

COUNCIL PROCEEDINGS

A regular meeting of the Farmington City Council was held on Tuesday, September 2, 2003 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 Mitchell.

PRESENT: Bush, Campbell, Harrison, McShane, Mitchell.

ABSENT: None.

OTHERS PRESENT: Clerk/Treasurer Cantrell, Director Goss, Director Gushman, City Manager Pastue, Assistant City Manager Richards, Attorney Schultz.

APPROVAL OF AGENDA

09-03-209 MOTION by Bush, seconded by Campbell, to approve the agenda. MOTION CARRIED UNANIMOUSLY.

09-03-210 MOTION by Campbell, seconded by McShane, to amend the agenda, adding "Appointments to Boards and Commissions" under section 9. MOTION CARRIED UNANIMOUSLY.

MINUTES OF PREVIOUS MEETING

09-03-211 MOTION by Campbell, seconded by Harrison, to approve the regular and special meeting minutes of August 4, 2003. MOTION CARRIED UNANIMOUSLY.

MINUTES OF OTHER BOARDS

09-03-212 MOTION by McShane, seconded by Bush, to receive and file the minutes from the following boards and commissions:

- Planning Commission minutes of August 11, 2003.
- Downtown Development Authority minutes of August 5, 2003.
- Traffic and Safety Board minutes of August 21, 2003.
- Board of Review summary minutes of March, 2003.
- Commission on the Environment minutes of August 12, 2003.
- Civic Theatre Committee minutes of August 6, 2003.
- Commission on Children, Youth and Families minutes of June 5, 2003.

MOTION CARRIED UNANIMOUSLY.

PROCLAMATION PRESENTATIONS

BISHOP WALTER HURLEY, OUR LADY OF SORROWS PARISH

Council presented Bishop Walter Hurley with a proclamation in recognition of his ordination as an auxiliary bishop and his outstanding record of service and achievement in the Church and community. Council extended their best wishes to Bishop Hurley in his new responsibilities.

Bishop Hurley thanked Council for their recognition of his appointment and past support of his endeavors as pastor of Our Lady of Sorrows Church.

MC/MR REPRESENTATION RE: WEEK OF SEPTEMBER 15-21, 2003 AS "HERITAGE WEEK".

Council proclaimed the week of September 15-21, 2003 as "Heritage Week" in support and celebration of racial, religious, cultural and ethnic diversity and continuing efforts of the Multicultural/Multiracial Community Council in the City of Farmington.

Bridget Dean, representing the Multicultural/Multiracial Community Council, was present to receive the proclamation and spoke about the festivities planned for "Heritage Week".

PRESENTATION: CHERYL MCGUIRE, FARMINGTON HILLS LIAISON FOR INDIVIDUAL AND FAMILY EMERGENCY PREPAREDNESS.

Cheryl McGuire, representing the Farmington Hills/Farmington Citizen Corp Council for Emergency Preparedness, discussed emergency preparedness and demonstrated a sample emergency supply kit. She spoke about a twelve-month document, available in the near future, that will outline tasks to be done each month for emergency preparedness.

Council suggested running the emergency preparedness program developed for cable on Farmington channel 15.

PETITIONS AND COMMUNICATIONS

City Administration advised that Damman Hardware has submitted an application to hold a tent sale in the municipal parking lot from September 15-22, 2003, to be located directly north of the store, eliminating 20 parking spaces. Administration further advised that Public Safety Director Goss has reviewed the application and finds no major concerns.

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Bill Damman was present to discuss the process of the tent sale and to answer questions from Council.

Responding to a question from Council, Mr. Damman stated he would direct his employees to park in the lot behind the store.

Council member McShane emphasized that other retailers would need to go through the same application process as Damman's in order to conduct outdoor sales and cautioned against impromptu sales as a result of this tent sale.

Responding to a question, Mr. Damman stated the tent hours would be similar to that of the store except the tent may close somewhat earlier because of darkness.

Responding to a question from Council, City Manager Pastue stated that ample handicap parking spaces would be available during the tent sale and any added accommodations, if necessary, would be made.

Responding to an additional question, Mr. Damman stated that caution tape would be placed around the perimeter of the tent in order to establish a buffer area to avoid vehicular incursions.

Discussion followed regarding security of the tent after hours.

Council advised that under current City Ordinance, Mr. Damman is required to follow the same application process for future tent sales.

09-03-213 RESOLUTION Motion by Harrison, seconded by McShane, to approve a request by Damman Hardware to hold a tent sale in the municipal parking lot, to be located directly north of the store, from September 15, 2003 through September 22, 2003; the tent measuring 60' x 30', as proposed, with a buffer area designated around it; contingent on approval from the Downtown Development Authority Board; and upon further condition that the proponent provides an appropriate certificate of liability insurance and signs a license agreement with the City . MOTION CARRIED UNANIMOUSLY.

OUTDOOR SEATING REQUEST CLARIFICATION – QUIZNO'S

Mayor Mitchell read into the record the following motion from the July 7, 2003 Council meeting:

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Motion by McShane, seconded by Campbell, to approve outdoor seating at Quizno's Sub Shop, 33171 Grand River, through October 31, 2003, comprised of four tables and sixteen chairs, located near the building under the existing canopy, stipulating that the seating be brought in each evening.

Mayor Mitchell asked for a consensus on Council's intentions regarding Quizno's use of umbrellas for outdoor seating as approved by a motion adopted at the July 7, 2003 Council meeting.

Council concurred their intent was to deny use of outside umbrellas at Quizno's Sub Shop due to the already existing canopy at that location and that use of umbrellas was not included in the motion.

Council member McShane noted that none of the businesses in that area have umbrellas and that the Main Street Design Committee would address this issue in the future. She also stated that at the July 7, 2003 Council meeting the owner of Quizno's had agreed not to use umbrellas.

BOARDS AND COMMISSIONS

RESIGNATIONS FROM BOARDS AND COMMISSIONS

09-03-214 MOTION by McShane, seconded by Harrison, to accept the resignation of Daniel Ludwig from the Board of Zoning Appeals effective November 15, 2003 and the resignation of Eve Samra from the Farmington Area Arts Commission effective immediately; and direct Administration to send letters thanking them for their service to the Community. MOTION CARRIED UNANIMOUSLY.

APPOINTMENTS TO BOARDS AND COMMISSIONS

09-03-215 MOTION by Campbell, seconded by Bush, to appoint Laurie Smalis to the Farmington Area Arts Commission for a three-year term ending June 30, 2006 and to appoint Nancy Donohue to the Commission on Children, Youth and Families for a three-year term ending December, 2006. MOTION CARRIED UNANIMOUSLY.

REPORTS FROM CITY MANAGER

CONSTRUCTION ESTIMATE NO. 1 – 2003 FARMINGTON ROAD IMPROVEMENTS

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City Administration advised that construction estimate no. 1 for the Farmington Road project is for work completed through August 18, 2003. Administration further advised that both the City consulting engineers and the Public Service department have reviewed the estimate and recommend payment.

09-03-216 RESOLUTION Motion by Harrison, seconded by Campbell, to approve construction estimate no. 1 for payment in the amount of \$125,140.85 to Peter A. Basile Sons, Inc. for the Farmington Road Improvement Project; funds provided in the FY 2003-04 budget.

ROLL CALL

AYES: Campbell, Harrison, McShane, Mitchell, Bush.
NAYS: None.
ABSENT: None.

Motion carried unanimously.
RESOLUTION DECLARED ADOPTED.

CONSIDER APPROVAL OF TWO FLEET VEHICLES FOR PUBLIC SERVICES DEPARTMENT

City Administration advised that the Public Service Department's vehicle replacement schedule includes provision for the replacement of two heavy-duty pickup trucks including specialized equipment. Administration further advised that the two vehicles replaced by these trucks would be sent up for auction.

09-03-217 RESOLUTION Motion by McShane, seconded by Bush, to approve the purchase of a 2004 GMC snowplow-equipped pickup truck at a cost of \$26,622.00 and a 2004 GMC sign puller-equipped pickup truck at a cost of \$25,559.00, both totaling \$52,181.00, through the Oakland County Cooperative Purchasing Program, from Red Holman GMC; funds provided in the current FY 2003-04 budget.

ROLL CALL

AYES: Harrison, McShane, Mitchell, Bush, Campbell.
NAYS: None.
ABSENT: None.

Motion Carried Unanimously.
RESOLUTION DECLARED ADOPTED.

DISCUSSION – ALLOCATION OF SURPLUS FY 2002-03 FUNDS

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Administration recommended that this discussion take place at a future study session to allow for detailed discussion of each proposed item.

No action was taken. Council concurred to set a future study session date.

MISCELLANEOUS

PUBLIC COMMENT

No public comments were heard.

COUNCIL COMMENT

Council recognized the efforts of City Manager Pastue, Director Goss and Director Gushman and their staffs during the recent blackout in August.

Discussion followed regarding the efficiency of the Department of Public Services in keeping the water flowing during the blackout.

Council member Harrison recognized the success of the "Bury the Barrel" festivity held on Labor Day celebrating the end of the Farmington Road construction.

Responding to a question from Council, City Manager Pastue stated that the City is considering incorporating elements of the Municipal IP Security Scan into the City's financial audit.

Council member Bush recognized the presence of former Farmington resident and plumbing inspector, Sam Hawkins.

Mr. Hawkins requested that the City review the status of his taxes on his Orchard Street property, located in the Downtown Business District, and determine whether it should be taxed for sidewalk maintenance. City Manager Pastue stated he would follow-up on this issue.

Council member McShane announced a Rouge 2003 meeting on Friday, October 10th, 10:00 am to Noon and asked Administration to forward this information to the Commission on the Environment. She also announced that the Oakland County Planning Department and Michigan State University have partnered to offer a six-week training session, held on Mondays beginning September 8, 2003, to citizens involved with City and Zoning planning.

CONSIDERATION TO AMEND AND APPROVAL OF AMENDMENT TO THE CITY MANAGER'S EMPLOYMENT AGREEMENT

Mayor Mitchell read the following into the record:

On January 21, 2003 the City Council approved the hiring of Vincent Pastue as City Manager and ratified the Employment Agreement between the City and Mr. Pastue. Section 9 of the City Manager's Employment Agreement deals with moving expenses. This section of the agreement specified eligible expenses and sets forth that expenses will not exceed \$3,000.00. Currently Mr. Pastue is renting an apartment and has moved his family to Farmington. His family members have moved the household furnishings to Farmington and he has not incurred any expenses for the services of a professional moving company to date. The City Manager has not sold his house in Clare, Michigan and currently is paying on a mortgage.

The City Manager has requested that the City Council consider amending Section 9 of the Employment Agreement to treat the eligible expense as relocation expenses or moving expenses. He has requested that he be able to draw up to \$250 per month as relocation expenses until his house is sold. He would like the discretion to use any remaining balance to move some of the appliances and other items remaining in Clare. In no case would the relocation and moving expenses exceed the \$3,000.00 as currently stated in Section 9 of the Employment Agreement.

The Mayor believes the request to amend the Employment Agreement is reasonable. There is no additional financial impact to the City and is in the best interest of the City.

The Mayor would recommend that the City Council approve the amendment to Section 9 of the Employment Agreement and authorize the Mayor to sign the amendment to the Employment Agreement on behalf of the City of Farmington.

09-03-218 RESOLUTION Motion by Campbell, seconded by McShane, to approve an amendment to Section 9 of the Employment Agreement, to be signed by the Mayor on behalf of the City, to allow the City Manager to treat the \$3,000 moving expense provided for in the Agreement as a general relocation expense, which may include the cost of new housing; and the City Manager will be allowed to draw up to \$250 per month, up to \$3,000.00, as relocation expenses until his house is sold, at which point any remaining balance may be used to move appliances and other items remaining in his current home in Clare to his new home.

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ROLL CALL

AYES: McShane, Mitchell, Bush, Campbell, Harrison.
NAYS: None.
ABSENT: None.

Motion carried unanimously.
RESOLUTION DECLARED ADOPTED.

RESOLUTION OPPOSING CANADIAN WASTE

Mike Csapo, General Manager of Resource Recovery and Recycling Authority of Southwest Oakland County, discussed the proposed resolution and expressed his support for it.

Responding to a question from Council, Mr. Csapo discussed the State of Michigan's export of hazardous waste to Canada.

Responding to an additional question, Mr. Csapo discussed the landfill capacity of Michigan and the continued need to recycle.

09-03-219 RESOLUTION Motion by Campbell, seconded by Bush, to adopt a resolution, as proposed, urging Congress to enact legislation to authorize states to prohibit or restrict foreign municipal solid waste. **[SEE ATTACHED RESOLUTION].**

Motion carried unanimously.
RESOLUTION DECLARED ADOPTED.

PUBLIC SAFETY DEPARTMENT QUARTERLY OPERATIONS REPORT APRIL-JUNE 2003

Director Goss stated that part 1 crimes were up largely due to larcenies, however, he emphasized that the City's crime rate is still very low. He further stated that traffic accidents were down during the second quarter.

Discussion followed regarding the cause of the increase in part 1 crimes and the increase in high school larceny during the second quarter.

09-03-220 MOTION by Bush, seconded by Harrison, to receive and file the Public Safety Department Quarterly Operations Report for April-June 2003. MOTION CARRIED UNANIMOUSLY.

APPROVE MONTHLY PAYMENTS REPORT

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09-03-221 MOTION by Campbell, seconded Harrison, to approve the monthly payments report for August, 2003. MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

09-03-222 MOTION by Campbell, seconded by McShane, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

Meeting adjourned at 9:56 p.m.

JAMES K. MITCHELL, MAYOR

PATSY K. CANTRELL, CITY CLERK/TREASURER