



**Regular City Council Meeting
7:00 p.m., Monday, December 18, 2017
City Council Chambers
23600 Liberty Street
Farmington, MI 48335**

FINAL

REGULAR MEETING MINUTES

A regular meeting of the Farmington City Council was held on December 18, 2017, at 23600 Liberty Street, Farmington, MI. Notice of the meeting was posted in compliance with Public Act 267-1976.

The meeting was called to order at 7:12 PM by Mayor Steve Schneemann.

1. ROLL CALL

Attendee Name	Title	Status	Arrived
Sara Bowman	Mayor Pro Tem	Present	
William Galvin	Councilmember	Present	
Joe LaRussa	Councilmember	Present	
Steve Schneemann	Mayor	Present	
Maria Taylor	Councilmember	Present	

City Administration Present

Director Christiansen
Director Demers
Superintendent Eudy
City Clerk Halberstadt
City Manager Murphy
City Attorney Saarela
City Treasurer Weber

2. PLEDGE OF ALLEGIANCE

Geof Perrot, newly appointed member of the Planning Commission, led the Pledge of Allegiance.

3. PUBLIC COMMENT

Tim Tutek, Vice-Chair, Emergency Preparedness Commission, provided a tip on financial preparedness in response to natural disasters.

George Wright, 21492 Birchwood, acknowledged and thanked Chuck Eudy and his department for their excellent work on leaf pick-up. He suggested in the future extra leaf pick-ups could be shown on the City website. He also thanked the Department of Public Works for replacing trees that were removed by the City in his neighborhood.

4. APPROVAL OF ITEMS ON CONSENT AGENDA

- A. **Accept minutes from City's Boards and Commissions: Planning Commission and Historical Commission**
- B. **Farmington Monthly Payments Report**
- C. **Farmington Public Safety Monthly Report**
- J. **City Council Meeting Minutes**
 Special – November 13, 2017
 Special – November 20, 2017
 Regular – November 20, 2017
 Regular – December 4, 2017

Move to approve items on the Consent Agenda as presented.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bowman, Mayor Pro Tem
SECONDER:	Galvin, Councilmember

5. APPROVAL OF REGULAR AGENDA

Move to approve the regular agenda as presented.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	LaRussa, Councilmember
SECONDER:	Galvin, Councilmember

6. NEW BUSINESS

- A. **Consideration to Adopt Ordinance Amending Sections 3-2 and 3-8 in Article I of Chapter 3, Alcoholic Liquors, of the Farmington City Code.**

Murphy noted this ordinance was introduced at the September 25, 2017 meeting. The purpose of this amendment is to bring the ordinance in line with State law.

Move to adopt an Ordinance to amend Sections 3-2 and 3-8 in Article I of Chapter 3, Alcoholic Liquors, of the Farmington City Code. [SEE ATTACHED ORDINANCE].

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bowman, Mayor Pro-Tem
SECONDER:	Taylor, Councilmember
ROLL CALL:	Galvin, LaRussa, Schneemann, Taylor, Bowman

B. Consideration to Approve Purchase Agreement for 1999 Spartan Ladder Truck

Demers reviewed the background of the proposed purchase of a ladder truck. He advised that aside from the repairs needed to the aerial, the truck has successfully passed all emergency vehicle safety inspections in addition to multi-point inspections of the brakes, chassis and engine.

Responding to LaRussa, Demers stated the useful life of the truck is approximately 30 years.

Galvin congratulated Demers and his department for their thorough research in finding the ladder truck.

Responding to Galvin, Demers stated they are waiting on a part for the truck, but delivery could take place as early as Friday of that week. He looked forward to some type of rollout event for the public.

Galvin shared concerns about capital expenses going forward. He expressed support for an Apparatus Savings Fund in the next budget cycle.

Bowman confirmed with Demers that the modification of the Fire Barn door to accommodate the new truck has been completed. She thanked the Department of Public Safety (DPS) for a job well done in securing the truck.

Schneemann congratulated DPS for being fiscally responsible in securing the truck.

Move to approve a Purchase Agreement with the City of Decorah, Iowa, for a 1999 Spartan 75' Ladder Truck in the amount of \$80,000 (less \$9,000 deposit for a total due of \$71,000). [SEE ATTACHED AGREEMENT].

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Galvin, Councilmember
SECONDER:	LaRussa, Councilmember
ROLL CALL:	LaRussa, Schneemann, Taylor, Bowman, Galvin,

C. Consideration to Amend Traffic Control Orders

Demers advised that during a recent evaluation of yield sign placement following the Smithfield Road resurfacing project, it was determined that there were no traffic control orders designating "YIELD RIGHT OF WAY" signage on Smithfield Road at Briar Ridge Lane and at Smithfield Court at Smithfield Road. Therefore, a Counsel resolution is needed to include these existing yield right of way locations in the City Traffic Control Orders.

Move to adopt a resolution to amend Chapter 2, Section 3, of the Traffic Control Orders to add yield signs at Briar Ridge Lane and Smithfield Road; and Smithfield Court at Smithfield Road. [SEE ATTACHED RESOLUTION]

RESULT:	APPROVED [UNANIMOUS]
MOVER:	LaRussa, Councilmember
SECONDER:	Taylor, Councilmember
ROLL CALL:	Schneemann, Taylor, Bowman, Galvin, LaRussa,

7. DEPARTMENT COMMENT

Demers showed a video on Holiday Safety. He thanked Council for their approval of the purchase of a Fire Truck.

Eudy showed a video on tips for shoveling snow. He showed pictures of the many City parking lots that are maintained by the Department of Public Works (DPW). He discussed the prioritization of roads that takes place during snow events.

Bowman thanked DPW workers for all their efforts in snow removal. She asked the public for their patience during snow events.

Schneemann noted the challenges DPW staff has faced this year and thanked them for their yeoman's efforts in maintenance of the City.

Christiansen discussed an upcoming meeting in January where an overview on Economic and Community Development will be given.

Galvin requested an update on what can be done to address vacancies in the downtown.

Murphy noted an additional Council meeting on January 11th where the City's 5-year plan will be presented. He stated City offices would be closed two days for each of the Christmas and New Year's holidays. He requested Council feedback on the workplan for the upcoming goal setting session on January 13th.

8. CITY COUNCIL COMMENTS

Taylor noted at an earlier special meeting that Council made appointments to the Emergency Preparedness Commission and the Planning Commission. She congratulated the newly appointed members.

LaRussa encouraged neighbors to help neighbors, especially during this winter season. He thanked Department Heads for their help in bringing him up to speed on what is going on in Farmington.

Bowman stated she was sorry to have missed the City holiday luncheon held the previous Friday.

Galvin noted this past Saturday he and Mayor Schneemann worked with the Goodfellows to distribute gifts and food to local residents who are in need. He expressed gratitude to the Goodfellows Chairman, Richard Lerner.

Schneemann stated he enjoyed his experience working with the Goodfellows as well. He noted it was great to see so many people helping their fellow citizens. He discussed the interviews and appointments made at the earlier special meeting. He thanked the candidates for their willingness to serve our City. He stated the candidates are great examples of volunteerism in our community.

Schneeman also discussed the success of Holly Days, Lighted Parade and tree lighting at the Mansion.

He gave kudos to DPS for their work on the ladder truck and being fiscally responsible; and kudos to DPW for their efforts with leaf pick-up and snow plowing.

9. ADJOURNMENT

Move to adjourn the meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Galvin, Councilmember
SECONDER:	Bowman, Councilmember

The meeting adjourned at 8:01 p.m.

Steve Schneemann, Mayor

Susan K. Halberstadt, City Clerk

Approval Date: January 16, 2018

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF FARMINGTON

ORDINANCE NO. C-786-2017

AN ORDINANCE TO AMEND SECTIONS 3-2 AND 3-8 OF THE FARMINGTON CITY CODE TO CONFORM TO CHANGES IN STATE LAW REGARDING UNLAWFUL PURCHASE, CONSUMPTION, POSSESSION, AND FRAUDULENT IDENTIFICATION TO ACQUIRE ALCOHOL BY MINORS.

THE CITY OF FARMINGTON ORDAINS:

PART I. That Sections 3-2 and 3-8 in Article I of Chapter 3, Alcoholic Liquors, of the Farmington City Code are amended to read as follows:

ARTICLE I. – In General

Sec. 3-2. - Purchase, possession, consumption or transport of alcoholic liquor by person less than twenty-one (21) years of age; attempt; penalty.

- (a) It shall be unlawful for any person less than 21 years of age to purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided in this section. For purpose of this section, a person under the age of 21 is deemed a "minor." A minor who violates this subsection is responsible for a municipal infraction or guilty of a misdemeanor punishable by the fines and sanctions as set forth in subsection (b).
- (b) A person who violates subsection (a) is responsible for a municipal civil infraction or guilty of a misdemeanor, punishable by and subject to the following fines and sanctions:
 - (1) For the first violation of subsection (a), MCL 436.1703(1), or other local ordinance substantially corresponding to that statute, the minor is responsible for a municipal civil infraction, shall be fined not more than one hundred dollars (\$100.00) and may be ordered to perform community service, to undergo screening and assessment to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs as provided in MCL 436.1703(5), and to participate in substance use disorder services as defined in MCL 333.6230, and designated by the administrator of substance abuse screening and assessment as provided in MCL 436.1703(5), at his or her own expense. (1) A minor may be found responsible or admit responsibility only once under subsection (a), MCL 436.1703(1)(a), or other local ordinance substantially corresponding to that statute.
 - (2) If a violation of subsection (a), MCL 436.1703(1), or other local ordinance substantially corresponding to that statute, occurs after one (1) prior judgment for an alcohol or controlled substance violation identified in subsection (b)(5), the minor is guilty of a

misdemeanor, which is punishable by imprisonment for not more than 30 days if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than two hundred dollars (\$200.00), or both, and may be ordered to perform community service, to undergo screening and assessment to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs as provided in MCL 436.1703(5), and to participate in substance use disorder services as defined in MCL 333.6230, and designated by the administrator of substance abuse screening and assessment as provided in MCL 436.1703(5), at his or her own expense. The person is also subject to sanctions against his or her operator's or chauffeur's license as provided in subsection (b)(4). A minor who pleads guilty, or admits in a juvenile delinquency proceeding to a violation of subsection (a) under this subsection, may request deferral of proceedings and placement on probation under subsection (b)(6).

- (3) If a violation subsection (a), MCL 436.1703(1), or other local ordinance substantially corresponding to that statute, occurs after two (2) or more prior judgments for an alcohol or controlled substance violation identified in subsection (b)(5), the minor is guilty of a misdemeanor, which is punishable by imprisonment for not more than 60 days if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than five hundred dollars (\$500.00), or both, as applicable, and may be ordered to perform community service, to undergo screening and assessment to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs as provided in MCL 436.1703(5), and to participate in substance use disorder services as defined in MCL 333.6230, and designated by the administrator of substance abuse screening and assessment as provided in MCL 436.1703(5), at his or her own expense. The person is also subject to sanctions against his or her operator's or chauffeur's license as provided in subsection (b)(4).
- (4) The secretary of state shall suspend the operator's or chauffeur's license of an individual convicted of violating subsection (a) under subsections (b)(2) or (b)(3) as provided in MCL 257.319.
- (5) For purposes of subsections (b)(2) and (b)(3), "prior judgment" means a conviction, juvenile adjudication, or finding or admission of responsibility for a violation of the statutes listed in this subsection, or any federal or state law or local ordinance that substantially corresponds to any of those listed statutes:
 - a. Subsection (a), MCL 436.1703(1), or former MCL 436.33b.
 - b. A misdemeanor violation that is dismissed under subsection (c), MCL 436.1703(3), or other local ordinance substantially corresponding to that statute.
 - c. MCL 436.1701 (Sale/furnish alcohol to minors.)
 - d. MCL 436.1707 (Sale/service/furnish alcohol to intoxicated persons.)
 - e. MCL 257.624a (Transport/possess open alcohol in motor vehicle.)
 - f. MCL 257.624b (Transport/possess open alcohol in motor vehicle by minor.)
 - g. MCL 257.625 (Operating motor vehicle with intoxicated/impaired.)
 - h. MCL 324.80176 (Operating boat while under influence.)

- i. MCL 324.81134 (Operating off-road vehicle while under influence.)
 - j. MCL 324.82127 (Operating snowmobile while under influence.)
 - k. MCL 750.167a (Hunting with firearm/weapon while intoxicated.)
 - l. MCL 750.237 (Carry/possess/use/discharge firearm while under influence.)
- (6) If a minor pleads guilty, or admits in a juvenile delinquency proceeding to a violation of subsection (a) that is a misdemeanor under subsection (b)(2), the court may defer further proceedings and place the minor on probation under MCL 436.1703(3), which provides for dismissal of the proceedings upon the terms and conditions of probation being fulfilled. An individual may only obtain one (1) dismissal under MCL 436.1703(3).
- (7) A minor that is subject to a misdemeanor conviction or juvenile adjudication of, or placed on probation regarding, a violation of subsection (a) under subsections (b)(2) or (b)(3), may be ordered by court to submit to random or regular preliminary chemical breath analysis, which may be requested by the minor's parent, guardian, or custodian as provided in MCL 436.1703(5).
- (c) A police officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may request the person to submit to a preliminary chemical breath analysis. If the minor does not consent to a preliminary chemical breath analysis, the analysis shall not be administered without a court order, but a police officer may seek to obtain a court order. A police officer may initiate municipal civil infraction or misdemeanor charges for a violation of subsection (a) based in whole or in part upon the results of a preliminary chemical breath test analysis. The results of a preliminary chemical breath test analysis or other acceptable blood alcohol test are admissible in a municipal civil infraction or criminal prosecution to determine whether the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content.
- (d) A law enforcement agency, upon determining that a person is less than 18 years of age who is not emancipated under MCL 722.1 to 722.6, allegedly consumed, possessed, or purchased alcoholic liquor, attempted to consume, possess, or purchase alcoholic liquor, or had any bodily alcohol content in violation of subsection (a) shall notify the parent or parents, custodian, or guardian of the person as to the nature of the violation if the name of a parent is readily ascertainable by the law enforcement agency. The notice required by this subsection shall be made not later than 48 hours after the law enforcement agency determines that the person who allegedly violated subsection (a) is less than 18 years of age and not emancipated under MCL 722.1 to 722.6. The notice may be made by any means reasonable calculated to give prompt actual notice, including, but not limited to, notice in person, by telephone, or by first-class mail. If an individual less than 17 years of age is incarcerated for violating subsection (a), his or her parents or legal guardian shall be notified immediately as provided in this subsection.
- (e) This section does not prohibit a minor from possessing or transporting alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed under the Michigan Liquor Control Code of 1998, Public Act 58 of 1998, as amended, being MCL 436.1101 et seq., by the Liquor Control Commission, or by an agent of the liquor control commission, if the alcoholic liquor is not possessed or transported for his or her personal consumption.
- (f) The consumption of alcoholic liquor by a person of less than 21 years of age who is enrolled in a course offered by an accredited post-secondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this

section if the purpose of the consumption is solely educational and is a necessary ingredient of the course.

- (g) The consumption by a person less than 21 years of age of sacramental wine in connection with religious services at a church, synagogue or temple is not prohibited by subsection (a).
- (h) Subsection (a) does not apply to a minor who participates in an undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the City prosecutor's office as part of an employer-sponsored internal enforcement action, or in an undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the state police, Liquor Control Commission, or local police agency as part of an enforcement action.
- (i) In a municipal civil infraction proceeding or criminal prosecution for the violation of subsection (a) concerning a minor having any bodily alcoholic content, it is an affirmative defense that the minor consumed the alcoholic liquor in a venue or location where that consumption is legal.
- (j) As used in this section, "any bodily alcohol content" means either of the following:
 - (1) An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
 - (2) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as part of a generally recognized religious service or ceremony.

Sec. 3-8. - False information or evidence as to age.

A person who furnishes fraudulent identification to a person less than 21 years of age or, notwithstanding section 3-2(a), a person less than 21 years of age who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than one hundred dollars (\$100.00), or both, and the secretary of state shall suspend the operator's or chauffeur's license of an that person upon conviction as provided in MCL 257.319 .

Part II Severability

Should any section, subsection, paragraph, sentence, clause, or word of this ordinance be held invalid for any reason, such decisions shall not affect the validity of the remaining portions of the ordinance.

Part III Savings

This amendatory ordinance shall not affect violations of the zoning ordinance or any other ordinance existing prior to the effective date of this ordinance and such violation shall be governed

and shall continue to be separately punishable to the full extent of the law under the provisions of such ordinance at the time the violation was committed.

Part IV **Effective Date: Publication.**

This amendatory ordinance shall be effective (1) 10 days after enactment and publication as provided by the Farmington City Charter, or (2) on any amended effective date of Public Act No. 89 of 2017, whichever is later.

Ayes:
Nayes:
Abstentions:
Absent:

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

I, the undersigned, the qualified and acting City Clerk of the City of Farmington, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance adopted by the City Council of the City of Farmington at a meeting held on the ____ day of _____, 2017, the original of which is on file in my office.

SUSAN K. HALBERSTADT, City Clerk
City of Farmington

Adopted:
Published:
Effective:

VEHICLE SALES AGREEMENT

THIS VEHICLE SALES AGREEMENT is made this ___ day of December, 2017, by and among the CITY OF FARMINGTON, 23600 Liberty Street, Farmington, MI 48335 (hereinafter known as "Farmington") and the CITY OF DECORAH, 400 Claiborne Dr., Decorah, IA 52101 (hereinafter known as "Decorah"). Farmington and Decorah shall collectively be known herein as "the Parties".

BACKGROUND

WHEREAS, Decorah desires to sell the vehicle described below, under the terms and conditions set forth below; and

WHEREAS, Farmington desires to purchase the vehicle offered for sale by Decorah under the terms and conditions set forth below.

TERMS AND CONDITIONS

IN CONSIDERATION of the mutual promises and other valuable consideration exchanged by the Parties as set forth herein, the Parties, intending to be legally bound, hereby agree as follows:

1. **Description of Vehicle.**

- a. Make: Spartan
- b. Model: AH75
- c. Year: 1999
- d. Size: 75'
- e. Serial #: 9801975
- f. Body Type: Ladder Truck
- g. Vehicle Identification Number ("VIN"): 4S7HU8193XC030118

2. **Consideration.**

- a. Purchase Price. The total purchase price to be paid by Farmington to Decorah for the vehicle is Eighty Thousand dollars (\$80,000.00) (hereinafter "Purchase Price"). A Nine Thousand Dollar (\$9,000.00) deposit was made by Farmington for the vehicle. Therefore, it is agreed that a balance of Seventy-One Thousand dollars (\$71,000.00) is due for the vehicle, subject to the terms and conditions of this Agreement, upon delivery to Farmington.

3. **Delivery of Acquired Vehicle and Conveyance of Title.**

- a. Delivery of Vehicle. Decorah has, as of the date of this Agreement, transported the vehicle to Emergency Apparatus Maintenance ("EAM") located at 7512 4th Avenue, Lino Lakes, Minnesota 55014. Delivery to Farmington shall be complete to Farmington when the towing company retained by Farmington takes possession of the vehicle at EAM. Risk of loss shall transfer at the time of delivery.

- b. Conveyance of Title. The title to the vehicle shall not transfer until the time that Farmington comes into physical possession of the vehicle, through its retained towing company, as provided in subsection a above. Decorah agrees and covenants to execute all documents presented by Farmington which are necessary to finalize transfer of title and registration upon the vehicle to Farmington.
4. **Liability.** In no event shall Farmington be liable to Decorah or any other third-party for any incidental or consequential damages for a claim of any kind, or for any loss or damage arising out of or in connection with this Agreement or the ownership, use and/or operation of the vehicle which is the subject of this Agreement.
5. **Entire Agreement.** This Agreement contains the entire Agreement of the Parties with respect to the subject matter of this Agreement, and supersedes all prior negotiations, agreements and understandings with respect thereto.
6. **Severability.** If a court of competent jurisdiction finds a term, or condition, of this Agreement to be illegal or invalid, then the term, or condition, shall be deemed severed from this Agreement. All other terms, conditions, and provisions of this Agreement shall remain in full force and effect.
7. **Modification.** Except as otherwise provided in this document, this Agreement may be modified, superseded, or voided only upon the written and signed agreement of the Parties. Further, the physical destruction or loss of this document shall not be construed as a modification or termination of the Agreement contained herein.
8. **Acknowledgements.** Each party acknowledges that it has had an adequate opportunity to read and study this Agreement, to consider it, and to consult with attorneys if it has so desired.
9. **No Third-Party Beneficiaries.** This Agreement is not intended to, and does not, create any special or other duty, obligation, promise, benefit or right to services not herein described in favor or for the benefit of any person, entity, or organization that is not a named party to this Agreement.
10. **Applicable Law.** This Agreement is said to be made and entered into in the State of Michigan and shall in all respects be interpreted, enforced and governed under the laws of the State of Michigan. The language of all parts of this Agreement is intended to and, in all cases, shall be construed as a whole, according to its fair meaning, and not construed strictly for or against any party. As used in this Agreement, the singular or plural number, possessive or non-possessive, shall be deemed to include the other whenever the context so suggests or requires.

IN WITNESS WHEREOF and acknowledging acceptance and agreement of the foregoing, Farmington and Decorah affix their signatures hereto.

City of Farmington

By: _____
City Representative
Date: _____

City of Decorah

By: _____
City Representative
Date: _____

CITY OF FARMINGTON
OAKLAND COUNTY, MICHIGAN

RESOLUTION NO.

**A RESOLUTION OF THE FARMINGTON CITY COUNCIL TO AMEND
TRAFFIC CONTROL ORDERS**

The Farmington City Council resolves that the Traffic Control Order issued by the Director of Public Safety of the City Of Farmington, dated February 1972, is hereby amended as follows: as provided for in Section 28-1153 of the Uniform Traffic Code, as adopted in Section 31-51 of the City Code of the City Of Farmington, and Section 31-60 of the City Code of the City of Farmington.

Chapter 2 – YIELD RIGHT OF WAY

ADD:

Section 2.3 - Chatham Hills Subdivision

Briar Ridge Lane	at	Smithfield Road
Smithfield Court	at	Smithfield Road

RESULT:

MOVER:

SECONDER:

AYES:

I, Susan K. Halberstadt, duly authorized City Clerk for the City of Farmington do hereby certify that the foregoing is a true and correct copy of a motion adopted by the Farmington City Council at a regular meeting held on this _____ day of _____ 2015, in the City of Farmington, Oakland County, Michigan.

Susan K. Halberstadt, City Clerk