

FARMINGTON CITY COUNCIL  
REGULAR MEETING  
August 18, 2008

A regular meeting of the Farmington City Council was held on Monday, August 18, 2008, 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 8:04 p.m. by Mayor Knol.

**PRESENT:** Buck, Knol, McShane, Wiggins, Wright.

**ABSENT:** None.

**CITY ADMINISTRATION:** Director Gushman, City Clerk Halberstadt, Director Nebus, Attorney Schultz, Treasurer Weber.

**CONSENT AGENDA**

**08-08-150** MOTION by McShane, seconded by Wiggins, to approve the consent agenda as follows:

- A. Special Meeting Minutes of June 30, 2008
- B. Special Meeting Minutes of July 18, 2008
- C. Special Meeting Minutes of July 21, 2008
- D. Regular Meeting Minutes of July 21, 2008
- E. Department of Public Works and Water and Sewer Department  
4<sup>th</sup> Quarter Report – April 1, 2008 through June 30, 2008
- F. Public Safety Report – July 2008
- G. Farmington Monthly Payments Report – July 2008

MOTION CARRIED UNANIMOUSLY.

**APPROVAL OF REGULAR AGENDA**

**08-08-151** MOTION by Wright, seconded by Buck, to approve the agenda as submitted. MOTION CARRIED UNANIMOUSLY.

**PRESENTATIONS/PUBLIC HEARINGS**

**SIGN VARIANCE REQUEST – FIRST BAPTIST CHURCH, 33400 SHIAWASSEE**

Administration reviewed a sign variance request from First Baptist Church to install a sign with a programmable message board. Administration noted the specific circumstances under which a variance can be granted as identified in Section 25-17 of the Sign Ordinance.

COUNCIL PROCEEDINGS -2-  
August 18, 2008

Steve Michael, representative of the First Baptist Church, explained the Church would like to install a programmable sign in order to avoid an ongoing need to hang banners to publicize church programs and events.

Councilmember McShane clarified the specific circumstances under which a sign variance can be granted.

Councilmember Wright expressed concern regarding the location of the Church in a residential area and questioned whether neighbors had been contacted regarding the proposed sign. He questioned the brightness of the sign and the timeframe during which the sign would be illuminated.

Mr. Michael indicated the current sign is illuminated throughout the night and the proposed sign with a blue background would be less bright and could be programmed to dim at night and brighten during the day.

Wright asked if a provision concerning a timeline on the brightness of the sign could be included if a variance were granted.

City Attorney Schultz responded it would be an appropriate condition if the variance is granted.

Mayor Knol questioned how the proposed sign meets the special circumstances identified in the code under which a variance can be granted. Mr. Michael could not provide a specific answer. He discussed the advantages of the proposed sign as a communication tool for the Church.

Responding to questions from Councilmember Wiggins, Mr. Michael stated the proposed sign would face Farmington Road and the Church typically hangs special banners 2-3 times per year.

Responding to a question from Councilmember Buck, Attorney Schultz stated a variance is required due to the sign's changeable message.

Wright asked if the proposed sign is prohibited because it both changes and moves. He pointed out the sign will show a message for a period of time rather than a continuous rotation.

Attorney Schultz stated a sign variance is required based on Section 25-13(2) of the Sign Ordinance which prohibits flashing and moving signs, but also on Section 25-3(c) that addresses steady light. He noted the Sign Ordinance has not been updated for quite some time and therefore does not specifically address the new technology of LED signs. He stated even if the sign rotates every fifteen minutes it falls within the prohibition of the ordinance.

Knol noted the updated sign ordinance for the Downtown District which encourages signs that are historic in nature. She pointed out the Church is in the Historic District and the proposed sign would not be in character with the

COUNCIL PROCEEDINGS -3-  
August 18, 2008

neighborhood. She appreciated the need by the Church to have a sign that is visible to the public. She praised the historic beauty of the Church and would like to see it remain in that character. She noted there are some creative options to make the sign more visible.

Councilmember McShane also praised the historic beauty and value of the Church. She stated as a neighbor of the Church she has passed by it many times over 38 years. She pointed out the proposed sign does not appear to meet the special circumstances under Section 25-17 that would allow for a sign variance. She noted a sign that does not fit within the historic character of the neighborhood could negatively impact the area.

Mr. Michael stated the Church has a need to publicize information that cannot be done on a stationary sign. He expressed his hope that the proposed sign would blend in with the Historic District.

Robert Erickson, representative of the Church, pointed out the Church did not receive any complaints regarding a large neon sign that was previously on the building. He stated the proposed sign was designed to be appropriate for the location.

Mr. Michael pointed out the black letters currently on the building would be removed if the new sign was installed.

Knol asked if the Church had considered signs with removable letters such as used by the Players Barn in Farmington Hills.

Mr. Erickson responded such a sign would take a great deal of effort. He stated the programmable board would allow the Church to easily publicize multiple events. He discussed the amount of research and effort that had gone into the proposed sign.

Wiggins asked regarding other Churches that have installed similar programmable signs. Mr. Michaels showed Council a list of Churches in the area that have comparable signs.

Rollin Titsworth, representative of the Church, stated the Church ordered the smallest LED sign available from the sign company. He stated a sign with removable letters would be too restrictive and cumbersome.

Knol reminded Council a sign variance can only be granted based on the special circumstances cited in Section 25-17. She advised the petitioner must demonstrate a unique and unusual condition affecting the property and must be so stated in the motion to grant a variance.

Mr. Michael pointed out that according to a Supreme Court ruling whatever has been granted to a secular organization must also be granted to a religious organization. Mayor Knol responded the ruling does not apply to this situation.

COUNCIL PROCEEDINGS -4-  
August 18, 2008

Mr. Michael noted the Church has already purchased the LED sign based on an understanding from the City that the sign would not require Council approval.

Director Gushman noted the City does not have a problem with the size of the sign. He stated his department never intended to issue a permit for a sign with a changing display.

Attorney Schultz, referring to the equal protection ruling, stated he is aware of only one other LED sign granted by the City and it was not in a residential area and had different zoning issues. He stated equal protection only applies when comparing like things.

Wright clarified the variance is based on the fact that the sign can be changed at the petitioner's whim.

Attorney Schultz advised the sign ordinance allows illumination and theoretically if the sign stays at one message it would be allowed. He noted the proponent's request is to use the sign for changeable messages.

Responding to a question from Councilmember Wright, Attorney Schultz stated the City is relying on Ordinance Section 25-13 (2) & (5) and Section 25(3) in considering a sign variance.

Councilmember Buck asked how often the sign can be changed to comply with the sign ordinance, i.e. once a day or once a week. Attorney Schultz responded *any* change makes it a changing sign as interpreted by the City.

Wright noted manual sign changes are allowed, but the fact that the sign has flashing and moving lights makes it unacceptable.

Mr. Titsworth stated the sign can be programmed to show a stationary message for a given period of time. He noted the messages would not be flashing or scrolling.

McShane expressed regret there was a misunderstanding between the Church and the City and the inconvenience it has caused. She stated her job is to uphold City Ordinance.

**08-08-152** MOTION by McShane, seconded by Wiggins, to *deny* a sign variance request from the First Baptist Church, 33400 Shiawassee, based on the applicant presented no information that demonstrates unique and unusual conditions as identified in Section 25-17 (1) & (2) of the Sign Ordinance; and there are no other changeable or moving signs in a residential or historic district within the City. MOTION CARRIED UNANIMOUSLY.

Mayor Knol recommended representatives from the Church contact the City Manager's office to discuss sign options.

**PROCLAMATION – VISITING NURSE ASSOCIATION**

Council recognized by proclamation the 110<sup>th</sup> anniversary of the Visiting Nurse Association of Southeast Michigan.

**UNFINISHED BUSINESS**

**CONSIDERATION TO ADOPT ORDINANCE C-732-2008 REGULATING GARAGE SALES**

**08-08-153** MOTION by Wright, seconded by Wiggins, to adopt Ordinance C-732-2008, to add Chapter 15.5, Garage Sales, to regulate, control and limit garage sales in the City of Farmington. [\[SEE ATTACHED ORDINANCE\]](#).

**ROLL CALL**

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO ADOPT ORDINANCE C-734-2008 TO AMEND CITY CODE DEALING WITH THE FARMINGTON EMPLOYEES RETIREMENT SYSTEM**

City Attorney Schultz advised that in this second reading Council has received a slightly revised ordinance that relates to the potential elimination of the Assistant City Manager position. He stated the elimination of the position is a two-step process: (1) there is an actual agreement involved that needs to be approved, and (2) because retirement benefits are involved there needs to be a corresponding amendment to the City's retirement ordinance. He stated the revised ordinance now reflects the two-step process. He noted originally the ordinance was written so that the agreement and ordinance change would occur at the same time.

Wright confirmed with the City Attorney that if the ordinance is approved the City would still need to approve the agreement.

**08-08-154** MOTION by Wiggins, seconded by McShane, to adopt Ordinance C-734-2008 to amend the City Code dealing with the Farmington Employees Retirement System to provide conditions associated with the early retirement and elimination of the Assistant City Manager position. [\[SEE ATTACHED ORDINANCE\]](#).

**ROLL CALL**

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS**

**CONSIDERATION TO APPROVE PROPOSAL FOR ON-SITE GEOGRAPHIC INFORMATION SYSTEM SERVICES AND CONSULTING**

Administration reviewed a proposal for on-site Geographic Information System services and consulting.

Wright clarified the maintenance agreement for geographic information services would continue and is unrelated to the proposal with RiversEdge for technician services. He advised the Assessor's office employed a part-time technician who now works for RiversEdge. As a result, the City would now pay for the technician's services through RiversEdge rather than as an employee of the City.

**RESOLUTION 08-08-155** Motion by Wright, seconded by Wiggins, to approve a one-year service proposal with RiversEdge to provide on-site geographic information services and consulting for a not-to-exceed amount of \$10,000. [SEE ATTACHED AGREEMENT].

**ROLL CALL**

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO RENEW FARMINGTON ROAD MAINTENANCE AGREEMENT WITH ROAD COMMISSION FOR OAKLAND COUNTY**

**RESOLUTION 08-08-156** MOTION by Wiggins, seconded by Buck, to renew an agreement with the Road Commission for Oakland County in the amount of \$20,319.52 for the maintenance of Farmington Road, between Eight Mile and Grand River, for a one-year period beginning October 1, 2008. [SEE ATTACHED AGREEMENT].

**ROLL CALL**

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPROVE CONSTRUCTION ESTIMATE #3, POWER ROAD RECONSTRUCTION AND WATER MAIN IMPROVEMENT PROJECT**

**RESOLUTION 08-08-157** MOTION by Wright, seconded by Buck, to approve payment of Construction Estimate #3 to Sole Construction in the amount of \$181,256.44 for the Power Road Project.

COUNCIL PROCEEDINGS -7-  
August 18, 2008

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO ACCEPT PROPOSALS AND AWARD WORK FOR REPLACEMENT OF CITY HALL IRRIGATION SYSTEM**

**RESOLUTION 08-08-158** Motion by McShane, seconded by Wiggins, to approve a bid from Wilson Steinkopf in the amount of \$11,300.00 to install a sprinkler system at City Hall.

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPROVE PURCHASE OF SIX (6) MOBILE DATA COMPUTERS (MDC)**

Responding to a question from Councilmember McShane, Director Nebus stated the City would attempt to sell the old Mobile Data Computers on the internet, but did not hold out much hope because of their dated technology.

**RESOLUTION 08-08-159** Motion by Buck, seconded by McShane, to approve the purchase of six (6) Mobile Data Computers from Motorola in an amount not to exceed \$33,000 for installation in six (6) public safety patrol cars.

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**PUBLIC COMMENT**

Hank Borgman, 34011 Grand River, expressed concern regarding the City's outdated sign ordinance.

Christine Corey, Farmington Resident, expressed concern regarding the garage sale ordinance that limits garage sales to two per year. She indicated she had eight sales last year with no complaint from neighbors.

Rollin Titsworth, representative of the First Baptist Church, requested a copy of the sign ordinance. He noted the proposed sign would not be placed in a new

COUNCIL PROCEEDINGS -8-  
August 18, 2008

location and is approximately the same size as the current one. He asked for clarification on the City's denial of the Church's sign variance request.

**COUNCIL COMMENT**

Councilmember Wiggins asked regarding the status of the Orchard Street dumpster. Director Gushman replied it is currently under discussion with Kimco Management.

Wiggins announced Farmington Youth Assistance will hold its annual fundraiser, Taste of the Farms, September 25<sup>th</sup> from 5:00-8:00 p.m. at Glen Oaks Golf Course.

Councilmember McShane advised the Farmington/Farmington Hills Foundation for Youth in Families gives out grants twice a year. She stated the next grant deadline is October 15<sup>th</sup>. She identified several local organizations that have received grants in the past. She encouraged Councilmembers to inform potential recipients in the community of this grant opportunity. She requested letters be sent to the Civic Theatre Management, Warner Mansion and the DDA because they may have a program that would qualify.

McShane noted two out of three cities she contacted did not allow LED signs.

Councilmember Wright stated that with regard to garage sales there is a distinct difference between residential and commercial areas. He advised it is a longstanding tradition not to conduct business in neighborhoods. He stated holding a garage sale from time to time is an acceptable exception to that rule. He stated when a resident conducts multiple sales events it becomes more of a business than a garage sale. He stated the Garage Sale Ordinance provides an appropriate balance in conducting garage sales.

Wright stated the decision to deny the Church's sign variance request was a tough decision. He expressed hope that the City can meet with Church representatives to achieve a workable alternative. He expressed the importance of soliciting opinions from surrounding neighbors when a change in signage is proposed that requires a variance. He noted he would not want an LED sign in his neighborhood.

Wright thanked Hank Borgman for his tireless effort to ensure residents had a voice on the Streetscape issue. He pointed out the results of the August Election vote demonstrated the City's residents are behind the project. He stated Farmington is a better community as a result of Mr. Borgman's efforts.

**ADJOURNMENT**

**08-08-160** Motion by Wiggins, seconded by McShane, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.



COUNCIL PROCEEDINGS -9-  
August 18, 2008

The meeting adjourned at 9:45 p.m.

---

Valerie S. Knol, Mayor

---

Susan K. Halberstadt, City Clerk

APPROVED: September 15, 2008