor Buck noted it is a big week in Farmington with the upcoming Founders Festival. He stated it is an opportunity for our community of residents and business owners to participate and shine.

**ADJOURNMENT**

**07-12-174** MOTION by McShane, seconded by Kuiken to adjourn the meeting.  
MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 8:02 p.m.

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J. T. (Tom) Buck, Mayor

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Susan K. Halberstadt, City Clerk

APPROVED: August 20, 2012