

FARMINGTON CITY COUNCIL  
REGULAR MEETING

A regular meeting of the Farmington City Council was held on Monday, June 19, 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: Clerk/Treasurer Cantrell, Director Gushman, Director Nebus, City Manager Pastue, Assistant City Manager Richards, Attorney Schultz, Deputy Director Schulz.

**CONSENT AGENDA**

Council approved the following items on the consent agenda:

- Special meeting minutes of May 1, 2006.
- Special and regular meeting minutes of May 15, 2006.
- Study session meeting minutes of June 5, 2006.
- Monthly payments report for May 2006.
- Approve monthly Public Safety report, May 2006.

**06-06-110** MOTION by Sutherland, seconded by Buck, to approve all items on the Consent agenda as presented. MOTION CARRIED UNANIMOUSLY.

**APPROVAL OF REGULAR AGENDA**

**06-06-111** MOTION by Knol, seconded by Wiggins, to approve the regular agenda as amended with the addition of closed session following Council comment. MOTION CARRIED UNANIMOUSLY.

**PRESENTATIONS/PUBLIC HEARINGS**

**COMMISSION ON CHILDREN, YOUTH AND FAMILIES – GOVERNOR GEORGE W. ROMNEY OUTSTANDING VOLUNTEER OF THE YEAR AWARD – JOHN ANHUT**

Judge Marla Parker was present to discuss the Commission on Children, Youth and Families volunteer awards. She stated the theme this year for volunteer recognition is "Inspire by Example". Awards were given in four categories: Adult award, Youth award, Group award and the Romney award. The Adult award was given to Jim Mitchell, the Youth award to Danielle Kaplin, the Group award to the North Farmington High School Service Learning Program/ Humanitarian Club and the Romney award to John Anhut.

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John Anhut was present and accepted the award on behalf of all of the volunteers in the community. He discussed his experiences in the community and thanked everyone for his award.

Mayor McShane, on behalf of City Council, presented Mr. Anhut with token gifts from Farmington.

**PROCLAMATION-CHILDHOOD CANCER AWARENESS WEEK-JULY 31-AUGUST 6, 2006**

Mayor McShane proclaimed the week of July 31 through August 6, 2006 as Childhood Cancer Awareness Week in the City of Farmington and asked for increased awareness and understanding of cancer in children.

**UNFINISHED BUSINESS**

**CONSIDERATION TO ADOPT ORDINANCE #C-716-2006 TO AMEND TRAFFIC CONTROL ORDERS ALONG PROSPECT STREET**

Administration recommended adoption of Ordinance C-716-2006 to allow permit parking on the east side of Prospect Street, from Shiawassee to Loomis, on school days from 9:00 a.m. to 2:00 p.m.

**06-06-112** MOTION by Wiggins, seconded by Knol, to adopt Ordinance C-716-2006 to amend traffic control orders on the east side of Prospect between Shiawassee and Loomis. **[SEE ATTACHED ORDINANCE]**. MOTION CARRIED UNANIMOUSLY.

**ROLL CALL**

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS**

**BOARD AND COMMITTEE APPOINTMENTS**

**Arts Commission**

**06-06-113** MOTION Knol, seconded by Wiggins, to appoint James McGlincy to the Arts Commission for a three-year term expiring June 30, 2009. MOTION CARRIED UNANIMOUSLY.

**2006 Beautification Awards Committee**

**06-06-114** MOTION by Sutherland, seconded by Wiggins, to appoint Lorraine Varns to the 2006 Beautification Awards Committee. MOTION CARRIED UNANIMOUSLY.

**Commission on Children, Youth & Families**

**06-06-115** MOTION by Wiggins, seconded by Knol, to appoint Eugene Thomas to the Children, Youth and Families Commission to fill an unexpired three-year term ending December 31, 2006. MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPROVE AGREEMENT WITH OAKLAND COUNTY PERTAINING TO WIRELESS OAKLAND INITIATIVE**

Administration advised that a request had been received from Oakland County to enter into an agreement to participate in the Wireless Oakland Initiative which would provide free wireless internet service throughout Oakland County. The antennae for the wireless service would be located on public facilities, but it would be installed and operated by a private contractor.

Administration described the process and related documents necessary to participate in the Initiative. Administration advised that the City Attorney reviewed the agreement with no changes recommended.

Councilmember Knol asked about the range of coverage. City Manager Pastue replied the intent was to provide service within the City. Discussion followed regarding engineering analysis and coverage at different sites. City Manager Pastue noted that this Initiative was not broadband.

Mayor McShane noted the popularity of a wireless program in Naples, Florida. She stated she did not want Riley Park excluded from the Initiative.

**RESOLUTION 06-06-116** Motion by Buck, seconded by Sutherland, to approve the Wireless Oakland Agreement between Oakland County and the City of Farmington, and authorize the Mayor and City Clerk to sign the agreements on behalf of the City; and to waive any permit, construction, or inspection fees associated with the initial implementation of Wireless Oakland in the City. **[SEE ATTACHED AGREEMENT]**.

**ROLL CALL**

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPROVE CHATHAM HILLS FOOTING DRAIN DISCONNECT PROGRAM CONSTRUCTION ESTIMATE #9 AND APPROVAL OF CHANGE ORDER #4.**

Administration recommended approval of the Chatham Hills Footing Drain Disconnect Program Construction Estimate #9 for work completed through May 31, 2006 and approval of Change Order #4 that increases the contract for interior and exterior restoration work beyond what was specified in the original contract. The construction

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estimate has been reviewed and recommended for approval by the City's consulting engineers, Orchard, Hiltz & McCliment, and Public Services Director Kevin Gushman.

Responding to a question from Councilmember Knol, Pastue stated five homes were left to complete.

**RESOLUTION 06-06-117** Motion by Sutherland, seconded by Knol, to approve payment of construction estimate #9 to Bidigare Contractors in the amount of \$101,154.60 for the Chatham Hills Footing Drain Disconnect project and change order #4 increasing the contract amount by \$75,627.52.

**ROLL CALL**

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO FUND REPAIRS TO BROOKDALE COURT**

Administration advised of six apartment/condominium complexes where drive lanes servicing these complexes were dedicated as municipal streets, however they are not part of an integrated network of City streets nor part of a platted subdivision. Administration further advised that the City is in the process of making improvements to these drive lanes and then vacating them back to the residential complex.

Administration advised that the property owners of Brookdale Condominiums met with Public Services Director Kevin Gushman and requested that the City repair sections of the drive lane and two drainage structures. Administration further advised that the repairs were performed by the property management company and the amount allocated to the City was \$6,347.00. Administration advised that Director Gushman recommended approval of payment with the understanding that proceedings to vacate the road right-of-way would be initiated.

**RESOLUTION 06-06-118** Motion by Sutherland, seconded by Wiggins, to authorize payment to the Brookdale Condominiums in the amount of \$6,347.00 from the Local Street Fund for road and drainage repairs in Brookdale Court, and initiate proceedings to vacate the road right-of-way.

**ROLL CALL**

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**SIGN VARIANCE REQUEST - ST. GERALD CATHOLIC CHURCH, 21300 FARMINGTON ROAD**

Administration advised that a sign variance request was received from St. Gerald Church located at 21300 Farmington Road. Administration further advised that there are two aspects to the variance request: (1) variance from Section 25-7(1) that permits one ground sign; there is already one ground sign on the site; (2) the second variance from Section 25-7(3) permits a ground sign of 20 square feet which can be increased to a maximum of 50 square feet as the setback off the property line is increased; the request is for a 4' x 8' sign.

Mike O'Dea, 21032 Lujon, was present on behalf of St. Gerald Church. Mr. O'Dea stated the purpose of the sign was to provide information to assist the needs of pregnant women.

Responding to a question from Councilmember Wiggins, Mr. O'Dea stated the sign would be permanent.

Councilmember Knol asked if the same sign size for the Gabriel Project is used throughout the State of Michigan or in other states by the Knights of Columbus. Mr. O'Dea responded that the sign originated in Indiana and a number of these signs have been set up there. He further stated it is not a Knights of Columbus project, but they help to finance the sign and other aspects of the program.

Councilmember Buck asked City Manager Pastue if there should be input from the community. Pastue replied there is no requirement for a public hearing.

Mayor McShane reiterated the bases under which a sign variance can be granted as provided in Section 25-17 of the Sign Ordinance.

Responding to a question from Councilmember Sutherland, Mr. O'Dea confirmed that the program is targeted at young teenage women who are pregnant and seeking help. Sutherland asked how the women would find out about the project. Mr. O'Dea responded through referrals, advertising, and he indicated the availability of a home for women who have no place to go. Sutherland asked if the signs or yellow pages bring in more people. Mr. O'Dea responded the yellow pages draws more young ladies and the sign brings volunteers to help.

Councilmember Knol expressed concern regarding granting a sign variance even if the purpose of the sign is supported. She noted that there needs to be unusual conditions affecting the actual land or site to grant a variance. Responding to a question from Knol, Mr. O'Dea stated that the sign could be reduced, but at an expense and he expressed concern that it would not be seen from the road.

Councilmember Buck asked about concerns expressed by the community. Pastue responded that in granting a variance any reasonable condition can be applied.

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Mayor McShane noted the value and importance of the project, but recognized Council's responsibility to uphold City Ordinance unless a variance is justified. She expressed concern with signs that advertise. Mayor McShane stated her support for a temporary banner but not a permanent sign.

Councilmember Knol asked about the time limit for a temporary banner. Director Gushman replied 30 day period every 6 months. Mrs. O'Dea responded that a temporary banner would not provide the help needed on a consistent, long term basis.

Mayor McShane advised there are many different ways to advertise such as a church bulletin. She noted that the next request for a variance could be for an abortion sign. She stated that the sign variance request does not demonstrate a unique or unusual condition and therefore could not support it.

Councilmember Wiggins asked about the possibility of a 70' to 80' setback for the sign which would resolve one of the variances.

Councilmember Buck asked about consolidating the sign with the sign already on the property. Mr. O'Dea expressed doubt regarding that option.

Discussion followed regarding the two aspects of the variance request.

Mr. O'Dea asked about amending the sign ordinance. Discussion followed regarding the process and creation of City Ordinances.

Councilmember Buck reconfirmed that Council was not opposed to the cause promoted by the sign and noted Council had offered other options. Mr. O'Dea expressed his belief that the community would support the sign.

Councilmember Sutherland noted that signs have been a significant issue in the City.

Pastue stated the primary issue is allowing a second ground sign on the property.

Mayor McShane advised that Mr. O'Dea meet with the City Manager to determine what options are available.

**06-06-119** MOTION by Buck, seconded by Wiggins, to table a sign variance request from St. Gerald Catholic Church in order to allow time for the development of an alternative that can be brought back to Council for consideration. MOTION CARRIED UNANIMOUSLY.

Councilmember Buck suggested the church consider a smaller sign.

**CONSIDER CALLING PUBLIC HEARING FOR MDNR GRANT APPLICATION**

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Administration recommended scheduling a public hearing regarding a Michigan Department of Natural Resources (MDNR) grant application for additional funding to purchase a portion of Shiawassee Park owned by the Farmington Public School District.

Administration advised that this parcel would be used to complete several improvement projects provided in the City's Recreation Master Plan.

**06-06-120** MOTION by Knol, seconded by Wiggins, to schedule a public hearing for Monday, July 17, 2006 at 8:00 p.m., to allow public comment on the proposed Michigan Department of Natural Resources (MDNR) land acquisition grant application. MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO AMEND DOWNTOWN DEVELOPMENT AUTHORITY FISCAL YEAR 2005/06 BUDGET**

Administration advised that the Downtown Development Authority (DDA) Board recommended transferring the remaining donations associated with the Pavilion to the DDA Budget.

**RESOLUTION 06-06-121** Motion by Wiggins, seconded by Sutherland, to increase the Downtown Development Authority budget by \$128,100 by transferring the remaining funds from donations for the Pavilion to the Downtown Center Project Fund.

**ROLL CALL**

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO AMEND FISCAL YEAR 2005/06 BUDGET**

Administration recommended Council approval of budget amendments 13, 14, 15 and 16 to the FY 2005/06 budget.

**RESOLUTION 06-06-122** Motion by Knol, seconded by Wiggins, to adopt a resolution approving Budget Amendment Nos. 13, 14, 15 and 16 for the Fiscal Year 2005-2006 budget as presented. [\[SEE ATTACHED RESOLUTION\]](#).

**ROLL CALL**

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO AMEND AGREEMENT WITH MORTON BUILDINGS PERTAINING TO THE PAVILION CONSTRUCTION**

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Administration requested Council approval to increase the contract agreement with Morton Buildings by \$9,000 for electrical work.

**RESOLUTION 06-06-123** Motion by Buck, seconded by Sutherland, to increase the contract amount with Morton Buildings by \$9,000 to cover additional electrical work at the Downtown Center Pavilion.

**ROLL CALL**

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO PURCHASE NEW FINANCIAL SOFTWARE AND HARDWARE IMPROVEMENTS**

Administration stated funds were allocated in the 2005-2006 fiscal year budget to purchase new software and hardware. Administration advised that staff researched a number of software packages and recommended BS & A Financial Software.

Councilmember Buck asked if data extraction from the City's existing software would be a separate service. Pastue replied that funds from next year's budget would be used for that service.

Councilmember Sutherland stated she felt the allocated amount was not enough to cover data conversion. Clerk/Treasurer Cantrell replied that data conversion was included, but does not include extraction of some of the data from the current system. She stated it would be a straight-forward process and it would not be a significant cost.

Pastue stated the cost of conversion is related to the extent of data to be converted.

**RESOLUTION 06-06-124** Motion by Knol, seconded by Wiggins, to waive the bid process and authorize the City Manager to purchase financial software, hardware to upgrade the City's financial and city-wide network, and contract for professional services to assist with installation, training and data conversion in an amount not to exceed \$74,470; and to accrue any funds budgeted for this purpose, and remaining at fiscal year end, necessary to complete the purchase.

**ROLL CALL**

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPOINT CITY CLERK**



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**RESOLUTION 06-06-125** Motion by Buck, seconded by Wiggins, to appoint Susan K. Halberstadt as City Clerk, effective June 24, 2006 at a starting salary of no less than \$59,829.

**ROLL CALL**

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPOINT CITY TREASURER**

**RESOLUTION 06-06-126** Motion by Sutherland, seconded by Knol, to appoint Christopher M. Weber as City Treasurer effective June 24, 2006 at a starting salary of no less than \$71,543.

**ROLL CALL**

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO CHANGE AUTHORIZED CHECK SIGNERS**

Administration requested Council authorize Christopher M. Weber and Vincent D. Pastue as the City officials authorized to sign checks.

**RESOLUTION 06-06-127** Motion by Knol, seconded by Sutherland, to adopt a resolution to designate Christopher M. Weber, as Treasurer, and Vincent D. Pastue, as City Manager, as authorized signers on behalf of the City. **[SEE ATTACHED RESOLUTION]**.  
MOTION CARRIED UNANIMOUSLY.

**INTRODUCE PROPOSED INCREASES IN BUILDING PERMIT FEES**

Administration stated the FY 2006/2007 Budget recommended that City Council consider an increase in the Building permit Fees. He commented City staff reviewed other communities regarding their building, electrical, plumbing and mechanical permit fees and felt that these fees were appropriate relative to other jurisdictions. It was recommended that the building permit fees be amended to simplify administration, reflect fees charged by other jurisdictions and cover cost of inspections. Pastue noted the survey of Building Permit Fees with proposed changes. He noted an additional \$10,000 per year would be generated. Pastue stated no action was required at this meeting and the purpose of the agenda item was to introduce the proposed changes that will be presented for approval at the July 17 meeting.

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**PUBLIC COMMENTS**

Nancy Leonard, a Farmington resident, questioned the additional costs for electrical work at the Pavilion. Pastue replied that the additional costs covered lighting, wiring, and the panel with all of the circuits.

Richard Tengler, 36491 Vicary, expressed concern regarding construction materials that have been left on a residential property for four years. He stated that the Code Enforcement Officer has cited the owner. No remediation has been forthcoming. He requested that the City take immediate action to correct the problem.

Pastue advised that the landscape materials in question have been at the residence since last construction season and the City allows a reasonable amount of time for building materials to remain on site until the work is done. He further advised that there was discussion with the property owner as to the progress of the project, but no citations have been issued. He stated that the City is consulting with the City Attorney regarding actions that can be taken. He further stated that the City would like to work with the property owner versus taking court action.

Mayor McShane verified that there had been a dumpster on site for an earlier project and that the Building Department had contacted the property owner about the dumpster and it was removed.

Mayor McShane questioned what course of action could be taken to ensure the removal of building materials stored on site in a timely manner. Pastue stated the City will be in contact with the property owner to set up a reasonable timetable to either complete the project or remove the materials.

Mayor McShane questioned how a reasonable timetable is determined. Pastue replied it depends on the construction completion plan, but would not go into the next construction season. He stated he would provide a plan of action before the next Council meeting.

**COUNCIL COMMENT**

Councilmember Wiggins announced the sale of raffle tickets at \$5.00 for the Farmington/Farmington Hills Community Foundation Rubber Duck Race raffle tickets at \$5.00 each.

Councilmember Buck asked regarding a new venue to replace "Grapes on the Grand" during Founders Festival. Pastue replied he and the Chief have the discretion to approve a tent with the understanding of traffic movement, time period and the decibel level with Council approval.

Councilmember Buck recognized the efforts of Diane Cassidy and Jeff Condit for their work on the Founders Festival.

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Councilmember Buck expressed appreciation to Mr. Tengler for coming before Council and voicing his concerns and suggested that a copy of the minutes be given to his neighbor. Pastue stated he will be in contact with the neighbor.

Councilmember Buck discussed the signage for the construction on Grand River. He asked that the signage reflect that the downtown businesses are open during

construction. Mr. Gushman contacted MDOT to change the signage and MDOT decided the signage was fine as is. Buck requested that the pressure be kept on MDOT to change the signage.

Mayor McShane expressed pride in the recent crowning of former Miss Farmington, Angela Corsi, crowned as Miss Michigan. She requested that a letter of congratulations be sent to her and wishing her luck in the Miss America Pageant.

Mayor McShane announced a going away party on June 20th at 7:00 p.m. at the Board of Education office for departing School Board members Jack Inch and Pam Christian.

Mayor McShane stated it was important to inform residents of the updated flood plain map for insurance purposes. Pastue stated the map did not change.

**06-06-128** MOTION by Knol, seconded by Wiggins, to enter into closed session.

**ROLL CALL**

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**ADJOURNMENT**

Council returned to open session and concurred to adjourn the meeting at 10:55 p.m.

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JoAnne M. McShane, Mayor

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Patsy K. Cantrell, City Clerk/Treasurer

APPROVED: July 17, 2006

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Susan K. Halberstadt, Recording Secretary