

FARMINGTON CITY COUNCIL
REGULAR MEETING

A regular meeting of the Farmington City Council was held on Monday, December 18, 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 8:00 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 November 20, 2006.
- Special Meeting minutes of December 4, 2006.
- City of Farmington Monthly Payments Report – November 2006.
- Public Safety Monthly Report - November 2006.
- Renewal of Michigan Municipal League Membership
- Council Meeting Schedule for 2007
- Construction Estimate #9 and Change Order #2 for Downtown Center Project
- Construction Estimate #3 for Raphael Street Reconstruction Project and Change Orders #2 and #3

RESOLUTON 12-06-227 Motion by Sutherland, seconded by Knol, to approve all items on the consent agenda as presented.

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

APPROVAL OF REGULAR AGENDA

12-06-228 MOTION by Knol, seconded by Wiggins, to approve the regular agenda as amended, adding Item 7J – Consideration to Amend Fiscal Year 2006/07 Budget. MOTION CARRIED UNANIMOUSLY.

PRESENTATIONS/PUBLIC HEARINGS

RECOGNITION OF DREW OSTIN/BOY SCOUT TROOP 110

Drew Ostin from Boy Scout Troop 110 was present to receive a proclamation in recognition of his community service which included installing benches and shrubs to enhance the beauty of Drake Park.

MISS OAKLAND COUNTY 2006 – KIRSTEN HAGLAND

Kirsten Hagland was present to discuss her activities as Miss Oakland County 2006.

SPECIAL EVENT REQUEST – AMERICAN CANCER SOCIETY RELAY FOR LIFE

Andrea Katich, representing American Cancer Society Relay for Life, provided an overview of the proposed event in Shiawassee Park on May 12-13, 2007. She stated volunteers would make the necessary accommodations to ensure there is adequate parking, particularly in light of a baseball tournament being held at the same time.

Responding to a question from Councilmember Wiggins, City Manager Pastue stated that during the time of the event Shiawassee Road would be blocked off for roadwork from Farmington Road to Raphael Street, however, the Park could be accessed from south and east roads.

Mayor McShane suggested announcing the event at the Farmers and Artisans Market.

12-06-229 MOTION by Sutherland, seconded by Buck, to approve a special event request from the American Cancer Society Relay for Life to conduct an event in Shiawassee Park to begin Saturday, May 12, 2007 at 10:00 AM and conclude on Sunday, May 13, 2007 at 10:00 AM with set-up time on the afternoon of May 11, 2007. MOTION CARRIED UNANIMOUSLY.

SIGN VARIANCE REQUEST – PLUS SKATEBOARDING SHOP, 33335 GRAND RIVER

Administration advised that a permit was not secured for two signs displayed at Skateboarding Plus and neither sign is in compliance with the Sign Ordinance. Administration further advised the Sign Ordinance provides an appeal process whereby Council can grant a variance if certain criteria is met.

Robert Woelkers, owner of Plus Skateboarding Shop, was present to state his reasons for requesting a sign variance. He stated that due to his location in the lower level of the Village Mall it is difficult for customers to find his shop. He stated the sign on the railing would not only aid people in finding his shop but would bring more customers to the Downtown area. He recognized that the sign is large and offered to display one that is less obtrusive.

COUNCIL PROCEEDINGS -3-
December 18, 2006

Responding to a question from Councilmember Sutherland, Mr. Woelkers stated that during the time the sign was displayed there was an increase in customers and recognition of the store.

Councilmember Knol stated that with regard to the projecting sign the proponent demonstrates a unique situation based on the lower level entrance of his business. She asked if the proponent had looked into placing a sign in the window located above his business. Mr. Woelkers stated he did investigate that option but the owner of that retail space denied his request.

Councilmember Buck recognized the unique location of the Skateboarding shop, but expressed concern regarding the style of the sign on the railing. He stated he would be willing to allow both signs to remain for a 30-60 day period to allow Mr. Woelkers time to create an alternative design. He expressed his support for the business and its positive impact on the Downtown.

Councilmember Sutherland questioned the Sign Ordinance as it relates to attaching a sign to a railing and noted the proponent does not have building space on which to attach a sign. She stated her only concern with the present sign is that it may be too large. She concurred that the business does have a unique situation.

Councilmember Wiggins noted the three options provided to the proponent by the Code Enforcement Officer. He noted the three options include: display of a larger wall sign, a projecting sign or an A-frame sign, all of which comply with the ordinance. He expressed concern that the proponent does not meet the unique conditions required for a variance.

Mayor McShane suggested the proponent work with the City to develop a sign that would meet ordinance. She recommended a projecting sign that could be seen from several angles. She expressed her support for the store and what it offers. She agreed that the business needs signage.

Councilmember Buck offered a motion that would provide a 30-day variance on the current sign to allow the proponent time to explore other options that would meet City Code.

Discussion followed regarding exploring other sign options that would comply with the Sign Ordinance and extending the time the current sign can be displayed.

Mayor McShane stated it is reasonable to expect that the proponent can work with the City and Landlord to arrive at a viable solution.

Attorney Roberts expressed concern regarding granting a variance for a temporary period of time. He stated that if Council grants a temporary variance the implication is that the determination has already been made and if a solution cannot be found it would be difficult to deny the variance at a future date.

COUNCIL PROCEEDINGS -4-
December 18, 2006

Responding to a question from Mayor McShane, Director Gushman stated Council could approve a temporary banner, however, it would have to be attached to the building, not the railing.

Attorney Roberts recommended Council make a determination on the sign variance request as presented with the idea that other options would be explored. He noted that a similar request made earlier was denied by Council and to do otherwise would be inconsistent.

City Manager Pastue suggested tabling the request until the next regular meeting to allow time for the City to work with the proponent on developing an appropriate sign given the unique circumstances of the business.

12-06-230 MOTION by Buck, seconded by Wiggins, to table a sign variance request from Plus Skateboarding Shop, 33335 Grand River, until the January 16, 2007 meeting to allow time for the determination of whether the request meets the conditions of Section 25-17 of the Sign Ordinance. MOTION CARRIED UNANIMOUSLY.

Councilmember Buck noted the challenges businesses have experienced and expressed hope that Council would make every effort to approve requests wherever possible. He stated it is important for Council to promote and advocate for the Downtown businesses.

NEW BUSINESS

CONSIDERATION TO APPROVE WATER MAIN IMPROVEMENTS ON ORCHARD STREET.

Administration advised the City has been in contact with Kimco Realty regarding fire suppression for their main building. Administration further advised Kimco has been in negotiations with a prospective tenant that would require a sprinkler system in their portion of the building. Administration advised the best option would be to increase the 4" line on Orchard Street to an 8" main.

RESOLUTION 12-06-231 Motion by Knol, seconded by Wiggins, to authorize City Administration to contract with SBG Contractors on a time and materials basis to install approximately 220 feet of 8" water main along Orchard Street for a not-to-exceed amount of \$35,000.

ROLL CALL

Ayes: McShane, Sutherland Wiggins, Buck, Knol.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE HEARING OFFICER'S ORDER TO REMOVE DANGEROUS STRUCTURE AT 33054 ANNEWOOD, SIDWELL #23-34-301-009

Administration advised that Building Official John Koncsol has made numerous attempts to have the owners of a home located at 33054 Annewood remove an attached greenhouse that is in a state of disrepair. Administration further advised that a hearing was scheduled where the structure was determined to be dangerous and the hearing officer stipulated that it was to be removed by November 13, 2006. Administration indicated the deadline passed without any action taken. Administration advised that the process requires that before the City has the structure removed a hearing is required and notification of such is sent to the homeowner.

12-06-232 MOTION by Sutherland, seconded by Wiggins, to schedule a hearing for Tuesday, January 16, 2007 at 8:00 p.m. to consider the Hearing Officer's order to remove a dangerous structure located at 33054 Annewood. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION OF STATE TRUNKLINE OPERATING PERMIT AND INDEMNIFICATION RESOLUTION

RESOLUTION 12-06-233 Motion by Knol, seconded by Wiggins, to adopt a resolution to indemnify the State of Michigan from liability created by City activities on the State trunkline right-of-way and to authorize the City Manager to make application for annual permits for the installation of banners and for work on State highways. [SEE ATTACHED RESOLUTION AND APPLICATION]. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ADOPT RESOLUTION ADDING MARKET PLACE AND MARKET STREET TO CITY'S MUNICIPAL STREET SYSTEM

Administration recommended the adoption of a resolution adding City Market Street and Market Place to the Municipal Street System in order to receive Act 51 revenues from the Michigan Department of Transportation.

Discussion followed regarding appropriate names for the new streets.

RESOLUTION 12-06-234 Motion by Sutherland, seconded by Knol, to adopt a resolution adding to the Municipal Street System the new streets of Market Place and Main Street in the Downtown Center. [SEE ATTACHED RESOLUTION]. MOTON CARRIED UNANIMOUSLY.

Responding to a question from Director Nebus, Attorney Roberts advised the Downtown Parking Lot Agreement does make reference to Market Place and Market Streets as public streets and it would require a minor amendment to change the street name.

Responding to a question from Director Gushman, City Manager Pastue indicated the Resolution could be revised to reflect the name change from City Market Street to Main Street.

CONSIDERATION TO APPROVE HOMELAND SECURITY GRANT, CCTV SECURITY SYSTEM PURCHASE

Administration indicated the Public Safety Department is requesting authorization to purchase a new CCTV Security System utilizing a Homeland Security Grant. Administration further indicated the Department would receive \$11,190 in grant funds and the local match would be \$1,752.

RESOLUTION 12-06-235 Motion by Wiggins, seconded by Buck, to authorize acceptance of Homeland Security Grant funds in the amount of \$11,190 and the Public Safety Department to purchase a new CCTV Security System from Vigilante Security Inc. in the amount of \$12,942.

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE EMPLOYMENT AGREEMENT FOR CHRIS GALLANT

Administration advised City Assessor John Sailer has requested that the City consider an employment agreement with Christopher Gallant who currently is a part-time CAD/GIS Technician. Administration further advised that Mr. Sailer believes that such an agreement would provide Mr. Gallant a sense of security which would likely keep him working with the City of Farmington through at least next June.

RESOLUTION 12-06-236 Motion by Knol, seconded by Wiggins, to approve an employment agreement with Christopher Gallant to serve as a part-time CAD/GIS Technician. [\[SEE ATTACHED AGREEMENT\]](#).

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ACCEPT PROFESSIONAL SERVICES PROPOSAL WITH *THE PFM GROUP* FOR THE SHIAWASSEE ROAD BOND ISSUE

Administration advised the proposed financing for the Shiawassee Road Construction Project involves issuing approximately \$1.6 million in bonds. Administration requested approval to have *The PFM (Public Financial Management) Group* serve as the financial advisors for this bond issue.

COUNCIL PROCEEDINGS -7-
December 18, 2006

RESOLUTION 12-06-237 Motion by Wiggins, seconded by Sutherland, to accept a professional services proposal from The *PFM (Public Financial Management) Group* to serve as financial advisor on the Shiawassee Road Construction bond issue. [SEE ATTACHED PROPOSAL].

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ACCEPT PROFESSIONAL SERVICES PROPOSAL WITH MILLER CANFIELD PADDOCK AND STONE TO SERVE AS BOND COUNSEL FOR SHIAWASSEE ROAD BOND ISSUE

Administration requested approval to have Miller Canfield Paddock and Stone serve as bond counsel for the Shiawassee Road Bond Issue.

RESOLUTION 12-06-238 Motion by Sutherland, seconded by Buck, to accept a professional services proposal from Miller Canfield Paddock and Stone to serve as bond counsel on the Shiawassee Road Construction bond issue. [SEE ATTACHED PROPOSAL].

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE REIMBURSEMENT AND FILING RESOLUTION FOR SHIAWASSEE ROAD BOND ISSUE AND WATER IMPROVEMENTS

Administration advised a resolution has been drafted by Miller Canfield Paddock and Stone involving the issuance of bonds for the Shiawassee Road construction project and water system improvements along Shiawassee and Power Road. Administration further advised the resolution authorizes the issuance of bonds for a not-to-exceed amount of \$2.0 Million for the Shiawassee Road work and \$1.0 Million for improvements to the water system.

Responding to a question from Councilmember Knol, City Manager Pastue confirmed the bonding process would still require a couple more actions by Council before bonds are issued.

RESOLUTION 12-06-239 Motion by Knol, seconded by Wiggins, to approve a Reimbursement and Filing Resolution, as presented, for the Shiawassee Road and Power Road improvements. [SEE ATTACHED RESOLUTION]. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO AMEND FISCAL YEAR 2006/07 BUDGET

Administration requested Council approve three budget amendments to the 2006/07 budget in order to: increase budgeted expenditures for Public Safety Activity in the General Operating Fund; increase planned expenditures for Capital Outlay in the Water and Sewer Fund; and increase planned expenditures in the Downtown capital projects fund.

RESOLUTION 12-06-240 Motion by Wiggins, seconded by Buck, to adopt a resolution approving Budget Amendments Six through Eight as presented. **[SEE ATTACHED RESOLUTION].**

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENT

None.

COUNCIL COMMENT

Councilmember Buck noted a new business, Slice of Italy, had opened in the Downtown. He recognized the wonderful work of the Goodfellow organization and its many volunteers that do so much for the community. He commented on the terrific education he received on a recent "ride-along" with Public Safety Officers Aaron Malewski and Justin DuLong. He informed Council of two cable shows he recently taped with Office Depot and Farmington Center Florist.

Councilmember Sutherland noted her daughter recently had a very positive experience using the SMART Bus System and encouraged others to give it a try. She commented on a recent property deal in the City of Northville that fell through and encouraged administration to keep the developer in mind for future City projects.

Councilmember Sutherland submitted her resignation from Council due to her impending move out-of-state.

Councilmember Wiggins reflected on his experiences with Ms. Sutherland, both as fellow Public Safety employee and as a candidate for Council. He expressed his sincere regret at her resignation and noted how much she will be missed.

Councilmember Knol thanked Ms. Sutherland for her service on Council. She commented on her growth as a Councilmember over the past year and expressed regret at her leaving.

COUNCIL PROCEEDINGS -9-
December 18, 2006

Mayor McShane expressed great sadness at Ms. Sutherland's resignation and wished her good fortune luck in her new endeavor.

Councilmember Buck noted that Ms. Sutherland has been a great force in the community and a great model for her children in the way she has served. He predicted she will make a difference in her new community, but expressed sadness at how much she will be missed here.

Council set a special meeting for Thursday, December 21, 2006 at 9:00 p.m. to discuss the process for filling the Council vacancy.

City Manager Pastue recognized the significant contribution Ms. Sutherland has made to the community.

ADJOURNMENT

12-06-241 Motion by Knol, seconded by Wiggins, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 9:35 p.m.

JoAnne M. McShane, Mayor

Susan K. Halberstadt, City Clerk

APPROVED: January 16, 2007