



**Special City Council Meeting  
8:00 AM, FRIDAY, JUNE 21, 2013  
Conference Room A  
Farmington City Hall  
23600 Liberty St  
Farmington, MI 48335**

**FINAL**

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**SPECIAL MEETING MINUTES**

A Special meeting of the Farmington City Council was held on June 21, 2013, in Conference Room A, Farmington City Hall, Farmington, MI. Notice of the meeting was posted in compliance with Public Act 267-1976.

The meeting was called to order at 8:00 AM by Mayor J.T. Buck.

**1. ROLL CALL**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
J.T. Buck	Mayor	Present	
Greg Cowley	Councilmember	Present	
William Galvin	Mayor Pro Tem	Present	
JoAnne McShane	Councilmember	Present	

**2. PUBLIC COMMENT**

No public comment was heard.

**3. APPROVAL OF AGENDA**

**Motion to approve the agenda as amended, moving Item No. 6 Interviews - Vacant City Council Seat to follow Item No. 7 - Council Comment.**

<b>RESULT:</b>	<b>APPROVED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	William Galvin, Mayor Pro Tem
<b>SECONDER:</b>	Greg Cowley, Councilmember
<b>AYES:</b>	Buck, Cowley, Galvin, McShane

**4. UNFINISHED BUSINESS**

**A. Consideration to Adopt Ordinance #C-769-2013 to Amend Traffic Control Orders**

Pastue reviewed Ordinance C-769-2013 that comprehensively amends the City's traffic control orders.

**Motion to adopt Ordinance C-769-2013 to approve a comprehensive amendment to the City's Traffic Control Orders and authorize future amendments to be approved by resolution. [SEE ATTACHED ORDINANCE].**

The votes were taken in the following order: Cowley, Galvin, McShane, Buck.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	JoAnne McShane, Councilmember
<b>SECONDER:</b>	William Galvin, Mayor Pro Tem
<b>AYES:</b>	J.T. Buck, Greg Cowley, William Galvin, JoAnne McShane

## 5. NEW BUSINESS

### A. Consideration to Amend Water and Sewer Rates Effective July 1, 2013

Pastue reviewed proposed water and sewer rates effective July 1, 2013.

Responding to a question from Galvin, Pastue advised he has no information other than what has been provided in the newspapers regarding how Detroit Water and Sewer will be impacted by the Emergency Manager and possible bankruptcy.

Galvin recommended SEMCOG unite Oakland County communities to address this issue.

Cowley noted Farmington's rates are a complete pass through from Detroit Sewer and Water.

Pastue advised Farmington has done everything to control its costs including effective use of the water tower.

Responding to a question from Buck, Pastue stated the city is not cutting its resources short with the proposed 4% increase, noting a sufficient reserve.

Responding to a further question from Buck, Pastue confirmed the city's water quality is secure.

**Motion to adopt Chapter 11 of the City Fee Schedule, as presented, which amends the water and sewer fees effective July 1, 2013. [SEE ATTACHED FEE SCHEDULE].** CMR 06-13-025

The votes were taken in the following order: Galvin, McShane, Buck, Cowley.

McShane recommended sending a letter to Oakland County stating the city's concerns regarding continued increases and the impact of merging with the Water Department.

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** William Galvin, Mayor Pro Tem  
**SECONDER:** JoAnne McShane, Councilmember  
**AYES:** J.T. Buck, Greg Cowley, William Galvin, JoAnne McShane

**B. Consideration to Amend Cemetery Fees Effective July 1, 2013**

Pastue reviewed proposed increases to Cemetery fees effective July 1, 2013.

**Motion to adopt Chapter 3 of the City Fee Schedule, as presented, which amends the cemetery fees effective July 1, 2013. [SEE ATTACHED FEE SCHEDULE].** CMR 06-13-026

The votes were taken in the following order: McShane, Buck, Cowley, Galvin.

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Greg Cowley, Councilmember  
**SECONDER:** William Galvin, Mayor Pro Tem  
**AYES:** J.T. Buck, Greg Cowley, William Galvin, JoAnne McShane

**C. Consideration to Amend Employee Administrative Manual and Non-Union Pay Plan**

Pastue reviewed proposed changes to the Employee Administrative Manual and Non-Union pay effective July 1, 2013.

Responding to a question from Buck, Pastue advised there is no formal review process for department heads.

Responding to an additional question from Buck, Pastue confirmed a review process in place for the Economic and Community Development Director and that he would also be entitled to a 2% increase.

**Motion to adopt a resolution amending the employee administrative manual and non-union pay plan effective July 1, 2013. [SEE ATTACHED RESOLUTION]** CMR 06-13-027

The votes were taken in the following order: Buck, Cowley, Galvin, McShane.

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** William Galvin, Mayor Pro Tem  
**SECONDER:** Greg Cowley, Councilmember  
**AYES:** J.T. Buck, Greg Cowley, William Galvin, JoAnne McShane

**D. Consideration to Ratify One-Year Collective Bargaining Agreement with Police Officers Association of Michigan (POAM)**

Pastue reviewed proposed one-year collective bargaining agreement for the Police Officers Association of Michigan (POAM).

McShane asked how this contract compares to those of other Public Safety organizations?

Pastue responded the wage increase is probably on the front end, but pointed out officers previously took a wage reduction that was not taken by other communities. He noted the total cost per employee is still lower than surrounding communities.

Buck asked regarding any substantive changes made since the proposed benefits were reviewed by Council several weeks ago.

Pastue responded the proposal to increase wages by 1.2% if all POAM and COAM employees agreed to change retirement age to 50 is not included in the contract.

**Motion to ratify a one-year collective bargaining agreement with the Police Officers Association of Michigan (POAM).** [SEE ATTACHED AGREEMENT]. CMR 06-13-028

The votes were taken in the following order: Cowley, Galvin, McShane, Buck.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	JoAnne McShane, Councilmember
<b>SECONDER:</b>	William Galvin, Mayor Pro Tem
<b>AYES:</b>	J.T. Buck, Greg Cowley, William Galvin, JoAnne McShane

**E. Consideration to Ratify One-Year Collective Bargaining Agreement with Command Officers Association of Michigan (COAM)**

Pastue reviewed a one-year collective bargaining agreement with the Command Officers Association of Michigan (COAM).

**Motion to ratify a one-year collective bargaining agreement with the Command Officers Association of Michigan (COAM).** [SEE ATTACHED AGREEMENT]. CRM 06-13-029

The votes were taken in the following order: Galvin, McShane, Buck, Cowley.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	William Galvin, Mayor Pro Tem
<b>SECONDER:</b>	Greg Cowley, Councilmember
<b>AYES:</b>	J.T. Buck, Greg Cowley, William Galvin, JoAnne McShane

**F. Consideration to Amend City Manager's Employment Agreement**

Pastue reviewed proposed resolution amending the City Manager's employment agreement.

Cowley noted Pastue has been very creative with regard to the economics of the City, noting the recent reorganization and his ability to do more with less. He also pointed out Pastue will be taking on the DDA responsibilities and noted the next 3 years will be very tough. As a result, he recommended changing his salary increase from 2% to 10%.

Galvin asked if Cowley's recommendation was a desire to retain Pastue and his services or to give the city the ability to attract quality candidates for the city manager when a transition takes place down the road.

Cowley responded yes to both. He noted that retaining Pastue is critical in moving the city forward. He pointed out Pastue is currently underpaid given the reasons he identified earlier. He stated losing someone that drives the organization and provides leadership is a problem.

Galvin asked regarding the effect of this increase on the budget.

Pastue responded it would have to be built into the budget. He noted that he did not realize how far he had fallen out of the marketplace.

McShane suggested tabling a decision until further data to support the increase can be obtained.

Buck advised he has seen some of those numbers and for cities comparable to Farmington the average compensation for a City Manager is \$108,000 compared to Pastue's current salary of \$94,000.

Buck stated that as he has looked back in time, when increases were given to employees, he has seen Pastue take less to set a good example. He stated this self determination has contributed to his below average salary. He noted the city is in a precarious time and he would like to aggressively get the City Manager's compensation up to at least the average of comparable cities.

Buck was heartened to see the support of Councilmember Cowley in putting this action on the table. He expressed concern that momentum would be lost if the city lost Pastue. As an amendment to Item 2B of the employment agreement and subject to the other terms of the agreement, Buck asked Pastue if he would commit to staying with the city at least two years if his compensation was brought up to the average of comparable city managers.

Pastue responded it is difficult to take action of this magnitude without available supporting data. He expressed a willingness to make a 2-year commitment to the city. He recommended that Council take action on his employment agreement as presented until he is able to provide data to support a major increase.

Buck expressed appreciation for Pastue's comments, but requested Council

proceed with a motion for the 10% increase.

McShane stated Pastue is worth every bit of the 10% increase proposed, but expressed concern regarding taking action without any prior study or review.

**Motion to approve a resolution amending the City Manager’s Employment Agreement with the following modifications: change the compensation increase from 2% to 10% with the stipulation the City Manager will make a minimum 2-year commitment to remain with the City; changes subject to City Attorney review and approval. [SEE ATTACHED AGREEMENT].** CMR 06-13-030

The votes were taken in the following order: McShane, Buck, Cowley, Galvin.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Greg Cowley, Councilmember
<b>SECONDER:</b>	William Galvin, Mayor Pro Tem
<b>AYES:</b>	J.T. Buck, Greg Cowley, William Galvin, JoAnne McShane

**G. Consideration to Accept Proposals for Repair and Resurfacing of Municipal Parking Lot Behind Page's Restaurant**

Pastue reviewed proposal to resurface parking lot behind Page's.

Responding to a question from Buck, Superintendent Eudy stated Page's parking lot is in substantial disrepair.

**Motion to accept proposals for repair and resurfacing of municipal lot behind Page's Restaurant and award to Nagle Paving Company in the amount of \$43,710.00.** CMR 06-13-031

The votes were taken in the following order: Buck, Cowley, Galvin, McShane.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Greg Cowley, Councilmember
<b>SECONDER:</b>	JoAnne McShane, Councilmember
<b>AYES:</b>	J.T. Buck, Greg Cowley, William Galvin, JoAnne McShane

**H. Consideration to Ratify Resolution Regarding the Terms/Conditions to Advance the DDA Funds to Purchase Dimitri's Restaurant**

Pastue reviewed a resolution that formalizes the terms and conditions to advance the Downtown Development Authority funds to purchase Dimitri's Restaurant.

**Motion to adopt a resolution formalizing the terms and conditions to advance funds to the Downtown Development Authority to purchase Dimitri's Restaurant. [SEE ATTACHED RESOLUTION].** CMR 06-13-032

The votes were taken in the following order: Cowley, Galvin, McShane, Buck.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	William Galvin, Mayor Pro Tem
<b>SECONDER:</b>	JoAnne McShane, Councilmember
<b>AYES:</b>	J.T. Buck, Greg Cowley, William Galvin, JoAnne McShane

**I. Consideration to Approve Intergovernmental Agreement with Downtown Development Authority**

Pastue reviewed Intergovernmental Agreement with Downtown Development Authority (DDA).

McShane stated it makes sense to take this action relative to the Downtown Development Authority. She would like to know the long term plan regarding the remainder of the DDA staff and office location. She stated it is imperative to look at all the ways the city can reduce costs.

Pastue responded a memo will be provided to Council outlining the long term plan for the DDA.

**Motion to approve an Intergovernmental agreement with the Downtown Development Authority subject to non-substantive changes recommended by the City Attorney. [SEE ATTACHED AGREEMENT].** CMR 06-13-033

The votes were taken in the following order: Galvin, McShane, Buck, Cowley.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Greg Cowley, Councilmember
<b>SECONDER:</b>	JoAnne McShane, Councilmember
<b>AYES:</b>	J.T. Buck, Greg Cowley, William Galvin, JoAnne McShane

**J. Consideration to Approve Construction Estimate #1 for the Grove Street Project**

Pastue reviewed construction estimate #1 with Warren Contractors.

**Motion to approve payment of construction estimate #1 to Warren Contractors in the amount of \$154,904.71 for work completed through May 31, 2013 on the Grove Street Project.** CMR 06-13-034

The votes were taken in the following order: McShane, Buck, Cowley, Galvin.

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** JoAnne McShane, Councilmember  
**SECONDER:** William Galvin, Mayor Pro Tem  
**AYES:** J.T. Buck, Greg Cowley, William Galvin, JoAnne McShane

**K. Consideration of Resolution Recognizing the Friends of the Governor Warner Mansion as a Non-Profit Organization Within the City of Farmington for Purposes of Receiving a Charitable Gaming License**

McShane noted this is a progressive move for the Mansion and recognized the tremendous effort put forth by the volunteers.

**Motion to adopt a Charitable Gaming License resolution recognizing the Friends of the Governor Warner Mansion as a non-profit organization within the City of Farmington. [SEE ATTACHED RESOLUTION].** CMR 06-13-035

The votes were taken in the following order: Buck, Cowley, Galvin, McShane.

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Greg Cowley, Councilmember  
**SECONDER:** William Galvin, Mayor Pro Tem  
**AYES:** J.T. Buck, Greg Cowley, William Galvin, JoAnne McShane

**L. Consideration to Accept Proposals for Digital Projection Equipment at Civic Theater and Authorize Purchase**

Pastue reviewed proposal to purchase Digital Project Equipment at Civic Theater.

**Motion to accept proposals for digital projection equipment at the Civic Theater and authorize the purchase with Progressive Cinema Solutions in the amount of \$151,916.00.** CMR 06-13-036

The votes were taken in the following order: Cowley, Galvin, McShane, Buck.

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** William Galvin, Mayor Pro Tem  
**SECONDER:** JoAnne McShane, Councilmember  
**AYES:** J.T. Buck, Greg Cowley, William Galvin, JoAnne McShane

**M. Motion to adopt a resolution to amend the Fiscal Year 2013/13 Budget. [SEE ATTACHED RESOLUTION].** CMR 06-13-037



**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** JoAnne McShane, Councilmember  
**SECONDER:** William Galvin, Mayor Pro Tem  
**AYES:** J.T. Buck, Greg Cowley, William Galvin, JoAnne McShane

The votes were taken in the following order: Galvin, McShane, Buck, Cowley.

**N. Motion to adopt MERS Benefit Program Defined Contribution as defined in the MERS 2010 Restated Uniform Defined Contribution Program Resolution and the MERS Restated Defined Contribution Plan Adoption Agreement. [SEE ATTACHED RESOLUTION AND AGREEMENT]. CMR 06-13-038**

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** William Galvin, Mayor Pro Tem  
**SECONDER:** Greg Cowley, Councilmember  
**AYES:** J.T. Buck, Greg Cowley, William Galvin, JoAnne McShane

The votes were taken in the following order: McShane, Buck, Cowley, Galvin.

**O. Motion to approve payment of construction estimate #4 to Richard Hyman Builders in the amount of \$34,177.20 for work completed on the Drakehire Center Improvements through June 1, 2013. CMR 06-13-039**

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Greg Cowley, Councilmember  
**SECONDER:** William Galvin, Mayor Pro Tem  
**AYES:** J.T. Buck, Greg Cowley, William Galvin, JoAnne McShane

The votes were taken in the following order: Buck, Cowley, Galvin, McShane.

## 6. COUNCIL COMMENT

Galvin stated the sidewalk on Grand River, west of Drake and east of Halsted, is the worst stretch of sidewalk in city. He noted it is dangerous for pedestrians because it is so close to Grand River.

Galvin requested the removal of a construction sign located on the sidewalk that creates an obstacle for pedestrians. He asked regarding the cost to fix certain parts of the sidewalk.

Pastue responded that stretch of sidewalk is used by multi-family units and suggested a special assessment might be an option. He stated there needs to be a comprehensive improvement to whole area.

Council took a 5 minute break at 9:15 a.m.

## 7. INTERVIEWS - VACANT CITY COUNCIL SEAT

### Interviews - Vacant City Council Seat

Council interviewed the following candidates for the council vacancy:

Jeffery Scott  
Dwayne Hayes  
Sara Bowman  
Robert Fougere

A fifth candidate, Steven Schneemann, was interviewed by Council earlier in the week.

Discussion followed regarding the process going forward for making the appointment.

Cowley expressed his support for the appointment of Steve Schneemann. He noted his work with him when they both served on the DDA Board. He stated Steve is independent-minded, analytical and a business owner who is invested in the community.

McShane suggested a review of the process used in making the last council appointment.

Council expressed support for the process used for the previous council vacancy that included voting for their top two candidates to reach a final decision.

Galvin asked if Council was considering making the appointment that day. He expressed concern about rushing the process. He would like the weekend to consider his decision.

Buck discussed the extraordinary commitment to the city by three of the candidates.

McShane expressed the importance of a diverse Council, that it should reflect the community.

Discussion followed regarding the criteria for making the appointment including critical thinking, civic commitment and the additive factor.

Discussion continued regarding adding the council appointment to the Monday meeting agenda. Discussion followed regarding the critical items on that agenda.

Buck stated he would like the new council member to attend the Monday night meeting given the critical decisions that need to be made.

Galvin expressed concern that none of the candidates had attended a council meeting.

Pastue discussed the actions Council would be taking at the Monday night meeting.

Cowley questioned why the decision couldn't be made now.

McShane pointed out the decision should be made publicly noting no public was currently in attendance.

Galvin stated his preference would be to wait, but if necessary he could make a decision that day.

Buck asked McShane if she would be more comfortable if council went ahead and made a decision that day and then discussed the reasons at the Monday night meeting.

McShane reaffirmed she was not prepared to vote. She would like more time to review the applications and needed the weekend to do that.

Cowley did not see the need to wait until Monday to make a decision.

Motion by Cowley, seconded by Galvin, to make the decision today and appoint Steve Schneemann to fill the council vacancy.

McShane expressed opposition to making the decision today. She did not believe other candidates were being considered. She believed this was a pre-made decision. She questioned the openness of the action taken today.

Buck stated he would like all council members to be comfortable that due process was followed in making the selection while on the other hand he is feeling the need for expediency so the new council member can be involved in making key decisions at the Monday night meeting.

Buck did not believe a pre-made decision had been made. He pointed out council members had an opportunity to review the candidate profiles.

McShane noted Schneemann was on vacation and would not be able to attend the Monday night meeting.

Buck proposed an amendment to the motion to vote only on whether a decision should be made today and remove the appointment of Steve Schneemann to city council.

Cowley accepted the amendment to the motion.

Galvin pointed out he seconded the original motion in order to move it to a vote, but did not necessarily support the motion. He stated his mind was not made up regarding the appointment.

**Motion to move forward and make an appointment to city council at this meeting.**

**RESULT:**        **DEFEATED [1 TO 3]**  
**MOVER:**        Greg Cowley, Councilmember  
**SECONDER:**    William Galvin, Mayor Pro Tem  
**AYES:**         Greg Cowley  
**NAYS:**         J.T. Buck, William Galvin, JoAnne McShane

**8. ADJOURNMENT**

**Motion to adjourn the meeting.**

**RESULT:**        **APPROVED [UNANIMOUS]**  
**MOVER:**        JoAnne McShane, Councilmember  
**SECONDER:**    William Galvin, Mayor Pro Tem  
**AYES:**         J.T. Buck, Greg Cowley, William Galvin, JoAnne McShane

The meeting adjourned at 11:20 am.

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Mayor J.T. Buck

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Susan K. Halberstadt, City Clerk

Approval Date: \_\_\_\_\_