

FARMINGTON CITY COUNCIL
SPECIAL MEETING

A special meeting of the Farmington City Council was held on Monday, October 3, 2005, 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 7:00 p.m. by Mayor Campbell.

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

COUNCIL MEMBERS ABSENT: None.

CITY ADMINISTRATION: Clerk/Treasurer Cantrell, Director Gushman (arrived at 7:45 p.m.) City Manager Pastue, Assistant City Manager Richards, Attorney Schultz.

SOUTHWESTERN OAKLAND CABLE COMMISSION (SWOCC) ANNUAL REPORT – SWOCC EXECUTIVE DIRECTOR CAREN COLLINS

SWOCC Executive Director Caren Collins provided an annual report on SWOCC activities. Collins discussed the budget, noting increased franchise fees and increased access grant amounts. She spoke about SWOCC's ongoing review of Brighthouse's franchise fees.

In a review of SWOCC's performance, Collins discussed the success of community access productions that doubled over last year and public access where there was an increase in externally produced programs.

Mayor Campbell questioned whether externally produced programs were reviewed before they are shown. Collins responded that SWOCC does not prescreen or precensor public access programs. Responding to a question, she confirmed that SWOCC does not review any videos shown on INFO TV-12. Discussion followed regarding First Amendment rights and the inability to restrict public access programs. Collins noted that SWOCC only has an obligation to run a program once. She confirmed that programs dealing with adult issues are run after 10:00 PM.

Collins stated that SWOCC has expanded their intern and volunteer program and a Public Access Promotion Committee had been added.

Responding to a question, Collins stated that the Public Access Promotion Committee had already met twice and would continue to meet on a quarterly basis.

Councilmember Knol requested that Council meet with the Public Access Promotion Committee.

Councilmember McShane asked if SWOCC tracked community members that participate in the Public Access Program. Collins responded that they currently do not maintain that information, but would do so in the future.

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McShane noted that based on the annual report Farmington's programming was down for the year. Collins stated that part of the reason was based on the correlation of franchise fees from each City. Pastue confirmed that Farmington had available airtime that was not used over the last year.

Discussion followed regarding the feasibility and options for taping Council meetings.

Responding to a question, Collins confirmed that a settlement agreement had been reached regarding litigation concerning the SWOCC building.

Responding to a request from Councilmember Knol, Collins confirmed that taped shows could replace much of the character generated messages that are played in the late night and early morning hours.

Mayor Campbell asked about the level of franchise fees in 2005. Collins responded that franchise fees continue to rise due to rising cable rates and continued growth in Novi.

Collins spoke about the success of the intern program at SWOCC.

Collins discussed the activities surrounding the pending changes in the telecommunications area which included: a rewrite on the Federal level, the sunset of the Michigan Telecommunication Act, and phone companies seeking to offer cable services. She stated that phone companies want to offer cable services without paying franchise fees and local authority. She stressed the importance of local control of municipal broadband and cable franchising or like services. She discussed her meetings with legislators in Washington D.C.

Pastue expressed concern regarding changes in the State Telecommunications Act and the possibility of a state franchise and related right-of-way issues, loss of franchise fees and the negative impact on SWOCC.

Knol stated that the ideal solution would be to have a single infrastructure, but to continue competition and level the playing field.

Council thanked Director Collins for her report.

DISCUSSION – REIMBURSEMENT FOR ROAD IMPROVEMENTS, ORCHARD CONDOMINIUMS

Pastue advised that last Spring 2004 Council discussed providing incentives in cooperation with the Downtown Development Authority (DDA) for improvements associated with The Orchards Condominium and an agreement to a 60/40 split. He stated that the DDA had contributed \$60K to the demolition of the building and the City would contribute \$40K to road improvements. He advised that a resolution had been drafted that would reimburse \$40K to the Farmington Development Group, LLC as a function of the added cost for road improvements required as part of the Planned Unit Development agreement. He noted that the City would eventually take possession of

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the road and incorporate it into its street structure. He indicated that the City would obtain an engineer's report on the road improvements.

Pastue confirmed that a deed for the road would be held in escrow.

Mayor Campbell recommended amending the regular meeting agenda to add a resolution for road improvement reimbursement.

Pastue advised that the road improvement reimbursement would be expensed out of the General Fund and the decision on whether the origin of the funds would be from the General Fund or Capital Improvements Fund was yet to be made.

City Clerk/Treasurer Cantrell advised that a motion to adopt the resolution should specify the source of funding.

Pastue stated that during his report to Council he would specify the source of funds as well as indicate that the release of funds would take place once a confirmation is received from the engineers that the added road improvement costs exceeded \$40K.

Responding to a question, Pastue stated that the City would take possession of the street at the point it is ready to be incorporated with other improvements.

DISCUSSION ON WHETHER TO SCHEDULE SPECIAL MEETING

Council concurred to delay discussion concerning an ethics policy, direction of the Warner Museum and Pavilion policies until the new Council is appointed.

Council concurred to meet to tour the Downtown Center Project prior to the dedication of the Pavilion and Park.

ADJOURNMENT

The meeting adjourned at 8:00 p.m.

Arnold T. Campbell, Mayor

Patsy K. Cantrell, City Clerk/Treasurer

Susan K. Halberstadt, Recording Secretary

APPROVED: OCTOBER 17, 2005