

COUNCIL PROCEEDINGS

A regular meeting of the Farmington City Council was held on Monday, November 6, 2000 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 Hartsock.

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

ABSENT: None.

CITY REPRESENTATIVES: Attorney Donohue, Director Goss, Recording Secretary Halberstadt, City Manager Lauhoff, Assistant City Manager Richards.

APPROVAL OF AGENDA

11-00-288 MOTION by Campbell, seconded by McShane, to approve the agenda. MOTION CARRIED UNANIMOUSLY.

MINUTES OF PREVIOUS MEETINGS

11-00-289 MOTION by Bush, seconded by Mitchell, to approve the minutes of the Special and Regular meetings of October 16, 2000 as submitted. MOTION CARRIED UNANIMOUSLY.

INTRODUCTION: Larry Hayden, Farmington Artist in Residence

Mayor Hartsock presented a proclamation to Larry Hayden in recognition of his extensive, award-winning works of art and his donation of prints that have raised money for nonprofit organizations throughout North America.

PUBLIC HEARINGS

2001-2002 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Administration reviewed the proposed Community Development Block Grant (CDGB) Program for 2001-2002 advising that the estimated amount to be received is \$32,816. Administration advised that as part of the application process the City must hold a public hearing and that the application must be accompanied by a resolution of Council's approval.

Mayor Hartsock opened the public hearing and invited public comment. No public comment was made.

11-00-290 MOTION by Campbell, seconded by Mitchell, to close the public hearing. MOTION CARRIED UNANIMOUSLY.

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1998-1999 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Administration advised that to date, the funds allocated for improvements to the Senior Center have not been obligated; and the Senior Center Staff has determined a need to purchase office furnishings and equipment for the Center which changes the original project description. Under Community Development Block Grant (CDGB) regulations a "Project Description Change" is required.

Administration advised that the CDGB regulations require a public hearing and Council resolution requesting this change.

Mayor Hartsock opened the public hearing and invited public comment.

William Liba, 33640 Hillcrest, asked why we are approving a 1998-1999 Block Grant in the year 2000. City Manager Lauhoff replied that we are only *amending* it in order to change the original "Project Description" so that the Senior Center can make purchases that meet their needs.

11-00-291 MOTION by McShane, seconded by Bush, to close the public hearing. MOTION CARRIED UNANIMOUSLY.

MINUTES OF OTHER BOARDS

11-00-292 MOTION by Campbell, seconded by Mitchell, to receive and file the minutes of the following Boards and Commissions:

- Election Commission minutes of October 16, 2000.
- Downtown Development Authority Special Meeting minutes of October 24, 2000.
- Planning Commission Study Session minutes of October 26, 2000.
- Traffic and Safety Board minutes of October minutes of October 19, 2000.
- Beautification Commission minutes of October 11, 2000.
- Farmington Area Arts Commission minutes of September 21, 2000.
- Farmington Community Library Regular Meeting minutes of August 10, 2000.
- Commission on Children, Youth and Families minutes of October 5, 2000.

MOTION CARRIED UNANIMOUSLY.

BOARDS AND COMMISSIONS

11-00-293 MOTION by Bush, seconded by McShane, to accept the resignation of Lynne Loukmas from the Board of Review and send her a letter of appreciation in recognition of her service to the City. MOTION CARRIED UNANIMOUSLY.

REPORTS FROM CITY MANAGER

CONSIDERATION TO INTRODUCE ORDINANCE NO. C-676-2000 CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN THE CITY OF FARMINGTON, MICHIGAN AND TIME WARNER ENTERTAINMENT – ADVANCE/NEWHOUSE PARTNERSHIP Administration advised that after a long and arduous negotiation process with Time Warner, an agreement has now been reached and the Southwest Oakland Cable Commission (SWOCC) is recommending to the City Councils of Farmington, Farmington Hills and Novi that this agreement be accepted by the cities.

Administration advised that this contract, as recommended, is for a 15-year-term and includes provisions for technical testing to assure that the system remains state-of-the-art; and is non-exclusive allowing competitors to enter the communities and obtain a franchise. Administration further advised that the City Attorney has also been a part of the negotiation team and has developed the proposed franchise agreement that would amend the City's current ordinance. The proposed franchise agreement is available to the public in the City Clerk's office.

Council questioned the timing of performance evaluations for Time Warner. City Attorney Donohue explained that these evaluations can take place at any time and would be initiated by SWOCC.

Council also questioned the rate structure and fees and whether they would remain the same. City Attorney Donohue responded that the contract provides a 5% fee plus 1% for educational support that would remain the same for the term of the contract, however, the allocation of the 5% fee is at the City's discretion.

Council questioned whether the city received the 5% fee during negotiations since we were without a contract for three years. Mayor Hartsock responded that the City did in fact receive the 5% fee during that period.

Council thanked Caren Collins, Executive Director of SWOCC, City Attorney Donohue and Mayor Hartsock for their efforts in reaching this agreement.

City Manager Lauhoff indicated that the timing of this contract is good for the City's residents because of the merger of AOL and Time Warner which will offer more internet services and selection.

11-00-294 MOTION by Mitchell, seconded by Campbell, to introduce Ordinance C-676-2000, an ordinance of the City of Farmington granting a franchise for the operation of a cable television system to Time Warner Entertainment-Advance Newhouse Partnership, for a period of 15 years; and will replace Article III, under Franchises of the City Code. [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO INTRODUCE ORDINANCE NO. C-677-2000 FRANCHISING AND REGULATION OF CABLE TELEVISION SYSTEMS Administration advised that the City Attorney has drafted a new ordinance to provide general regulation of cable television providers and is applicable to current and future franchises. Administration further advised that this ordinance addresses in general terms, franchise fees paid to local governments; process of application for a franchise; the authority of Southwest Oakland Cable Commission; right-of-way usage; franchise transfers and other controls relating to the actual construction of the cable system.

City Attorney Donohue recognized Mayor Hartsock's leadership and great effort during the negotiations over the last three years.

11-00-295 MOTION by McShane, seconded by Bush, to introduce Ordinance C-677-2000, establishing a procedure for the franchising of cable television systems setting forth rules and regulations governing the operation of such systems. [SEE ORDINANCE ATTACHED]. MOTION CARRIED UNANIMOUSLY.

CONSIDER APPROVAL OF 2001-2002 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION

11-00-296 MOTION by Campbell, seconded by Bush, to adopt a resolution authorizing the City Manager to submit an application for participation in the 2001-2002 Community Development Block Grant Program. [SEE ATTACHED RESOLUTION].

ROLL CALL

AYES: Campbell, Hartsock, McShane, Mitchell, Bush.
NAYS: None.
ABSENT: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDER APPROVAL OF PROJECT DESCRIPTION CHANGE FOR 1998-1999 COMMUNITY BLOCK GRANT PROGRAM.

11-00-297 MOTION by Mitchell, seconded by McShane, to adopt a resolution requesting a Project Description Change for the 1998-1999 Community Block Grant Program. [SEE ATTACHED RESOLUTION].

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ROLL CALL

AYES: Hartsock, McShane, Mitchell, Bush, Campbell.
NAYS: None.
ABSENT: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDER APPROVAL OF WAIVER REQUEST FOR 1998-1999 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

11-00-298 MOTION by Bush, seconded by Campbell, to adopt a resolution requesting a waiver of recapture for FY 1998-99 Community Development Block Grant program funds. [SEE ATTACHED RESOLUTION].

ROLL CALL

AYES: McShane, Mitchell, Bush, Campbell, Hartsock.
NAYS: None.
ABSENT: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION OF APPROVAL TO PURCHASE PATROL VEHICLES.

11-00-299 MOTION by McShane, seconded by Mitchell, to approve purchase of two patrol vehicles at \$23,040.00 each, for a total of \$46,080.00 from Shaheen Ford Mercury, through the Oakland County cooperative purchasing program; funds provided in the 2000-2001 budget.

ROLL CALL

AYES: Mitchell, Bush, Campbell, Hartsock, McShane.
NAYS: None.
ABSENT: None.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION OF APPROVAL TO PURCHASE CRIME PREVENTION VEHICLE.

11-00-300 MOTION by Mitchell, seconded by Campbell, to approve purchase of a 2001 Ford Expedition in the amount of \$28,036.45 from Signature Ford, through the Macomb County cooperative purchasing program; funds are provided in the 2000-2001 budget.

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ROLL CALL

AYES: Bush, Campbell, Hartsock, McShane, Mitchell.
NAYS: None.
ABSENT: None.

MOTION CARRIED UNANIMOUSLY.

Council member Campbell recommended the City obtain an extended warranty on all three vehicles.

MISCELLANEOUS

PUBLIC COMMENT.

No public comment was made.

COUNCIL COMMENTS AND ANNOUNCEMENTS.

On behalf of the Downtown Development Committee, Mayor Hartsock requested a volunteer from City Council to participate in the Committee's study of the request from the Downtown Farmington Business Association for sidewalk displays. Council member McShane volunteered to serve on the committee.

ANNUAL REPORT ON INVESTMENTS – FISCAL YEAR 1999-2000.

Administration noted that this is a new report required under new accounting regulations and further advised that the report reflected prudent investment by the City Treasurer resulting in a substantial increase in investment income.

11-00-301 MOTION by Campbell, seconded by Bush, to receive and file the City of Farmington Annual Investment Report for FY 1999-2000. MOTION CARRIED UNANIMOUSLY.

FINANCIAL REPORT: QUARTER ENDED SEPTEMBER 30, 2000.

11-00-302 MOTION by Mitchell, seconded by McShane, to receive and file the Financial Report for quarter ended September 30, 2000. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE BUDGET AMENDMENT NO. 1, FIRST QUARTER, FOR FISCAL YEAR 2000-2001. Administration advised that an amendment is proposed to the 2000-2001 budget; includes transfers to fund the Capital Improvement Fund reserve to cover a long term advance to the Farmington Community Theatre Fund, to provide additional funding for an increase in the accumulation of benefits due

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to employees and to replenish the City's self insurance reserve. [SEE ATTACHED RESOLUTION].

11-00-303 MOTION by Bush, seconded by Mitchell, to approve Budget Amendment No. 1 for the 2000-2001 fiscal year.

ROLL CALL

AYES: Campbell, Hartsock, McShane, Mitchell, Bush
NAYS: None.
ABSENT: None.

MOTION CARRIED UNANIMOUSLY.

APPROVE MONTHLY PAYMENTS REPORT

11-00-304 MOTION by Campbell, seconded by Mitchell, to approve the Monthly Payments Report for October, 2000.

ROLL CALL

AYES: Hartsock, McShane, Mitchell, Bush, Campbell
NAYS: None.
ABSENT: None.

MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

11-00-305 MOTION by McShane, seconded by Mitchell, to adjourn the meeting.
MOTION CARRIED UNANIMOUSLY.

Meeting adjourned at 8:51 p.m.

WILLIAM S. HARTSOCK, MAYOR

PATSY K. CANTRELL, CITY CLERK/TREASURER

