

FARMINGTON CITY COUNCIL
SPECIAL MEETING
December 7, 2009

A special meeting of the Farmington City Council was held on Monday, December 7, 2009, 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 7:01 p.m. by Mayor Buck.

ROLL CALL

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

COUNCIL MEMBERS ABSENT: None.

CITY ADMINISTRATION: City Clerk Halberstadt, City Manager Pastue, Treasurer Weber (left at 7:40 p.m.)

APPROVAL OF AGENDA

12-09-242 MOTION by McShane, seconded by Knol, to approve the agenda as submitted. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE WATER AND SEWER RATE STUDY

Pastue advised the current year budget contains \$15K in the Water and Sewer Fund for a water and sewer rate study. He stated the City has held off requesting this study until the master contract with DWSD was in place. He indicated the contract was signed this past summer.

Pastue discussed the primary purpose of the study and requested Council's acceptance of an engagement letter with Plante & Moran (P&M) in the amount of \$12,500 for the study.

Wright advised the City should be looking at a number of vendors to determine fair value for the study.

Pastue responded that absent of bidding out the service there is no definitive way to confirm Plante & Moran's fee is competitive. He had originally considered contracting with the City's engineering firm, however, P&M has demonstrated a comprehensive knowledge and understanding of the Detroit System. He believed a fee of \$12,500 is in the ballpark.

Responding to a question from Wiggins, Pastue stated water and sewer data is specific to each community, therefore generic reports are not applicable. He further confirmed given the time constraints of staff such a study could not be done internally.

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Discussion followed regarding the confidentiality of the information provided in the study. Weber noted part of the P&M agreement contained boiler plate language. Pastue believed all of the work would be done in-house.

Wright recommended administration issue a request for proposal to a number of vendors for this study. He requested clarification of the P&M contract language in terms of the "anticipated" fee and specific target date for completion. He further requested specific details in terms of the hourly rates of the service providers and anticipated hours for each level of provider. He would like detailed information on how the \$12,500 is calculated. He noted rates should be lower than they were a year ago due to current economic conditions.

Discussion followed regarding the format and process for this type of study. Discussion continued regarding presentation of the report. Wright suggested Council receive the report without a presentation from P&M. He stated if questions arise then a presentation from P&M would be considered.

Pastue advised there is a logic and structure that is very important in the development of water and sewer rates on an ongoing basis. He stated the goal is to have a policy regarding rate structure and funding. He stated administration will look to Council for policy buy-in to ensure a systematic process is in place.

Knol expressed support for P&M to present the findings of their study. She noted there is a high probability that Council will have questions and there should be experts on hand to respond to them.

Responding to a question from Knol, Pastue advised the City's engineers, OHM, could perform the rate study. He stated with further investigation he could likely find other firms that could perform the study.

Responding to a question from Buck, Pastue confirmed his signing authority for expenditures is up to \$10K.

Wright recommended the City consider the perspective of an engineering discipline. He noted P&M would use its test service format for its study. He stated P&M would not render an opinion, but leave management to draw its own conclusions. He advised the P&M report would be generated from an accounting discipline that has its pluses and minuses. He suggested the engineering discipline may have more latitude.

Weber noted both accounting and engineering firms would be bound by goals and policy established by the City.

Wright suggested the greatest issue is the capital improvement fund.

Pastue noted the rigidity and restrictiveness of an engineering analysis whereas an accounting firm would provide a financial and political perspective. He stated

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the City does not have an engineering problem, but rather volatility in its rate structure. He expressed his preference to approach the study from a financial rather than an engineering model.

Wright suggested a proposal break out costs for the report and Council presentation. He further suggested a large part of the cost is the presentation because it would likely be given by a P&M partner. He stated upon review of the report Council may not need the presentation.

Pastue offered to request a new proposal from P&M that would provide a meeting schedule with the option of a public presentation and the hourly rates of staff working on the study.

Wright stated he could support a proposal with those modifications.

Pastue stated he would bring the modified proposal back to Council at the December 21, 2009 meeting.

12-09-243 MOTION by Wright, seconded by McShane, to table consideration to approve a Water and Sewer Rate Study until the December 21, 2009 regular meeting in order to make modifications to the proposal as discussed. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO CLOSE GRAND RIVER FOR ART ON THE GRAND AND FOUNDERS FESTIVAL

Present: Annette Knowles, DDA Director, Greg Cowley, DDA Board President

Pastue advised the DDA is currently planning two events in 2010 that would close Grand River between Farmington Road and Grove Street. The first event, Art on the Grand, would be held in early June; and the second event, Founders Festival, scheduled in late July.

McShane expressed concern regarding the basis on which profits and costs would be shared with Farmington Hills; and questioned who holds the rights to the event.

Knowles stated the DDA is partnering with Farmington Hills Cultural Arts Division to produce the Art on the Grand event. She advised the DDA will incur any additional costs.

McShane asked why costs would not be shared with Farmington Hills. Knowles responded portions of the Art Fair would revolve around entertainment and the wine tent at the pavilion. The costs incurred by Farmington Hills would be largely in-kind because they will supply their staff to manage the fair and participate in marketing the event.

Knowles advised all profits of the event would go to the DDA except for the artist booth fees.

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In response to a question from McShane, Knowles stated they are currently working on an agreement for the event. She further confirmed the DDA holds the rights to this event.

McShane asked if most art fairs include wine tents. She noted events in the downtown seem to consistently include alcohol. Knowles pointed out wine and beer tents are very profitable. She noted there would only be a wine tent at the art event. She pointed out other communities are also including wine and beer tents in their events.

McShane suggested the DDA plan family events in the downtown without alcohol.

Knol stated Art on the Grand is a good deal for Farmington. She noted the DDA will get all proceeds and the event provides great potential for the future. She has no concerns regarding alcohol related events. Farmington is a bedroom community and will never be known as a beer and wine community.

Wiggins stated a wine tent is appropriate for an art fair. In regard to closing Grand River, he discussed his prior experience closing Farmington Road for the first time, noting most of the concerns were never realized. He expressed support for closing Grand River contingent on MDOT approval. He asked about revenue expectation from the event.

Cowley stated the DDA could take in as much as \$50K between revenue from the event and sponsorships. He discussed the role and benefits of sponsorships.

Discussion followed regarding traffic flow around the Grand River closure and the potential of discouraging customers because of frequent closures. Pastue advised traffic would move at a better pace if the timing of the light at Grove Street/Alta Loma and Farmington Road is changed for the event.

Discussion continued regarding the need for better signage and possibly more staff to direct traffic around the closure.

Wright pointed out more signage is needed farther west on Grand River to alert eastbound traffic that there is no left turn at Farmington Road.

Buck expressed concern regarding the impact closing Grand River might have on downtown businesses, especially given the frequent number of closings due to events and construction. He would like to avoid the perception that Grand River is always closed.

Buck expressed appreciation to Dave Cornwell and Marion Middlebrooks for taking the time to write letters concerning issues related to the Art Fair and closing of Grand River.

Knowles stated she will speak with Marion regarding her concerns.

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12-09-244 MOTION by Knol, seconded by Wiggins, to authorize the closure of Grand River Avenue between Farmington Road and Grove Street for two events scheduled in 2010: Art on the Grand in early June and Founders Festival in mid July; subject to final approval by the Michigan Department of Transportation. MOTION CARRIED UNANIMOUSLY.

DISCUSSION – PROPOSED CHANGES TO THE BOARD OF ZONING APPEALS AND THE DOWNTOWN DEVELOPMENT AUTHORITY BOARD

Pastue proposed changes to the composition of the Board of Zoning Appeals and the Downtown Development Authority. He recommended the Mayor no longer serve on the Board of Zoning Appeals (ZBA); and that the Mayor replace the City Manager on the Downtown Development Authority Board.

Pastue advised the ZBA is a quasi-judicial board and elected officials should be more engaged with legislative and policy functions.

In regard to the DDA, Pastue noted when the DDA was more of a streetscape and infrastructure maintenance board with limited administrative support, it made sense to have the City Manager involved. However, with a strong DDA Director and Board, added support staff, and a fully functioning Main Street Program, the role of the City Manager has lessened on the board.

Responding to a question from Wiggins, Pastue confirmed the City Attorney has been consulted regarding these proposed changes for ZBA and DDA. He further responded he has also recommended a change on Planning Commission due to potential conflict of interest, however, he feels less strong about that change than the one for ZBA.

McShane stated she has given serious consideration to the proposed ZBA change and has discussed the matter with former mayors. She advised it is important for the Mayor to serve on the ZBA and Mayor Pro Tem to serve on the Planning Commission because it provides a comprehensive understanding of the goals and issues facing that Board and Commission. Serving contributes to Council discussion and formulation of direction and policy.

McShane noted there are some cities that do not have a ZBA. She stated in those cases the City Council makes the decisions. She is unaware of any problems that have occurred because of Council serving on the ZBA and Planning Commission. She stated it has worked for many years and is good governance.

She has spoken with a few former mayors and they fully support Council serving on the ZBA and Planning Commission.

Knol expressed strong opposition to the Mayor serving on ZBA. She stated a councilmember serving on that board is not good practice and can lead to unethical situations. She noted fortunately in Farmington this hasn't occurred. She advised it puts the Mayor in an awkward situation. She stated the ZBA is

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quasi-judicial, therefore members do not need to know the pulse of the community as they are simply following the letter of the law. She noted elected officials do not discuss policy on this board.

Knol stated the Council can stay apprised of ZBA activities without serving on the Board. She noted the importance of an annual meeting with each of the boards and commissions to receive updates. She did not feel as strong about Council serving on the Planning Commission because it is not a quasi-judicial commission.

McShane stated in all of her years serving on the ZBA issue there was never any issue relative to Council's participation. She pointed out everyone had a respect for the judicial process. In terms of policy discussion, she pointed out serving on the ZBA provides an opportunity to identify trends that may demonstrate the City's Zoning Ordinance needs to be changed.

Discussion followed regarding the function and process of the ZBA.

Wright stated he is finding it difficult to accept the fact that the ZBA shouldn't be partially influenced by the political process.

Knol stated the ZBA should not be influenced by the political process because when there is an appeal to the Circuit Court the City will lose.

Wright is of the opinion judgments by the ZBA are not black and white. There is judgment that is made and it is in fact a political process. He stated by using that process of give and take you can get both sides closer together in resolving the issue. He pointed out that kind of negotiation seems neighborly and absolutes are dangerous.

Buck pointed out that by the time an issue comes before the ZBA all of the mediation identified by Wright has already happened.

Buck advised if a potential appeal is lost because an elected official is serving on the Board then that official should not be there. He expressed support for a Councilmember serving on the Planning Commission.

Wiggins requested a legal opinion on a Councilmember serving on the Planning Commission.

Cowley expressed support for the Mayor replacing the City Manager on the DDA Board. He stated it provides more connectivity with Council.

Knowles also supported the proposed change. She noted in her former position in another community the Mayor served on the DDA Board.

Knol expressed support for the Mayor serving on the DDA Board.

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McShane asked if both the City Manager and Mayor could be appointed with one serving as an alternate. She noted in the future a Mayor may not want to serve and conversely there may be a City Manager who wants to be more involved in the DDA.

Pastue advised the ordinance could be amended in the future to accommodate a change in appointment. He stated the statute is clear that it has to be either the Mayor or Chief Administrative Officer. He confirmed an alternate would not be allowed.

Discussion followed regarding whether the ordinance can be amended to allow City Council the ability to appoint either the Mayor or City Manager to the DDA Board. Pastue will consult with the City Attorney regarding this issue.

Pastue pointed out the ordinance can always be amended in the future to change the appointment.

Buck stated the Mayor serving on the DDA Board provides a stronger connection between DDA and Council which allows for greater collaborative efforts in moving both the DDA and the City-at-large forward.

Pastue advised he will consult with the City Attorney regarding the aforementioned appointment issue. He advised the first reading of the ordinance would take place at the January meeting and then adopted in February.

Pastue stated he will get a legal opinion on the merits or pitfalls of a Councilmember serving on the Planning Commission.

Buck expressed support for a Councilmember serving on the Planning Commission. He stated serving provides invaluable information to Council. He encouraged members to participate in the training that is provided to Planning Commission members.

DISCUSSION – CIVIC THEATRE AD HOC COMMITTEE

Pastue discussed the current business model of the Civic Theatre and its relative success. He questioned whether the current model is in line with the direction of the downtown. He stated after 10 years it would be a good idea to revisit this model and determine if a new direction needs to be set.

Responding to a question from Wright, Pastue stated up until last year the theatre broke even from an operational standpoint, however, the City had to transfer funds to pay the debt service.

Knol expressed support for an Ad Hoc Committee. She stated it is important to be prepared for the future.

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McShane also supported forming an Ad Hoc Committee. She noted the theatre could be used for other venues such as a fundraiser for the Mansion. She would like to see at least one professional on the Committee who has theatre experience. She recommended including someone from Farmington Hills who can bring in fresh ideas.

Wiggins stated the City needs to be open in moving the theatre in a new direction. He also supported an Ad Hoc Committee.

Wright advised the DDA needs representation on the Committee. He expressed support for its formation.

Buck spoke about the success of the previous Civic Theatre Committee, noting its goals were somewhat different than what is projected for the Ad Hoc Committee. He requested administration provide a clear structure and goals for the Committee.

Pastue responded the goals and purpose would be outlined in the proposal for the Committee.

Buck suggested forming a focus group of cities that have theatres to gain insight on what opportunities are available. As part of the formation of the committee, administration should take into consideration other venues in the City.

Pastue advised the City has received a request from the Church currently occupying the theatre on Sunday mornings to hang a permanent sign. He stated proposed plans call for a projecting sign placed on the east side of the building. He noted it would be no larger than 2' x 3' in size.

McShane advised there should be a comprehensive policy regarding signage on the theatre.

Knol expressed opposition to a permanent sign. She would consider an A-frame sign purchased by the City that could be changed out regularly.

McShane also opposed a permanent sign on the building.

Wright confirmed the Church already hangs a temporary banner on Sunday morning. He asked if it is a conforming sign. Pastue responded he was unsure and would look into it.

Pastue stated the Church would also like to expand the storage area below the stage using its own manpower.

Knol advised any expansion of storage should be done professionally.

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Wiggins noted whoever rents the theatre cannot make it exactly the way they want it. He stated the City should decide what modifications are necessary. He further stated access to an A-frame sign for renters of the theatre is a great idea.

Wright stated he does not have enough information to make an informed decision about modifying the storage area. He would be open to modifications, but needs more specifics.

DISCUSSION – BEAUTIFICATION COMMISSION

McShane provided an overview on the function and purpose of a Beautification Commission. She described the activities of the City's former Beautification Commission and its transition into an Environmental Commission. She noted the transition did not work.

McShane stated the more simple and basic the Commission, the greater the success. She discussed a former process used to appoint Board and Commission members.

McShane asked Council for feedback on how they would like to structure this Commission. She advised keeping it simple and limiting the number of members to seven. She noted there are a number of interested residents. She offered to pursue forming a Commission.

McShane clarified that a Beautification Commission currently does not exist. She noted the Beautification Awards Committee is simply an Ad Hoc Committee.

Knol stated the mission of the former Beautification Commission was too broad making it difficult to get things done. She advised the focus should be on members who enjoy gardening and beautifying the City. She stated the Commission should be focused outside the DDA.

Wright expressed support for re-establishing a Beautification Commission. He liked the idea of education as a component of the Commission. He pointed out that it is difficult to expect responsibility without authority and it appears there is a reluctance to give authority.

Wiggins asked about property in the downtown as an additional site for a community garden. Pastue suggested a property on Slocum Street.

Wiggins suggested the first task of the Beautification Commission might be to expand the community garden.

McShane will develop a proposed mission statement for the Commission.

UPDATE – WEBSITE REQUEST FOR PROPOSALS

Pastue provided an update on request for proposals for the City's website. He stated the City has narrowed the field to two vendors. He advised one of the vendors, Municipal Web, exceeds administration's \$10K purchasing authority. He reviewed the difference in the two vendor proposals. He stated administration is leaning towards Municipal Web because they would make the changes to the website rather than having it done internally.

Discussion followed regarding the capability of an updated website and the process for making changes.

Responding to a question from McShane, Pastue advised due to a lack of sponsorship the City would not be distributing a 2010 calendar.

Knol stated her biggest concern is the timeliness of the website. She noted that providing information in a timely manner promotes the City's transparency.

Responding to a question from Wright, Pastue stated the City's website was created in the late 1990's. Wright stated he would like the ability to print the calendar for the month. He suggested offering advertising space on the City's website calendar.

Buck stated he is comfortable with the City moving forward on selecting a vendor for the City's website. He confirmed a number of capabilities the website would offer.

Responding to a question from Knol, Halberstadt confirmed the City would have the capacity to post information on the website on an as needed basis.

McShane advised the City needs to accommodate those residents who do not have access to a computer.

Council expressed support for City Administration's selection of Municipal Web services.

OTHER BUSINESS

No other business was heard.

PUBLIC COMMENT

No public comment was heard.

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COUNCIL COMMENT

McShane asked about a designated loading/unloading area on Grand River as part of the Streetscape Project. Pastue indicated that area is in front of the theatre and signs are scheduled to be posted.

On behalf of the Historical Commission, McShane requested Council create an ordinance to establish a Historical Study Committee. She stated the Commission would like seven members on the committee. She expressed the Commission's desire to move forward on this committee as soon as possible.

Pastue will review the status of this ordinance and report back to Council at the next meeting.

Buck noted two recent tree lighting events in Farmington: one at City Hall and the other at the Mansion. He spoke about the wonderful attendance and community spirit each event brought to the City. He stated the events reflect the great character of this City.

ADJOURNMENT

12-09-245 MOTION by McShane, seconded by Knol, to adjourn the meeting.
MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 9:55 p.m.

Tom Buck, Mayor

Susan K. Halberstadt, City Clerk

APPROVED: December 21, 2009