

FARMINGTON CITY COUNCIL  
REGULAR MEETING

A regular meeting of the Farmington City Council was held on Monday, February 19, 2007 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, Wiggins.

**ABSENT:** None.

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

**CONSENT AGENDA**

Council approved the following items on the consent agenda:

- Special and Regular meeting minutes of January 16, 2007
- Special meeting minutes of February 5, 2007
- Special meeting minutes of February 12, 2007
- Second Quarter Report: Department of Public Works and Water and Sewer Department – October 1, 2006 through December 30, 2006
- City of Farmington Monthly Payments Report – January 2007
- City of Farmington Financial Report – Quarter Ended December 31, 2007
- Monthly Public Safety Report – January 2007
- 47<sup>th</sup> District Court Financial Report – Quarter Ended December 31, 2006
- Special Event Request – LOC Federal Credit Union

**02-07-024** MOTION by Knol, seconded by Buck, to approve all items on the consent agenda as presented. MOTION CARRIED UNANIMOUSLY.

**APPROVAL OF REGULAR AGENDA**

**02-07-025** MOTION by Wiggins, seconded by Buck, to approve the agenda as amended, adding Item 7G – Consideration of Request from Farmington Hills Mayor Vicky Barnett for a Meeting to Discuss Consolidation Recommendation of the Sustainability Study. MOTION CARRIED UNANIMOUSLY.

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**PRESENTATIONS/PUBLIC HEARINGS**

**PROCLAMATION – DUCK DAY**

Mayor McShane proclaimed Friday, May 18, 2007 as Duck Day in the City of Farmington and encouraged all businesses, schools, organizations and their employees to participate by purchasing a duck (or ducks) for the Community Foundation's Duck Race to benefit the youth and family programs in our community.

**PETITION – MEMORIAL DAY PARADE**

Parade Chairman Christensen was present to answer questions from Council. He indicated the format of the parade would remain the same as in previous years.

**RESOLUTION 02-07-026** Motion by Buck, seconded by Knol, to approve the use of Grand River Avenue on Monday, May 28, 2007 from 9:00 a.m. to 1:00 p.m. for the purpose of conducting a Memorial Day parade; that the State of Michigan, Department of Transportation, be held harmless from any liability resulting from the closing of Grand River; and authorize the Public Safety Department to file for the permit with Michigan Department of Transportation for the closing of Grand River Avenue. MOTION CARRIED UNANIMOUSLY.

**SPECIAL EVENT PETITION – KNIGHTS OF COLUMBUS ANNUAL FUND DRIVE**

Norman Pranger, representing the Knights of Columbus, was present to answer questions from Council.

Responding to a question, City Manager Pastue confirmed solicitation in the street is prohibited.

**RESOLUTION 02-07-027** Motion by Knol, seconded by Wiggins, to approve a request from the Knights of Columbus, St. Francis Council No. 4401, to solicit for their annual fund drive during the weekend of March 30, 31 and April 1, 2007 in the City of Farmington; and stipulate soliciting in the streets is prohibited. MOTION CARRIED UNANIMOUSLY.

**2007 MICHIGAN TRANSPORTATION FUND BONDS (SHIAWASSEE ROAD PROJECT)**

**Presentation – Mike McGee – Miller, Canfield, Paddock and Stone**

Martha Rabaut, substituting for Mike McGee, provided an overview of the resolutions necessary for issuing Michigan Transportation Fund Bonds for the Shiawassee Road project.

**Consideration to Adopt Bond Authorizing Resolution**

**RESOLUTION 02-07-028** Motion by Wiggins, seconded by Knol, to approve the Bond Authorizing Resolution for the 2007 Michigan Transportation Fund Bonds, Series 2007, relating to the 2007 Shiawassee Road project. [SEE ATTACHED RESOLUTION].

**ROLL CALL**

Ayes: Knol, McShane, Wiggins, Buck.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**Consideration to Adopt Notice of Sale Resolution**

**RESOLUTION 02-07-029** Motion by Knol, seconded by Buck, to approve the Notice of Sale Resolution for the 2007 Michigan Transportation Fund Bonds, Series 2007, relating to the 2007 Shiawassee Road project. [SEE ATTACHED RESOLUTION].

**ROLL CALL**

Ayes: McShane, Wiggins, Buck, Knol.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**PRINCIPAL SHOPPING DISTRICT (PSD) SPECIAL ASSESSMENT RENEWAL**

**Presentation – Downtown Development Authority (DDA) Executive Director Annette Knowles**

Annette Knowles discussed the formation, process and findings of the Principal Shopping District Study Group. She thanked members of the business community who served as part of the study group including: Mark Ziegler, Karen Gara and Martha Markowicz. She reviewed the final recommendation of the study group which included: renewal of the special assessment for a five-year period, 3% annual increase and a baseline of \$210,000. In regard to the baseline amount, she stated the Group recommended rolling the 2-mill levy in the special assessment to streamline the DDA's financing sources and eliminate the levy for residential properties in the DDA District.

**Consideration to Adopt Resolution Requiring City Manager to Prepare Report.**

**RESOLUTION 02-07-030** Motion by Wiggins, seconded by Buck, to approve Resolution #1 instructing the City Manager and DDA Executive Director to prepare a report for Council's consideration regarding the renewal of the Principal Shopping District Special Assessment. [SEE ATTACHED RESOLUTION].

**ROLL CALL**

Ayes: Wiggins, Buck, Knol, McShane.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**UNFINISHED BUSINESS**

**SIGN VARIANCE REQUEST – PLUS SKATEBOARDING SHOP, 33335 GRAND RIVER**

Administration advised at the December 18, 2006 meeting Council reviewed a sign variance request from the Plus Skateboarding Shop and instructed City staff to meet with the owner to determine if a solution could be found. Administration noted that due to the unusual location of the business in the basement of the Village Mall there is no opportunity to use wall or window space for signage.

Administration advised there are two elements to the signage request: the hanging skateboard sign over the archway which could be viewed as a projecting sign and a proposed "wall" sign on the gate of the entranceway. Administration noted the gate in the open position is completely on private property. Administration advised the sign, if attached to the gate, would be visible from eastbound traffic on Grand River and southbound traffic on Farmington Road.

Administration advised the proposed wall sign on the gate would require a variance because it is less than 7 feet high as required by code. Administration noted the business owner would also be entitled to an A-frame sign. Administration advised Council could instruct the business owner to paint over the current wall sign if the variance(s) are granted.

Responding to a question, Administration advised Council action on the gate sign should be contingent on approval by the Oakland County Road Commission.

Discussion followed regarding the legality of the existing sign on the building.

Councilmember Wiggins asked if there is a restriction on the number of signs allowed at one business. Pastue responded that an A-frame, wall and projecting sign are typically allowed.

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Mayor McShane stated she would like to see a professional rendering of a proposed sign before approval is given. Pastue responded a design was not provided because the dimensions of a sign would be altered significantly to fit on the gate. Mayor McShane further suggested the proponent obtain approval from the County before Council gives approval.

Councilmember Wiggins recommended granting a sign variance contingent on County approval. He stated his belief that Council has sufficient information to make a decision, especially in light of the fact that a wall sign, projecting sign and A-frame are all appropriate.

Mayor McShane questioned the approval of a sign that has not been seen. Knol stated that as long as the proponent meets the sign ordinance she does not have a problem giving approval. Buck gave his approval as long as the proposed sign is similar in character to the current wall sign.

**02-07-031** MOTION by Knol, seconded by Wiggins, to approve a sign variance at Plus Skateboarding Shop, 33335 Grand River, to allow the skateboard sign hanging from the archway to remain and function as a projecting sign, due to the unique and unusual location of the business in the lower level of the Village Mall. MOTION CARRIED UNANIMOUSLY.

**02-07-032** MOTION by Wiggins, seconded by Knol, to approve a sign variance at Plus Skateboarding Shop, 33335 Grand River, to allow a double-sided sign on the entrance gate contingent upon the following: approval of the sign is received from the Oakland County Road Commission, the existing wall sign is painted over and the new sign is professionally designed. MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS**

**CONSIDERATION TO APPROVE NATIONAL TRUST MAIN STREET OAKLAND COUNTY PROGRAM AGREEMENT FOR TECHNICAL ASSISTANCE BETWEEN OAKLAND COUNTY AND CITY OF FARMINGTON DOWNTOWN DEVELOPMENT AUTHORITY (DDA)**

Administration advised the DDA Board at their last meeting approved the agreement with Oakland County for services through the Main Street Program. Administration further advised that although the City is not a party to the agreement, Oakland County requests a resolution of the City Council to concur with the agreement.

**RESOLUTION 02-07-033** Motion by Wiggins, seconded by Buck, to concur with an agreement for technical assistance between Oakland County and the Farmington Downtown Development Authority. **[SEE ATTACHED AGREEMENT].**

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ROLL CALL

Ayes: Buck, Knol, McShane, Wiggins.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO AUTHORIZE PARKING STUDY REQUEST FOR PROPOSALS**

Administration advised that a request for proposal (RFP) has been drafted by the City Manager and the DDA Executive Director for the purpose of a Parking Study relating to the Downtown area and requested Council approval to submit the RFP. Administration recommended the City and DDA jointly share in the cost of the study estimated at \$40,000.

Councilmember Knol requested the involvement of the Economic Restructuring Committee in this study.

Responding to a question from Councilmember Wiggins, Pastue stated the amount has not been budgeted and would require a budget amendment.

Councilmember Buck asked regarding the outcome of the audit of the Main Street program. DDA Executive Director Knowles responded the program achieved a perfect score.

**RESOLUTION 02-07-034** Motion by Knol, seconded by Wiggins, to authorize a Request for Proposal (RFP) related to the development of a long term parking strategy for Downtown Farmington and to approve sharing the estimated \$40,000 cost of the project with the Downtown Development Authority. **[SEE ATTACHED REQUEST FOR PROPOSAL].**

ROLL CALL

Ayes: Knol, McShane, Wiggins, Buck.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION OF RESOLUTION TO AMEND SPECIAL ASSESSMENT #2005-83, DOWNTOWN CENTER PROJECT**

Administration advised that as a result of a negotiated agreement with Kimco Realty concerning parking, maintenance, and the special assessment for the 2005 Downtown Center improvements, the parties agreed to reduce the special assessment amount from \$710,000 to \$500,000. Administration further advised that in turn Kimco agreed to drop their claim before the Michigan Tax Tribunal regarding the special assessment.

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Administration noted this agreement allowed Office Depot to locate in the Downtown Center.

**RESOLUTION 02-07-035** Motion by Wiggins, seconded by Buck, to amend Special Assessment Roll #2005-83 for the Downtown Center Project by reducing the amount from \$710,000 to \$500,000. [SEE ATTACHED SPECIAL ASSESSMENT ROLL].

**ROLL CALL**

Ayes: McShane, Wiggins, Buck, Knol.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPROVE 401 AND 457 PLAN AMENDMENTS**

Administration advised ICMA-RC, administrator of the City's 401 Defined Contribution/Money Purchase and 457 Deferred Compensation plans, has proposed amendments to those plans. Administration further advised those amendments deal with adding greater flexibility for contributions, disbursements for participants over the age of 70½, spousal protection provisions and portability.

**RESOLUTION 02-07-036** Motion by Buck, seconded by Wiggins, to approve proposed amendments to the ICMA-RC 401 and 457 deferred compensation plan documents. [SEE ATTACHED PLAN DOCUMENT CHANGES]. MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO ACCEPT BIDS AND AWARD CONSTRUCTION CONTRACT FOR SHIAWASSEE ROAD RECONSTRUCTION PROJECT**

Administration advised the City solicited bids for the reconstruction of Shiawassee Road from the west intersection of Farmington Road to Orchard Lake Road and water main work and connections to an existing line. Administration further advised the City's consulting engineers, Orchard, Hiltz & McCliment (OHM) reviewed the bids and recommended Council award the contract to the low bidder, Peter A. Basile Sons, Inc. Administration indicated Director Gushman has reviewed the bids and concurs with OHM's recommendation.

Councilmember Knol requested timing the restoration work on Shiawassee Road that still needs to be done by Consumers Energy with the road construction.

Director Gushman stated the City has made it very clear to Consumers that the work must be completed and he has made several calls to state representatives to ensure that it happens in the Spring.

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Responding to a question from Councilmember Wiggins, City Manager Pastue stated the right-of-way issue by Farmington High School has not been resolved, however, the City Attorney has sent a letter to DTE based on discussion with the School Board.

**RESOLUTION 02-07-037** Motion by Wiggins, seconded by Buck, to accept the Shiawassee Road reconstruction bids and award the contract to Peter A. Basile Sons, Inc. in the amount of \$1,946,034.56 and authorize the Mayor to sign the contract on behalf of the City.

**ROLL CALL**

Ayes: Wiggins, Buck, Knol, McShane.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO INTRODUCE ORDINANCE #C-722-2007 TO AMEND TRAFFIC CONTROL ORDERS ALONG SLOCUM STREET**

Administration advised the Traffic and Safety Board has recommended making several changes along Slocum Street as a result of an evaluation of traffic control orders for that street. Administration indicated the Board held a meeting with residents in that area to solicit comments and concerns.

Wiggins recommended the City advise residents of the introduction of the ordinance allowing them one last opportunity for comment.

Pastue suggested the City send a letter to residents regarding the upcoming adoption of the ordinance and the changes to Slocum that would result.

Council concurred that the letter should be sent to residents of Warner Farms Subdivision.

**02-07-038** MOTION by Wiggins, seconded by Knol, to introduce Ordinance #C-722-2007 to amend traffic control orders along Slocum Street and Mayfield. **[SEE ATTACHED ORDINANCE]**. MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION OF REQUEST FROM FARMINGTON HILLS MAYOR VICKY BARNETT FOR A MEETING TO DISCUSS CONSOLIDATION RECOMMENDATION OF THE SUSTAINABILITY STUDY**

Administration advised Mayor Barnett of Farmington Hills has requested that the two City Councils meet to discuss the consolidation recommendation contained in their *Sustainability Study*.



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Knol expressed support for meeting with Farmington Hills to start a dialogue regarding this issue.

Wiggins also expressed support for the meeting.

Buck noted the positive collaborative relationship enjoyed by both cities and dialogue would be appropriate.

Mayor McShane stated she has given this issue considerable thought and has listened to many comments from concerned citizens. She advised of her meeting with Mayor Barnett and their discussion regarding these challenging economic times. She stated the importance of looking at the "big picture" in terms of services provided and at what cost. She stated it would be good to know if there is a way resources could be combined to ensure the long term stability of the City.

Mayor McShane advised it would be prudent to move forward with a study. She stated a meeting with Farmington Hills would be the first step towards that end. She advised it is imperative for Farmington to be involved in the study to ensure the City's interests are addressed. She stated the City could realize great benefit from the study in terms of cost saving measures.

Discussion followed regarding possible dates for a joint meeting.

Mayor McShane stated the importance of setting parameters so that everyone is clear on the goal(s) of the meeting.

Buck stated his belief that the goal of the meeting should be informational in order to gain a better understanding of the *Sustainability Study* and the views of the Farmington Hills City Council.

Wiggins stated Council should not attend the meeting with the goal of making a decision. He advised the meeting should be informational with viewpoints expressed by both Councils.

Knol stated it is clear from Mayor Barnett's letter that they want to discuss moving forward with a study. She stated she does not need additional information on the *Sustainability Study*, but would rather spend the time engaged in discussion regarding a consolidation study.

Mayor McShane advised Council should take a list of specific questions to the meeting.

Council directed the City Manager to arrange a meeting with the Farmington Hills City Council before or directly after the tri-meeting that is scheduled at the end of March.

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Buck commented that although he believes the new Council member should be given ample time to acclimate to his/her new position he would agree with Council on the meeting date.

**PUBLIC COMMENT**

Walter Christensen, 22408 Floral, expressed concern regarding merging with Farmington Hills. He discussed his involvement with the previous consolidation vote that took place in the 1970's.

Annabelle Gabel, 23089 Violet, discussed her conversation with Farmington Hills Police Officers regarding the proposed merger. She stated they were sorry to lose Chuck Nebus to Farmington.

**COUNCIL COMMENT**

Buck congratulated the Downtown Development Authority (DDA) Board on their terrific vision statement, an outcome of their retreat in January.

City Manager Pastue praised DDA Executive Director Annette Knowles on the excellent job she has done working with the DDA Board. He stated it was a good retreat with a lot of preparation on her part.

Buck advised Councilmembers are stewards of the interests of residents and stakeholders and it is imperative they are represented in discussions with Farmington Hills. He noted that residents have chosen the small town character of Farmington.

**ADJOURNMENT**

**02-07-039** Motion by Knol, seconded by Wiggins, to adjourn the meeting.  
MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 9:45 p.m.

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JoAnne M. McShane, Mayor

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Susan K. Halberstadt, City Clerk

APPROVED: March 19, 2007