

FARMINGTON CITY COUNCIL
REGULAR MEETING

A regular meeting of the Farmington City Council was held on Monday, November 20, 2006 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 8:25 p.m. by Mayor McShane.

PRESENT: Buck, Knol, McShane, Sutherland, Wiggins.

ABSENT: None.

CITY ADMINISTRATION: Director Gushman, City Clerk Halberstadt, Director Nebus, City Manager Pastue, Assistant City Manager Richards, Attorney Roberts, Treasurer Weber.

CONSENT AGENDA

Council approved the following items on the consent agenda:

- Special and Regular meeting minutes of October 16, 2006.
- Special Meeting minutes of October 30, 2006.
- Special Meeting minutes of November 6, 2006
- Public Safety Monthly Report - October 2006.
- City of Farmington Monthly Payments Report - October 2006.
- City of Farmington Financial Report: Quarter ended September 30, 2006.
- 47th District Court Report: Quarter ended September 30, 2006.
Department of Public Works and Water and Sewer Department: Quarter ended September 30, 2006.
- Ratification of Farmington Youth Assistance Board of Directors

11-06-205 MOTION by Buck, seconded by Wiggins, to approve all items on the consent agenda as presented. MOTION CARRIED UNANIMOUSLY.

APPROVAL OF REGULAR AGENDA

11-06-206 MOTION by Sutherland, seconded by Knol, to approve the regular agenda as submitted. MOTION CARRIED UNANIMOUSLY.

PRESENTATIONS/PUBLIC HEARINGS

CONSIDERATION TO APPROVE APPOINTMENT TO THE COMMISSION ON CHILDREN, YOUTH & FAMILIES (YOUTH DELEGATE) – KARA MULLISON

Mary Mullison and her daughter Kara were present to discuss the Commission's efforts to encourage increased youth membership.

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11-06-207 MOTION by Knol, seconded by Wiggins, to appoint Kara Mullison to serve as a youth delegate on the Commission on Children, Youth & Families for a one-year term expiring December 2007. MOTION CARRIED UNANIMOUSLY.

PROCLAMATION: AMERICAN ASSOCIATION OF UNIVERSITY WOMEN 125TH ANNIVERSARY

Joan McGlincy and Josephine Pogue were present to discuss the activities of the American Association of University Women and to accept a proclamation from the City recognizing the 125th anniversary of the organization.

2005/06 AUDIT PRESENTATION – PLANTE AND MORAN

Present: Gordon Krater, Bill Brickey

City Manager Pastue asked Gordon Krater and Bill Brickey from Plante & Moran, LLP to present the audit of the financial statements of the City of Farmington for the 2005/06 fiscal year.

Gordon Krater stated the audit went well, financial records were in good shape, and Farmington once again received an unqualified opinion. He discussed the condition of the City's Major Funds, noting that they are in good, fiscal shape.

Bill Brickey provided a presentation on notable items relative to the financial audit. He indicated that no audit adjustments had been made. He offered comments and recommendations for Council's review and consideration relating to several areas including: State Shared Revenue, Business Tax Reform, Property Assessment Cap, Post-employment Benefits, and Cable Franchise Fees. He issued a reminder regarding the Municipal Finance Act revisions.

Mayor McShane asked regarding funding for Retiree Healthcare. Mr. Krater responded appropriate funding is determined based on an actuarial study completed for the City.

Councilmember Buck asked regarding fringe benefit costs. Mr. Brickey responded that fringe benefits, especially employee healthcare, are becoming a larger percentage of the budget and need to be closely monitored to determine ways to contain costs.

City Manager reviewed some recent changes to employee benefits that address healthcare costs.

CONDUCT PUBLIC HEARING RE: 2007 CDBG COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION AND CONSIDERATION TO APPROVE 2007 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Administration reported on the 2007 Community Development Block Grant application. Administration indicated that the funding for PY2007 is estimated by Oakland County to

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be \$27,911. Administration proposed allocating \$11,164 for senior services and \$16,747 for the senior center.

Mayor McShane opened the hearing for public comment.

Upon hearing no public comment, Mayor McShane requested a motion to close the public hearing.

11-06-208 MOTION by Knol, seconded by Wiggins, to close the public hearing. MOTION CARRIED UNANIMOUSLY.

RESOLUTION 11-06-209 Motion by Knol, seconded by Wiggins, to approve a resolution authorizing the Mayor to submit an application for participation in the 2007 Community Development Block Grant Program. [\[SEE ATTACHED RESOLUTION\]](#).

ROLL CALL

Ayes: Knol, McShane, Sutherland, Wiggins, Buck

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

RESOLUTION 11-06-210 Motion by Sutherland, seconded by Knol, to approve the minutes of the public hearing of the 2007 Community Development Block Grant Application. [\[SEE ATTACHED RESOLUTION\]](#).

ROLL CALL

Ayes: McShane, Sutherland, Wiggins, Buck, Knol.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

CONSIDERATION TO ADOPT ORDINANCE #C-721-2006 REGARDING PROPOSED CHANGES TO OUTDOOR SEATING REQUIREMENTS AND AMENDING THE COMMERCIAL TABLE OF USES

Administration noted the number sequence of the sections of proposed Ordinance C-721-2006 needed to be adjusted.

RESOLUTION 11-06-211 Motion by Buck, seconded by Sutherland, to adopt Ordinance C-721-2006 as amended, rolling the *first* Section Two under Section One in order to provide proper numerical sequencing of the sections; Zoning Code text changes relate to outdoor seating requirements and amendment of the commercial table of uses. [\[SEE ATTACHED ORDINANCE\]](#).

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ROLL CALL

Ayes: Sutherland, Wiggins, Buck, Knol, McShane.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

Councilmember Knol referred to a letter from former Councilmember Jim Mitchell requesting a ban on smoking from all outdoor seating. She advised that the State Court has ruled that municipalities cannot ban smoking from bars and restaurants because an area cannot be regulated that is already pre-empted by State law.

City Attorney Roberts concurred there are a number of issues regarding the regulation of outdoor smoking.

Mayor McShane asked administration to relay their comments to Mr. Mitchell.

CONSIDERATION TO RATIFY SETTLEMENT AGREEMENT WITH PUBLIC WORKS BARGAINING UNIT

Administration discussed the provisions of a proposed settlement agreement with the Department of Public Works bargaining unit regarding an early retirement program.

RESOLUTION 11-06-212 Motion by Wiggins, seconded by Knol, to ratify a Memorandum of Understanding with the Public Works Bargaining Unit regarding an early retirement program. [SEE ATTACHED MEMORANDUM].

ROLL CALL

Ayes: Wiggins, Buck, Knol, McShane, Sutherland.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

CONSIDERATION TO ADOPT RESOLUTION OF SUPPORT – EIGHT MILE BOULEVARD ASSOCIATION’S CORRIDOR KEEPER PROGRAM

Administration advised the City, along with other communities of the Eight Mile Boulevard Association, received a request to adopt a resolution of support for the *Corridor Keeper Program*. Administration further advised that the mission statement for this program is “To enhance the appearance and business climate along Eight Mile Boulevard through education, assistance, code enforcement and cooperation.”

Councilmember Wiggins noted this program is a public relations and educational endeavor and is not an affront to local code enforcement. He further noted it is completely grant funded.

RESOLUTION 11-06-213 Motion by Sutherland, seconded by Knol, to adopt a resolution of support for the *Corridor Keeper Program* as presented by the Eight Mile Boulevard Association. MOTION CARRIED UNANIMOUSLY. [SEE ATTACHED RESOLUTION].

CONSIDERATION TO APPROVE PROFESSIONAL SERVICES AGREEMENT WITH LSL PLANNING TO UPDATE SIGN ORDINANCE OUTSIDE DOWNTOWN DISTRICT

Administration advised that one of the goals of the City is to update the Sign Ordinance as it pertains to areas outside of the Downtown District. Administration indicated a requested proposal has been received from LSL Planning to facilitate this process. Administration stated the estimated cost is \$13,000 with an approximate time frame of six months or maybe less.

Administration recommended the establishment of a committee to work with LSL Planning during this process. Administration advised the committee would include the City Manager, Public Services Director Kevin Gushman, Building Inspector John Koncsol, City Attorney Schultz, a Council member, and preferably two individuals that were part of the Design Committee involved with Downtown Sign Ordinance or Planning Commissioners.

Knol questioned whether both districts would be included in the implementation manual. City Manager Pastue responded there would be separate manuals for the Downtown District and the outlying business areas.

Knol requested that both manuals be put on the website.

RESOLUTION 11-06-214 Motion by Sutherland, seconded by Wiggins, to enter into a contract agreement, approved by the City Attorney, with LSL Planning to update the City Sign Ordinance outside the Downtown District and to approve a budget amendment to increase the Planning and Zoning Activity (101-723.00-801.00) by \$13,000.00. [SEE ATTACHED AGREEMENT].

ROLL CALL

Ayes: Buck, Knol, McShane, Sutherland, Wiggins.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

APPOINTMENTS AND REAPPOINTMENTS TO BOARDS AND COMMISSIONS

Children, Youth and Families (3 Three-Year Terms)

11-06-215 MOTION by Wiggins, seconded by Sutherland, to re-appoint Joan McGlincy, Mary Mullison and Eugene Thomas to the Commission on Children, Youth & Families for three-year terms expiring December 31, 2009. MOTION CARRIED UNANIMOUSLY.

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Board of Review (One Three-Year Term)

11-06-216 MOTION by Knol, seconded by Sutherland, to reappoint Mary Bush to the Board of Review for a three-year term expiring on December 31, 2009. MOTION CARRIED UNANIMOUSLY.

SWOCC Public Access Promotion Committee (2)

Councilmember Buck noted that Brian Golden has done an exceptional job on the committee, citing his efforts to promote activities in Farmington.

11-06-217 MOTION by Buck, seconded by Sutherland, to reappoint Brian Golden to the SWOCC Public Access Promotion Committee for a three-year term expiring on March 31, 2009. MOTION CARRIED UNANIMOUSLY.

11-06-218 MOTION by Sutherland, seconded by Knol, to appoint Ken Murray to the SWOCC Public Access Promotion Committee to complete an unexpired term ending March 31, 2008. MOTION CARRIED UNANIMOUSLY.

Historical Commission (Completion of Nancy Leonard's Term)

Buck noted both candidates for the Historical Commission, Laura Myers and Jean Schornick, were exceptional applicants with excellent qualifications.

11-06-219 MOTION by Buck, seconded by Sutherland, to appoint Laura Myers to the Historical Commission to complete an unexpired term ending March 31, 2008. MOTION CARRIED UNANIMOUSLY.

Appoint Charter Review Committee Members

11-06-220 MOTION by Knol, seconded by Wiggins, to reappoint Arnold Campbell, James Mitchell and Alton Bennett to the Charter Review Committee for one-year terms expiring on December 31, 2007. MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENT

No public comment was heard.

COUNCIL COMMENT

Councilmember Wiggins requested support for the Goodfellow's fundraising efforts. He stated the organization is seeking both volunteers and financial contributions.

Councilmember Buck requested that City Administration make an effort to find a place on a Board or Commission for Dorothy Snyder who had applied for the SWOCC Public Access Promotion Committee.

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Mayor McShane, referring to an earlier Council meeting with the 47th District Court, stated the judges indicated they were unaware of repeat code violators. She asked Director Gushman to direct his staff to inform the court of repeat offenders. Director Gushman responded that they already provide that information, however, most civil infractions are processed through the Magistrate and do not reach the judges.

Mayor McShane noted that some of the A-frame signs in the Downtown are in poor condition.

Mayor McShane requested that Administration send a letter to TCF Bank recognizing their new beautiful building and landscaping.

Councilmember Knol asked for an update from Director Nebus concerning the number of thefts at the high school. Director Nebus indicated that a meeting is currently being planned with School Administration regarding this issue.

City Manager Pastue suggested planning a study session to discuss ideas regarding crime prevention.

Councilmember Buck stated he would also like the issue of identity theft addressed, especially as it pertains to senior citizens.

ADJOURNMENT

11-06-221 Motion by Knol, seconded by Wiggins, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 9:30 p.m.

JoAnne M. McShane, Mayor

Susan K. Halberstadt, City Clerk

APPROVED: DECEMBER 18, 2006