

FARMINGTON CITY COUNCIL
REGULAR MEETING

A regular meeting of the Farmington City Council was held on Monday, February 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 8:00 p.m. by Mayor Knol.

PRESENT: Buck, Knol, McShane, Wright.

ABSENT: Wiggins.

CITY ADMINISTRATION: Director Gushman, City Clerk Halberstadt, City Manager Pastue, Assistant City Manager Richards, Attorney Schultz, Deputy Director Schulz, Treasurer Weber.

CONSENT AGENDA

02-08-021 MOTION by McShane, seconded by Wright, to approve the following items on the consent agenda:

- Joint Meeting with DDA Minutes of December 15, 2007
- Special Meeting Minutes of December 17, 2007
- Special Meeting Minutes of January 7, 2008
- Special and Regular Meeting Minutes of January 22, 2008
- Special Meeting Minutes of February 4, 2008
- Farmington Monthly Payments Report – January 2008
- Farmington Financial Report for Quarter Ended December 31, 2007
- 47th District Court Financial Report for Quarter Ended December 31, 2007
- Public Safety Monthly Report – January 2008

MOTION CARRIED UNANIMOUSLY.

APPROVAL OF REGULAR AGENDA

02-08-022 MOTION by Buck, seconded by McShane, to approve the agenda as presented. MOTION CARRIED UNANIMOUSLY.

PRESENTATIONS/PUBLIC HEARINGS

SPECIAL EVENT REQUEST – AMERICAN CANCER SOCIETY RELAY FOR LIFE

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Dara Weber, representing the American Cancer Society, was present to respond to questions.

Councilmember McShane requested a representative from the American Cancer Society attend a meeting prior to the event to further its promotion.

RESOLUTION 02-08-023 Motion by Wright, seconded by Buck, to approve a request from the American Cancer Society to change the dates of its previously approved annual Relay for Life event in Shiawassee Park from May 17-18, 2008 to May 31-June 1, 2008. MOTION CARRIED UNANIMOUSLY.

PETITION – MEMORIAL DAY PARADE

RESOLUTION 02-08-024 Motion by McShane, seconded by Buck, to approve the use of Grand River Avenue on Monday, May 26, 2008 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.

SIGN VARIANCE REQUEST – VALERO GAS STATION, 33330 Eight Mile Road

Present: Robert Toper, Aver Sign Company; Carroll Knight, owner of Valero Gas Station

City Manager Pastue advised a request was received from Aver Sign Company, representing the Valero Gas Station, regarding installation of LED product signs and ID signs on the gas station canopy. He further advised the size and number of signs requested for placement on the canopy exceeds the provisions of the sign ordinance. He advised the City's Planning Consultant has reviewed the request and agreed with the corporate ID sign, but not with the LED sign for product pricing is another matter.

Attorney Schultz stated the sign variance request is before Council because the proposed signage does not meet sign ordinance requirements restricting canopy signs to 9" in height and lettering denoting nothing other than the name, address, and the products sold or the services rendered. He advised Council could grant the proponent's request if one of the two standards for variance approval are met.

Responding to a question from Mayor Knol, Attorney Schultz stated Council should treat the sign proposals as two separate requests.

Responding to a question from Councilmember McShane, Director Gushman indicated no other gas station in Farmington has an LED sign on its canopy.

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Responding to a further question, Attorney Schultz advised most of the City's gas stations have lettering significantly larger than 9" on their canopies.

Councilmember Wright noted an LED ground sign would be consistent with other gas stations near the proponent's location.

Mr. Knight explained an LED sign is a new, modern way of advertising and the canopy is a good place for its display. He stated he is requesting less square footage than the full name of Valero would have taken on the canopy.

Councilmember Buck expressed Council's desire for Mr. Knight's business to succeed. He noted Council's charge is to interpret codes and respond to variance requests accordingly.

Mayor Knol explained the provisions of the ordinance under which a variance can be granted.

Councilmember McShane advised the sign ordinance was developed with the hope of reducing the need for excessive signage and ensure the appropriateness of the signs.

Councilmember Wright asked whether the request met either of the conditions for granting a sign variance.

Mayor Knol stated the Valero ID signs met the provisions of the ordinance, but the LED signs did not.

Councilmember Wright discussed the merits of displaying an LED sign at a higher level, especially in terms of safety. He noted there is a likely trend towards LED signs.

Mayor Knol noted, historically, an ordinance revision is considered if an increasing number of similar variance requests are received. She advised a change to the sign ordinance regarding LED signs may be necessary if this is a growing trend.

Councilmember McShane advised the request should be tabled if Council wants to research what other cities are doing relative to LED signs then.

Mr. Knight indicated he has approval from the cities of Warren, Livonia and Detroit for signs similar to his request in Farmington. He requested putting up the LED sign on a trial basis.

Councilmember McShane noted the City's planner has denied the request and further commented it does not meet the standards for granting a variance request.

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Mr. Knight requested permission to reconfigure the LED ground sign currently in front of his station in order to increase visibility. Pastue advised Mr. Knight to make application to the City's Building Inspector for his request.

02-08-025 MOTION by Wright, seconded by Buck, to table two sign variance requests from Valero Gas Station, 33330 Eight Mile Road. MOTION FAILED, Two Ayes (Buck, Wright), Two Nays (Knol, McShane).

RESOLUTION 02-08-026 Motion by McShane, seconded by Knol, to deny a sign variance request from Valero Gas Station, 33330 Eight Mile Road, for two LED signs to be located on sides B and D of the Station's canopy, based on the following: applicant does not meet unique and unusual conditions required by ordinance for a variance; and there is no indication that the owner needs more than the usual name identification for the property. MOTION CARRIED, Three Ayes, One Nay (Buck).

Responding to a question from Councilmember Wright, Attorney Schultz confirmed the sign permit previously issued to Valero by the City is no longer in effect.

RESOLUTION 02-08-027 Motion by Wright, seconded by Buck, to approve a sign variance request from Valero Gas Station, 33330 Eight Mile Road, allowing placement of a logo sign, 2'3" in height, on sides A and C of the Station's canopy, based on a need for greater sign visibility than the 9" allowed by ordinance and in keeping with similar gas station signs in the City. MOTION CARRIED UNANIMOUSLY.

Councilmember Wright requested the City provide assistance to Mr. Knight in reconfiguring his ground LED sign for greater visibility.

UNFINISHED BUSINESS

CONSIDERATION TO APPROVE REIMBURSEMENT AND FILING RESOLUTION FOR GRAND RIVER STREETScape AND GROVE STREET IMPROVEMENT PROJECTS

Present: Lisa Hagan and George Gurrola, Bond Counsel, Miller Canfield

City Manager Pastue advised at a recent meeting Council had agreed to consider a new Notice of Intent Bond Resolution for the Grand River Streetscape and Grove Street improvement projects. He stated a new resolution would provide additional time for a public presentation on the project and for petitioners seeking a referendum on this issue.

Pastue recommended adoption of the new resolution which reduces the dollar amount of the project from \$3.3 Million to \$3.2 Million and the scope of the work by eliminating the water line component.

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Responding to a question from Councilmember Wright, Ms. Hagan indicated the petition signatures obtained as a result of the original resolution could not be applied to the new resolution.

Pastue advised if the scope and dollar amount of the project had remained the same the petition signatures might have been protected. He indicated Council can always schedule a referendum.

Councilmember McShane clarified a new resolution was agreed upon for two reasons: 1) provide additional time for petitioners to gather signatures, and 2) schedule a public meeting concerning the project.

Councilmember Buck expressed concern that the petition signatures already collected were not protected.

Councilmember Wright stated his support for the project, but also expressed concern regarding the petition signatures.

Mayor Knol noted a final determination was not made at the last meeting regarding the petition signatures.

Mr. Gurrola advised Council can always call for a referendum.

Councilmember McShane confirmed with Bond Counsel that the petition signatures previously collected could not be applied to the new resolution. The resolution would initiate a new 45-day period whereby petitions can be circulated to require a voter referendum on the bond issue.

Pastue advised the new resolution gives the City time to provide a public presentation on the project so residents can make an informed decision about the project.

Mayor Knol stated it is important for people to understand what they are signing on a petition initiative. She cited an earlier state petition drive in which voters did not fully understand what they were signing.

Councilmember McShane noted at the last meeting Council expressed a desire to protect the 200 petition signatures, if possible, in recognition of the effort put forth by the petitioners. She thought a new resolution was agreed upon in order to provide petitioners more time and provide an opportunity for public education.

Councilmember Wright recommended the petitioners hold on to the signatures already collected in case they may be relevant at some future point. He further recommended they obtain new signatures that would equal 10% of registered voters.

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RESOLUTION 02-08-028 Motion by McShane, seconded by Buck, to approve a reimbursement and filing resolution, as presented, for the Grand River Streetscape Improvement and Grove Street Improvement Projects. [SEE ATTACHED RESOLUTION]. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

CONSIDERATION TO APPROVE CONSTRUCTION ESTIMATE #7 FOR THE SHIAWASSEE ROAD CONSTRUCTION AND CHANGE ORDER #2

RESOLUTION 02-08-029 Motion by Buck, seconded by Wright, to approve payment of construction estimate No. 7 (final) to Peter A. Basile Sons, Inc. in the amount of \$151,052.67 for the Shiawassee Road Project and approve change order No. 2 to reduce the road portion of the contract by \$78,516.20.

ROLL CALL

Ayes: Knol, McShane, Wright, Buck.
Nays: None.
Absent: Wiggins.
MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE CONSTRUCTION ESTIMATE #5 (FINAL) FOR THE SHIAWASSEE ROAD WATER SYSTEM IMPROVEMENT AND CHANGE ORDERS #2 AND #3

RESOLUTION 02-08-030 Motion by Wright, seconded by Buck, to approve payment of construction estimate No. 5 (final) to Peter A. Basile Sons, Inc. in the amount of \$19,071.24 for the Shiawassee Road water system improvement and approve change orders Nos. 2 and 3 to provide an ending contract amount of \$238,123.20.

ROLL CALL

Ayes: McShane, Wright, Buck, Knol.
Nays: None.
Absent: Wiggins.
MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ACCEPT PROFESSIONAL SERVICES PROPOSAL WITH MILLER CANFIELD PADDOCK AND STONE TO SERVE AS BOND COUNSEL FOR THE GRAND RIVER STREETSCAPE/GROVE STREET BOND ISSUE

RESOLUTION 02-08-031 Motion by Wright, seconded by McShane, to accept professional services proposal from Miller Canfield Paddock and Stone to serve as Bond Counsel on the Grand River Streetscape/Grove Street Bond Issue. [SEE ATTACHED PROPOSAL].

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ROLL CALL

Ayes: Wright, Buck, Knol, Mcshane.
Nays: None.
Absent: Wiggins.
MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO ACCEPT PROFESSIONAL SERVICES PROPOSAL WITH *THE PFM GROUP* TO SERVE AS THE FINANCIAL ADVISOR FOR THE GRAND RIVER STREETScape/GROVE STREET BOND ISSUE

RESOLUTION 02-08-032 Motion by McShane, seconded by Buck, to approve a professional services agreement with *The PFM Group* to serve as the City's financial advisor for the Grand River Streetscape/Grove Street Bond Issue. [SEE ATTACHED AGREEMENT].

ROLL CALL

Ayes: Buck, Knol, McShane, Wright.
Nays: None.
Absent: Wiggins.
MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO RATIFY A THREE-YEAR COLLECTIVE BARGAINING AGREEMENT WITH THE POLICE OFFICERS ASSOCIATION OF MICHIGAN (POAM)

RESOLUTION 02-08-033 Motion by McShane, seconded by Buck, to ratify a three-year collective bargaining agreement with the Police Officers Association of Michigan (POAM) expiring June 30, 2009. [SEE ATTACHED REPORT].

ROLL CALL

Ayes: Knol, McShane, Wright, Buck.
Nays: None.
Absent: Wiggins.
MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE ABC CAB COMPANY TAXI LICENSE RENEWAL

02-08-034 MOTION by Wright, seconded by McShane, to authorize the issuance of eleven (11) 2008 taxicab licenses to ABC Cab Company, 12853 Levan, Livonia. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO INTRODUCE ORDINANCE C-729-2008 TO AMEND TRAFFIC CONTROL ORDERS FOR PARKING AT THE INTERSECTION OF STATE AND LIBERTY

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02-08-035 MOTION by Wright, seconded by Buck, to introduce Ordinance C-729-2008 to amend Traffic Control Orders on State and Liberty Streets. [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

BOARD AND COMMITTEE REAPPOINTMENTS

- i. **Commission on Children, Youth & Families**
- ii. **Construction Board of Appeals**
- iii. **Farmington Historical Commission**
- iv. **SWOCC/Public Access Promotion Committee**

02-08-036 MOTION by McShane, seconded by Buck, to make the following reappointments: Robert Allen, Albert Dompierre, and Michael Kish to the Construction Board of Appeals for two-years terms ending February 28, 2010; Charles Carvell and Laura Myers to the Farmington Historical Commission for three-year terms ending March 31, 2011; Kenneth Murray to the SWOCC Public Access Promotion Committee for a three-year term ending March 31, 2011; and Carol Robb for a two-year term ending December 31, 2010 and Kara Mullison, Youth Delegate, for a one-year term ending December 31, 2008, both to the Commission on Children, Youth and Families. MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENT

Hank Borgman, 34011 Grand River, thanked Councilmember Wright for his effort to protect the 200 petition signatures already obtained for the Grand River Project referendum. He discussed the process by which he obtained the signatures. He further discussed his objections to the project.

Betty Borgman, 34011 Grand River, expressed concern regarding confusion related to the status of 200 petition signatures. She further expressed concern regarding a lack of public information relative to the Grand River Streetscape project.

COUNCIL COMMENT

Mayor Knol expressed regret that a public meeting for the Grand River Streetscape project was not held in December or January, but noted the project information was not available at that time. She encouraged residents to attend the meeting planned for February 25th.

Mayor Knol stated after considerable deliberation Council concluded to adopt a new Notice of Intent Bond Resolution restarting the clock for new petition signatures.

Councilmember Wright advised if a substantial number of residents want to vote on the Grand River Streetscape project then it should be put to referendum. He stated, however, the decision to move forward with the project was within the authority of Council to make. He noted Council has made a number of decisions

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regarding major expenditures, including the Shiawassee Road project. He indicated Council has given considerable time and effort to a few residents in an effort to understand their points of view. He stated up until recently he believed only a single resident opposed the project. He advised Council will need to pay attention and respond accordingly if a petition drive goes forward and a number of signatures are collected.

Councilmember Buck expressed disappointment in Council's lack of support for the sign request from Valero Gas Station.

Councilmember McShane requested Council meet prior to a joint meeting with Farmington Hills Council on the collaboration study. She stated this would allow Council to analyze and discuss the report.

City Manager Pastue stated each Council has the opportunity to study the report and forward comments to Plante & Moran. He further stated the meeting scheduled on March 4th to receive a presentation from Plante & Moran on the draft study would be limited to questions concerning its content.

Councilmember Buck also agreed that Council should meet prior to a joint meeting to allow for discussion and interpretation of the report. He expressed concern regarding the format of the March 4th meeting and the media attention surrounding it.

City Manager Pastue emphasized no decisions would be made at the March 4th meeting.

Councilmember McShane stated the original agreement concerning the report was that Council would have the opportunity to review and analyze the final report before any further action was taken. She stated after Council's review of the report, a meeting could be scheduled with Farmington Hills to discuss points of the report that are beneficial to both cities.

Mayor Knol expressed her preference for Plante & Moran to present the report to both Councils at the same meeting so that everyone gets the same information at the same time.

Discussion continued regarding how to respond to a final draft of the report.

Mayor Knol recommended Councilmembers forward their comments regarding the final draft to City Manager Pastue.

ADJOURNMENT

02-08-037 Motion by McShane, seconded by Wright, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

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The meeting adjourned at 10:20 p.m.

Valerie S. Knol, Mayor

Susan K. Halberstadt, City Clerk

APPROVED: March 17, 2008