

FARMINGTON CITY COUNCIL
SPECIAL MEETING
September 17, 2007

A special meeting of the Farmington City Council was held on Monday, September 17, 2007, 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 McShane.

COUNCIL MEMBERS PRESENT: Buck, Knol, McShane, Wiggins, Wright.

COUNCIL MEMBERS ABSENT: None.

CITY ADMINISTRATION: Director Gushman, City Clerk Halberstadt, City Manager Pastue, Attorney Schultz.

APPROVAL OF AGENDA

09-07-158 MOTION by Wiggins, seconded by Buck, to approve the agenda as amended, moving item No. 5 up to No. 3, and keeping the remainder of the agenda in the same sequential order. MOTION CARRIED UNANIMOUSLY.

DISCUSSION – SHARED SERVICE/CONSOLIDATION PUBLIC INPUT

City Manager Pastue advised that at the last meeting Council agreed to seek public input concurrently with the shared service/consolidation study. He stated the intent of this agenda item was to discuss methods for obtaining public input.

Mayor McShane apologized for the misinterpretation by the Press regarding this agenda item. She stated the intent was never to hold a public hearing because as far as Council is concerned there is no merger at this point. She discussed the shared service/consolidation study and Council's desire for public input.

Pastue requested a structured format for obtaining public input. He suggested a public forum led by an outside facilitator to be held sometime in November. He stated focus groups would be another alternative, but would be more costly and involved.

Mayor McShane agreed with a structured format that would be meaningful and focused. She invited members of the public to speak regarding this issue during public comment.

Councilmember Knol recommended Dr. Ohren as a possible facilitator for a public forum. She noted he is a professor at Michigan State University in Public Administration and cited the City's success in using him in the past. She also suggested including a survey in the City's newsletter. She stated the survey could be kept to a half page with a few lines provided for comment.

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Councilmember Wright recommended publicizing the steps by which a merger takes place. He stated it would clarify for residents the length of time required and the voting process. He noted a study of shared services is a prudent move as part of cost containment.

Wiggins concurred with Knol regarding the use of an independent facilitator for a public forum. He noted that until the results of the study are available, the City does not have any more information to discuss than what is already available.

Mayor McShane noted the study will present hard data, however, public input would provide soft information that must be considered.

Councilmember Buck noted early on he had strong reservations about proceeding with the study until input was received from Farmington residents regarding how far they wanted to take this issue.

Knol concurred with Wright regarding publicizing the process of a merger and suggested including that information in the city newsletter.

Mayor McShane suggested meeting with Dr. Ohren prior to a large public forum to determine the issues on which Council should be focused.

Pastue stated a written communication to residents would cover the process of a merger and the scope of the shared services/consolidation study. He stated a meeting would be arranged with Dr. Ohren to determine the best avenue for public input.

DISCUSSION – ORDINANCE AMENDMENTS REGARDING THE PUBLIC RIGHT-OF-WAY

Pastue discussed reasons why an ordinance dealing with the public right-of-way is necessary. He cited previous disappointment with sub-contractors and utility companies relative to road and sidewalk restoration and the oftentimes undesirable placement of equipment boxes.

Attorney Schultz discussed the five components of the proposed ordinance. He noted that the ordinance is not aimed at a particular entity.

Pastue stated the bond requirement of the ordinance is a result of poor restoration work that the City has witnessed over the last several years.

Shannon Price, representative for AT&T, provided a letter of response to the ordinance from AT&T's Legal Counsel. He stated his company believes the ordinance is not necessary and they would rather work through issues with the City on a one-on-one basis. He stated an ordinance can make AT&T's rollout of equipment boxes more difficult and might affect service to the public.

Discussion followed regarding permit requirement for adding cable or "drops" to a building. Attorney Schultz clarified a permit would only be required if the right-of-way is

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affected either through a dig or installation. Mr. Price indicated AT&T believes the ordinance is unclear regarding circumstances under which a permit is required.

Knol requested that the ordinance provide further clarification regarding permit requirements, so that a simple service such as a "drop" does not require a permit.

Attorney Schultz stated the intention of the ordinance is to cover work that is done in the right-of-way. He discussed the variance process provided to address unusual circumstances. He emphasized the importance of uniform standards.

Discussion continued regarding the placement of equipment boxes and the need for the City to know in advance where the utility companies intend to place them.

Buck stated an ordinance is essential to keep the appearance of the City and protect its right-of-ways. He noted residents of other cities have been disappointed with the placement of the AT&T equipment boxes. He expressed his hope that AT&T will make a future effort to reduce the size of the boxes.

Responding to a question from Councilmember Wright, Attorney Schultz stated the City's *current* ordinance does not have the regulatory requirement necessary to ensure the proper approvals are in place for work in the right-of-way. He stated the proposed ordinance is in response to competitive use of the right-of-way.

Wright asked about a performance bond and what safeguards are in place to ensure a sub-contractor performs at an acceptable level. He stressed the need to establish a minimum standard when work is done in the right-of-way.

Mayor McShane expressed support for the proposed ordinance and recommended City Administration determine the merit of the comments received from AT&T.

DISCUSSION – YARD/GARAGE SALES

City Manager Pastue noted the City's Building Inspector encountered a situation in one of the neighborhoods where a renter in a single-family residence was running continuous yard and garage sales. He stated there is nothing in the City Code that would address this problem. He noted this is the first time a problem like this has arisen.

Knol expressed concern that with an application and permit process residents would be unable to conduct last minute garage sales. Pastue suggested they might come in after the fact. He stated the purpose of a permit process is to limit the number of garage sales per year.

Wiggins pointed out that an ordinance would prevent the sale of wholesale goods, flea markets, etc. He stated the City could make the permit process cost-free and simple while at the same time have some control over the number and type of sales.

Knol expressed concern over limiting the number of garage sales to only two a year.

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Mayor McShane asked Council to get back with the City Manager with their comments and concerns regarding the regulation of garage sales.

PUBLIC COMMENT

Fred Sewell, 24008 Earl Court, cited the importance of regulating work in the right-of-way, especially as it pertains to sub-contractors. He asked for clarification of the scope of the shared services/consolidation study and the process for a merger. He requested notification when the results of the study are available.

Hank Borgman, 34011 Grand River, stated he lives in Farmington because it is a small town. He doesn't believe consolidation would provide savings to the taxpayers.

Kathy Buck, 23885 Beacon, stated she has not seen any clarification on the merger. She expressed support for regulating garage sales.

Gerald Griffith, 23779 Ealy Court, noted Farmington was rated the number two city in the state and number fifty-five in the United States by Money Magazine. He expressed support for Farmington remaining a small city. He noted Farmington is never on the list of scandal news items published in the Oakland Press.

Betty Borgman, 34011 Grand River, stated she would like to see the financial data from the shared services/consolidation study.

COUNCIL COMMENT

Mayor McShane thanked residents for attending the meeting and showing interest in the City. She clarified there is no merger right now. She stated the importance of keeping the public informed throughout the shared services/consolidation study.

ADJOURNMENT

09-07-159 MOTION by Knol, seconded by Wiggins, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 8:00 p.m.

JoAnne M. McShane, Mayor

Susan K. Halberstadt, City Clerk

APPROVED: October 15, 2007