

FARMINGTON CITY COUNCIL
REGULAR MEETING

A regular meeting of the Farmington City Council was held on Monday, November 1, 2004 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 Campbell.

PRESENT: Bush, Campbell, Knol, McShane, Mitchell.

ABSENT: None.

CITY ADMINISTRATION: Clerk/Treasurer Cantrell, Director Gushman,
Director Nebus, City Manager Pastue,
Assistant City Manager Richards, Attorney Schultz.

APPROVAL OF AGENDA

Mayor Campbell advised that U.S. Representative Knollenberg having attended an earlier meeting would not be present, therefore agenda item no. 5 would be omitted.

11-04-245 MOTION by Knol, seconded by McShane, to approve the agenda as revised. MOTION CARRIED UNANIMOUSLY.

MINUTES OF PREVIOUS MEETING

11-04-246 MOTION by Bush, seconded by Mitchell, to approve the special and regular meeting minutes of October 18, 2004. MOTION CARRIED UNANIMOUSLY.

PRESENTATION: Audit Report – Plante & Moran

Gordon Krater was present to review the audit report for fiscal year 2003-04. He noted that the second year of implementing the Government Accounting Standards Board (GASB) went well and further noted the implementation of a new standard related to fraud detection. He noted that Farmington came through this new procedure very well.

Krater further noted that even during these difficult financial times, Farmington has maintained a sound financial position.

Auditor Kari Shea discussed the results of the audit of the City's financial statements. She noted that total revenue increased approximately 4% over last year which was primarily due to property taxes. She further noted that state shared sources decreased by approximately \$100,000. She advised that expenditures increased approximately 10% with the greatest increase in employee benefits and general insurance. She noted that revenue exceeded expenditures by approximately \$134,000 demonstrating sound management by the City.

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Krater recognized the timeliness and accuracy of the financial records kept by the City. He discussed the negative effects of the slow down in the State's economy and the limited growth in property tax revenue due to the Headlee Amendment. He discussed future accounting standards relative to post employment benefits. He noted minor internal control issues that may require attention.

11-04-247 MOTION by McShane, seconded by Bush, to accept the 2003-04 audit report as presented by Plante & Moran, LLP. MOTION CARRIED UNANIMOUSLY.

PETITIONS AND COMMUNICATIONS

RESOLUTION OF SUPPORT FOR THE BASELINE PROJECT

Administration advised that Council had received a presentation from Steve Schneemann regarding the Baseline Project at their last meeting. Administration further advised that the project represents a public art and awareness program dealing with the significance of Baseline Road as a landmark for surveying and development across the state of Michigan.

RESOLUTION 11-04-248 Motion by Knol, seconded by Mitchell, to adopt a resolution supporting the Baseline Project. [SEE ATTACHED RESOLUTION]. MOTION CARRIED UNANIMOUSLY.

SPECIAL EVENT REQUEST – TEMPORARY CLOSURE OF ORCHARD STREET

Administration advised that the City has received a request from Michael Moreland, a film producer, to temporarily close Orchard Street between Farmington Road and Grove Street in order to shoot a scene for a film he is producing. Administration further advised that the Departments of Public Works and Public Safety and the Downtown Development Authority have reviewed the request and offered only one comment concerning the need to allow Charlestown residents accessibility to their mailboxes.

Responding to a question, City Manager Pastue confirmed that no business names would be shown in the film.

RESOLUTION 11-04-249 Motion by Bush, seconded by Knol, to approve a special event application from Michael Moreland, to temporarily close Orchard Street from 6:00 p.m. to 10:00 p.m. on Saturday, November 6, 2004, in order to shoot a scene for a film. MOTION CARRIED UNANIMOUSLY.

BOARDS AND COMMISSIONS

REAPPOINTMENTS TO BOARDS AND COMMISSIONS

11-04-250 MOTION by McShane, seconded by Mitchell, to reappoint Larry Davis to the Board of Review and Wendy Munson to the Commission on Children, Youth & Families for three-year terms ending December 2007. MOTION CARRIED UNANIMOUSLY.

REAPPOINTMENT OF WILLIAM INGALLS TO THE BUILDING AUTHORITY

Administration advised that a couple of actions are required by the Farmington Building Authority in order to complete the purchase of Farmington Hills' interest in the old 47th District Court property and to transfer ownership to Farmington. Administration further advised that Mr. Ingall's term has expired and he should be reappointed so that these actions can be taken. Administration also advised that due to changes in state statutes there is no future need for the Building Authority and dissolution will be recommended at a future date.

11-04-251 MOTION by Knol, seconded by Bush, to reappoint William Ingalls to the Farmington Building Authority for a three-year term expiring January 2007. MOTION CARRIED UNANIMOUSLY.

REPORTS FROM CITY MANAGER

CONSIDERATION TO AMEND ALLEY VACATION – FLAGSTAR BANK

Administration advised that a resolution to vacate a platted alley on the Flagstar Bank site was adopted earlier this year, however, an error in the property description was discovered. Administration further advised that a resolution has been prepared that would amend the property description accordingly.

RESOLUTION 11-04-252 Motion by Mitchell, seconded by Knol, to adopt a resolution amending the property description for the vacated alley on the Flagstar Bank site. [SEE ATTACHED RESOLUTION].

ROLL CALL

Ayes: Campbell, Knol, McShane, Mitchell, Bush.
Nays: None.
Absent: None.
MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE BIDS FOR LEAF COLLECTION MACHINE

Administration recommended purchase of a new leaf collection machine from the low net-bidder, Bell Equipment Company.

RESOLUTION 11-04-253 Motion by McShane, seconded by Bush, to authorize the purchase, including trade-in of an old machine, of a leaf collection machine from Bell Equipment Company in the amount of \$35,875; funds provided in the FY 2004-05 budget.

ROLL CALL

Ayes: Knol, McShane, Mitchell, Bush, Campbell.
Nays: None.
Absent: None.
MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE RIGHT-OF-WAY TREE BIDS

Administration recommended purchase of sixty replacement trees in the public right-of-way from the low-bidder, Jackson Lawn Maintenance.

Responding to questions, Director Gushman confirmed that a variety of trees would be planted with a guarantee of one year.

RESOLUTION 11-04-254 Motion by Mitchell, seconded by Knol, to authorize the purchase of sixty replacement trees for the public right-of-way from Jackson Lawn Maintenance in the amount of \$151.00 per tree for a total cost of \$9,060.00.

ROLL CALL

Ayes: McShane, Mitchell, Bush, Campbell, Knol.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION OF RESOLUTIONS CONCERNING THE ACQUISITION OF PROPERTY AND APPROVING DECLARATION OF NECESSITY AND TAKING

Administration advised that in order to provide for development of the old 47th District Courthouse site, it is necessary to connect a sanitary sewer line from the site to a sewer main on Elizabeth Court. Administration further advised that the City has requested an easement from two property owners to install the sanitary sewer line.

Administration requested Council's approval of a resolution authorizing the acquisition of easements from both property owners in the amount of \$500 each, or alternatively, if the property owners do not respond affirmatively, the City Manager is authorized to execute the "Declaration of Taking".

Responding to a question, Attorney Schultz confirmed that the formula for establishing the payment is standard.

RESOLUTION 11-04-255 Motion by Bush, seconded by McShane, to adopt resolutions concerning the acquisition of property and approving declaration of necessity and taking for sewer easements at 24158 Elizabeth Court and 24172 Elizabeth Court. [SEE ATTACHED RESOLUTIONS].

ROLL CALL

Ayes: Mitchell, Bush, Campbell, Knol, McShane.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE SWOCC MULTI-JURISDICTIONAL AGREEMENT

Mayor Campbell indicated that he would allow public comment following Council's discussion of the proposed agreement.

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Administration advised that proposed changes to the Southwestern Oakland Cable Commission (SWOCC) Multi-Jurisdictional Agreement (MJA) would update the governance of SWOCC and would clean up some outdated language. Administration further advised that the proposed changes have been reviewed and approved by the SWOCC Board.

Administration noted a controversial aspect to the revised agreement is the elimination of the Cable Advisory Committee (CAC). Administration further noted that the SWOCC Board has recommended that the Committee be re-established within the by-laws of the new agreement.

Administration advised that the agreement was approved by the Novi City Council and was approved by the Farmington Hills City Council with an amendment.

Administration recommended that Council approve the agreement as presented and establish within its by-laws a committee that promotes public access.

Responding to a question, City Manager Pastue, as a member of the SWOCC Board, expressed no concern with the Councils appointing members to the CAC.

Councilmember Knol requested that the motion include a requirement that a CAC be established.

Jerry Ellis, Farmington Hills City Councilmember and Chairperson of the SWOCC Board, discussed the need for a new agreement. He stated the functions of the CAC have been taken over by the SWOCC staff. He further stated that the new agreement provides SWOCC more flexibility and more accurately reflects the needs of the communities. He stated that under the new agreement, the CAC would continue to have the opportunity to provide input at Board meetings. He further stated that the SWOCC Board is one hundred percent committed to public access.

Ellis noted that public access is threatened by a lack of funds. He stated that revenues are declining and the Board was forced to dip into reserves to balance the 2004 budget. He further stated that if revenues do not increase, SWOCC would have to either reduce services or begin charging for services that are currently free. He stated that the SWOCC Board is accountable to the City Councils and the SWOCC staff is accountable to the SWOCC Board, however, the CAC has been accountable to no one.

Responding to a question, Ellis stated that SWOCC continues to promote volunteerism to offset costs. He discussed the difference between community and public access. He stated that it costs approximately \$200,000 a year to fund public access.

Mark Adler, Novi resident and former member of the CAC, questioned the \$200,000 cost for public access. He noted that the CAC has always been accountable to the City Councils. He stated that the CAC has proven its value many times over through the countless hours of research they have performed. He further stated that contrary to earlier statements, the CAC does not want to control the SWOCC budget. He stated his belief that there is fundraising in CAC's future. He noted that the CAC does not cost

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SWOCC anything. He stated that a citizen advisory committee, with willing and enthusiastic volunteers from the industry and related industries, provides perspective to Council on a regular basis that ensures due diligence and fairness. He further stated that the CAC could have been more effective if SWOCC Director Collins had attended their meetings. He noted the years of experience of the CAC members as compared to the inexperience of the SWOCC staff.

Adler requested that Council vote for the amended version of the Agreement as passed by the Farmington Hills City Council.

Tracy Thompson, Farmington resident and CAC member, questioned the \$200,000 cost for public access. She further questioned SWOCC's request to equip a van at a cost of \$100,000. She noted that last month she was the only one that produced a public access show. She named many public access shows that have been discontinued.

Pauline Navoy, Farmington Hills resident and CAC member, stated that the CAC should not be removed from the Multi-Jurisdictional Agreement. She stated that the CAC should not be under the by-laws because they can be changed. She expressed concern over the negative comments that have been made regarding the CAC. She noted the CAC's many accomplishments over the past years. She questioned whether the City wants to dissolve a group of hardworking volunteers who have performed effectively.

SWOCC Director Collins stated that in 1999 there were 210 public access programs produced and in 2003 that increased to 246 programs. She noted the growth in community access. She stated the goal is to promote public access through volunteers.

Collins discussed the SWOCC budget, noting two staff members that are dedicated to public access as well five shared administrative staff. She noted that the CAC has never had authority over the Multi-Jurisdictional Agreement. She further noted that SWOCC does not run public access, but rather provides resources for its operation. She stated that SWOCC is not looking to dissolve the committee, but to redirect the focus in order to meet goals and achieve better results.

Ellis stated that the SWOCC Board wants flexibility, citing the fact that it is difficult to achieve agreement between three communities to change the Multi-Jurisdictional Agreement.

Councilmember Mitchell noted that the CAC by-laws were re-drafted and goals established based on the last goal-setting session. He stated that it is his understanding that the three Cities want to continue the CAC. He noted that equipping a van at a cost of \$100,000, as previously noted, was tabled at the last meeting.

Mitchell advised that several years ago the CAC recommended that SWOCC take over administration of public access as well as the government channels. He stated that a new committee would likely be called a Public Access Committee. He further noted that many of the provisions of the original Multi-Jurisdictional Agreement were never

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implemented. He stated that the next step is to empower the Public Access Committee to achieve some of the goals originally established seven years ago.

Mitchell expressed difficulty in working with the amendment to the MJA passed by the Farmington Hills City Council. He noted that the appointment of one member to the CAC by the SWOCC Board would be difficult. He advised that it is more reasonable for the City Councils to appoint CAC members. He recommended that Council approve the MJA as recommended by the City Manager. He stated that he has no problem with greater Farmington Hills representation on the Committee.

McShane asked if Farmington could create its own committee with the assistance of trained, volunteer staff. Pastue responded that an independent group could be formed to schedule programming for Channel 15.

Tracy Thompson asked if a "standing committee" could be dissolved by the SWOCC Board. Mayor Campbell responded that under the revised MJA the committee would not be a "standing committee", but the Board has committed to establish a committee under its by-laws.

Knol complimented the CAC on their passionate commitment to their work. She stated that volunteerism needs to be promoted because of the abundance of talent in the Community and because of the lack of paid staff to support government access.

11-04-256 MOTION by Knol, seconded by Bush, to approve the Southwestern Oakland Cable Commission Multi-Jurisdictional Agreement as presented with an added requirement that the SWOCC Board establish within its by-laws a standing committee involved with public access. 2 AYES (BUSH, KNOL), 3 NAYS (CAMPBELL, MCSHANE, MITCHELL). MOTION FAILED.

Responding to a question, City Attorney Shultz stated that the motion as stated is different from motions made by Farmington Hills and Novi thereby providing three different versions of the agreement.

Mayor Campbell asked if the SWOCC Board could take a second look at the agreement and make changes that would be agreeable to all three communities in light of the public comments.

Ellis noted that it took one year to get an agreement on the current draft of the MJA. He further noted that this agreement was unanimously supported by the SWOCC Board.

McShane recognized the hard work of the CAC volunteers and expressed concern regarding the cost of public access. She stated that she could envision each City establishing their own committee to take care of their own needs. She expressed support for Mayor Campbell's suggestion that the Board put forth an agreement that all three cities can support.

Further discussion ensued with McShane expressing concern that if the agreement is not approved it will take another year to reach consensus.

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RESOLUTION 11-04-257 Motion by Mitchell, seconded by McShane, to approve the Southwestern Oakland Cable Commission Multi-Jurisdictional Agreement as recommended by the City Manager. [SEE ATTACHED AGREEMENT]. 3 AYES (CAMPBELL, MCSHANE, MITCHELL), 2 NAYS (KNOL, BUSH). MOTION CARRIED.

CONSTRUCTION ESTIMATE #5 – 2004 PAVING PROGRAM AND CHANGE ORDERS NO. 1 AND NO. 2

Administration advised that construction estimate no. 5 completes the 2004 Paving Program. Administration requested approval of change order no. 1 that increases the contract amount in order to cover the replacement of the irrigation system in the island on Tree Hill near Freedom Road and to remove and replace the wood water main in a portion of State Street.

Administration requested approval of change order no. 2 to cover additional road repair that was not contained in the original scope of the project.

RESOLUTION 11-04-258 Motion by Bush, seconded by Knol, to approve payment of construction estimate no. 5 to Tiseo Brothers Inc. in the amount of \$38,069.02; and approve change order no. 1 in the amount of \$13,663.00 and change order no. 2 in the amount of \$25,209.19.

ROLL CALL

Ayes: Bush, Campbell, Knol, McShane, Mitchell.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

MISCELLANEOUS

PUBLIC COMMENT

Hank Borgman, Farmington resident, expressed concern about the handling of a “downed wire” near his home by the Public Safety Department. He also expressed concern about changes proposed in the Downtown Master Plan relative to traffic and parking.

Mayor Campbell encouraged Mr. Borgman to attend the Downtown Development Authority and Main Street Committee meetings to gain a further understanding of proposed changes and to have the opportunity for input.

Knol clarified some of the proposed changes and indicated that there are no plans to make Grand River into a boulevard. She further noted that a traffic study is underway regarding the intersection of Grand River and Farmington. She said the intent is not to slow down traffic to the point where it starts to back up.

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Responding to a concern expressed by an audience member regarding communication of the Downtown Master Plan, Knol advised that several meetings were held to inform the public.

Mayor Campbell advised that all residents on Farmington Road were notified prior to the reconstruction of that road.

McShane stated that most residents on Farmington Road have expressed support for the changes that were made. She suggested that Mr. Borgman meet with the City Manager to express his concerns regarding proposed changes and volunteered to arrange the meeting.

Councilmember Bush expressed her pleasure in meeting Mr. Borgman and thanked him for attending the meeting and expressing his concerns.

Jerry Ellis advised that he attended a Chamber of Commerce meeting, along with Councilmember Bush, where a presentation was given by the 2006 Superbowl Committee. He stated that the Committee spoke about the opportunity cities will have to arrange certified, charitable events using their logo. He suggested that the two cities plan a joint event to possibly raise funds for the youth program.

Councilmember Bush concurred with Ellis, citing the great opportunity of such an event.

COUNCIL COMMENT

Mayor Campbell introduced two new members to City staff, Chris Weber, Assistant Finance Director and Chuck Nebus, Public Safety Director.

Responding to a question from Bush, Pastue stated that a joint meeting with Farmington Hills concerning the Library millage has been set for November 15, 2004. He further responded that he would arrange a meeting as a follow-up to Council's Round Table discussion. Knol asked if an agenda could be provided prior to the meeting.

Bush requested a list of vacancies on Boards and Commissions. She noted that the Northville City Council will vote on prohibiting employees from parking all day in the City's two major parking lots in order to provide more space for shoppers during the holiday season. Pastue responded that as the Downtown develops the City would address where employees will park during business hours and that it would likely require a traffic control order.

McShane noted that she and Bush attended an event in Traverse City where Bev Papai was recognized as "Librarian of the Year".

Mayor Campbell suggested canceling the first meeting in January 2005 and Council concurred. He spoke about an event he recently attended, sponsored by the Oakland County Main Street, in which Farmington was recognized with two awards, Master Plan Achievement and The Most Diverse Funding; and that DDA Director Morgan was recognized for his leadership of Main Street.

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Mayor Campbell recognized the success of the recent Halloween Fun Fest in the Downtown, noting that he visited 47 businesses with Director Morgan thanking them for their participation.

FINANCIAL REPORT: QUARTER ENDED SEPTEMBER 30, 2004

11-04-259 MOTION by Knol, seconded by Mitchell, to receive and file the financial report for quarter ending September 30, 2004. MOTION CARRIED UNANIMOUSLY.

PUBLIC SAFETY DEPARTMENT QUARTERLY OPERATIONS REPORT – THIRD QUARTER

11-04-260 MOTION by Bush, seconded by Mitchell, to receive and file the Public Safety Department Quarterly Operations Report for period ended September 30, 2004. MOTION CARRIED UNANIMOUSLY.

APPROVE MONTHLY PAYMENTS REPORT

11-04-261 MOTION by Knol, seconded by McShane, to approve the monthly payments report for October, 2004. MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

11-04-262 MOTION by Mitchell, seconded by Knol, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 10:30 p.m.

ARNOLD T. CAMPBELL, Mayor

PATSY K. CANTRELL, City Clerk/Treasurer