

FARMINGTON CITY COUNCIL  
REGULAR MEETING  
November 16, 2009

A regular meeting of the Farmington City Council was held on Monday, November 16, 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 8:00 p.m. by Mayor Buck.

**PRESENT:** J. T. (Tom) Buck, Valerie S. Knol, JoAnne M. McShane, Michael J. Wiggins, David J. Wright.

**ABSENT:** None.

**CITY ADMINISTRATION:** Director Gushman, City Clerk Halberstadt, Director Nebus, City Manager Pastue, Attorney Schultz, Treasurer Weber.

**CONSENT AGENDA**

**11-09-226** MOTION by Knol, seconded by McShane, to approve the consent agenda as presented:

- A. Special meeting minutes of September 22, 2009
- B. Special meeting minutes of October 5, 2009
- C. Special meeting minutes of October 19, 2009
- D. Regular meeting minutes of October 19, 2009
- E. Farmington Monthly Payments Report – October 2009
- F. Financial Report Quarter ended September 30, 2009
- G. Farmington Investment Report quarter ended September 30, 2009
- H. 47<sup>th</sup> District Court Financial Report quarter ended September 30, 2009
- I. Department of Public Works and Water/Sewer Department First Quarter Report – July 1, 2009 through September 30, 2009
- J. Public Safety Monthly Report – October 2009

MOTION CARRIED UNANIMOUSLY.

**APPROVAL OF REGULAR AGENDA**

**11-09-227** MOTION by Wiggins, seconded by Wright, to approve the agenda as amended; removing Item 6A – Consideration to Renew Farmington Road Maintenance Agreement with Road Commission for Oakland County. MOTION CARRIED UNANIMOUSLY.

**PRESENTATIONS/PUBLIC HEARINGS**

**PUBLIC SAFETY TIP OF THE MONTH**

Director Nebus, representing the Emergency Preparedness Commission, provided a safety tip of the month concerning winter preparation including: winterizing your home; safety precautions for outside activities; and driving safely on treacherous roads.

**NEW BUSINESS**

**CONSIDERATION TO APPROVE ESTIMATE NO. 3 FOR SLOCUM STREET RECONSTRUCTION AND WATER MAIN IMPROVEMENT**

Responding to a question from Wiggins, Gushman indicated there were no previous road markings on Slocum.

Responding to an additional question, Nebus stated all of the “no parking” signs on Slocum were previously removed due to a change in ordinance.

Wiggins noted there are some signs at the far west end of the street. Nebus thought all of the signs had been removed from the street, but will revisit to determine status.

**RESOLUTION 11-09-228** Motion by McShane, seconded by Wright, to approve payment of Construction Estimate No. 3 to FDM Contracting in the amount of \$224,568.36 for work completed on the Slocum Street Reconstruction and Water Main Improvement Project.

**ROLL CALL**

Ayes: Knol, McShane, Wiggins, Wright, Buck.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPROVE ESTIMATE NO. 6 FOR THE GRAND RIVER STREETScape AND WATER MAIN IMPROVEMENT PROJECT**

Wright asked how the anticipated back charge will be handled relative to the delay on the project. Pastue advised one of the future construction estimates will reflect a credit for penalty charges resulting from the 13-day delay in completion of the project.

McShane confirmed final payment on the project will not be paid until all items on the “punch list” are completed.

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**RESOLUTION 11-09-229** Motion by Wright, seconded by Knol, to approve payment of Construction Estimate No. 6 to Peter A. Basile Sons, Inc. in the amount of \$313,546.86 for work completed on the Grand River Streetscape and Water Main Improvement Project.

**ROLL CALL**

Ayes: McShane, Wiggins, Wright, Buck, Knol.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPROVE MERS RESOLUTION ACCEPTING PENSION BENEFITS**

Wright expressed concern regarding the financial impact of a plan change that would reduce the retirement age from 65 to 60 for Public Safety. Pastue responded preliminary actuarial valuations incorporating plan changes have shown the City's contribution would be less with the transfer to MERS. He noted, however, these valuations took place prior to the market meltdown in 2008.

Pastue advised the majority of Public Safety employees finish their careers with Farmington, retiring under the 25 years and out provision, meaning they retire well before they reach retirement age.

Responding to further concerns expressed by Wright, Pastue advised that while the majority of the plan changes benefit the employees they are marginal at best. He noted preliminary valuations showed the City would pay \$75K-\$100K less in annual contributions.

Discussion followed regarding the timing and process of the valuations.

Knol pointed out this is a package deal with MERS and the City must accept all of the provisions.

Wiggins stated he can think of only one vested officer who left the City, did not cash out, and is entitled to a pension at age 65. Weber confirmed this former employee under the MERS plan would still have to wait until age 65 to receive pension benefits because he was in the City's system prior to the transfer to MERS.

**RESOLUTION 11-09-230** Motion by Knol, seconded by McShane, to approve pension plan changes; and direct administration to obtain letters of understanding from the City's union groups, documenting their approval of the new plan structure.

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**ROLL CALL**

Ayes: Wiggins, Wright, Buck, Knol, McShane.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**BOARD AND COMMITTEE REAPPOINTMENTS**

**Charter Review Committee (2-Year Term)**

**11-09-231** MOTION by Knol, seconded by Wiggins, to re-appoint Alton Bennett, Arnold Campbell, and James Mitchell to the Charter Review Committee for two-year terms ending December 31, 2011. MOTION CARRIED UNANIMOUSLY.

**Commission on Children, Youth & Families (3-Year Term)**

**11-09-232** MOTION by Wiggins, seconded by McShane, to re-appoint Joan McGlincy, Mary Mullison and Eugene Thomas to the Commission on Children, Youth & Families for three-year terms ending December 31, 2012. MOTION CARRIED UNANIMOUSLY.

**Commission on Children, Youth & Families Youth Delegate (1-Year Term)**

**11-09-233** MOTION by McShane, seconded by Knol, to re-appoint Kara Mullison to the Commission on Children, Youth & Families as a youth delegate for a one-year term ending December 31, 2010. MOTION CARRIED UNANIMOUSLY.

**Board of Zoning Appeals – Alternate**

**11-09-234** MOTION by Wright, seconded by Knol, to re-appoint Joseph Dompierre to the Board of Zoning Appeals as an alternate for a one-year term ending December 31, 2010. MOTION CARRIED UNANIMOUSLY.

**Arts Commission (Completion of a three-year term expiring June 30, 2011)**

**11-09-235** MOTION by McShane, seconded by Knol, to appoint Susan Warner to the Arts Commission to fill an unexpired three-year term ending June 30, 2011. MOTION CARRIED UNANIMOUSLY.

**PUBLIC COMMENT**

Hank Borgman, 34011 Grand River, asked why the orange barrels are still on Grand River when the construction appears to be completed.

Gushman responded the barrels remain to protect concrete that is still being cured. He advised the barrels would be removed in the near future.

**COUNCIL COMMENT**

McShane expressed concern regarding the closure of Grand River for a proposed Art on the Grand event to be held separately from the Founders Festival. She questioned if there might be a better place to hold this event such as Farmington Road. She would like to avoid closing a major trunkline twice in one year.

Pastue responded the Grand River Streetscape improvements would be an excellent backdrop for high quality artisans. He stated there have been a number of discussions with Public Safety and Public Works in an effort to work through the related traffic issues.

Nebus noted they used the recent closure of Grand River for the Streetscape dedication as a measure of traffic flow and what improvements could be made. He stated the problem point was at the intersection of Farmington Road/Alta Loma and Grove Street. He advised they have spoken with Oakland County regarding changing the timing of that signal.

Wright requested inclusion of the pros and cons when City administration submits its final request to Council for this event.

Responding to a question from Wiggins, Gushman stated the significant increase in actual man hours allocated to the DDA in the third quarter of 2009 compared to the same quarter in 2008 was due to an accounting process change by Oakland County. He advised a maintenance account was created for the DDA which includes the pavilion, etc. He also noted the contractor for the Grand River Streetscape required additional assistance during that time.

Wiggins expressed concerned regarding a disturbance that occurred at a recent Farmington High School homecoming event.

Nebus responded they have plans to hold discussions with school administration regarding restricting future events to students only.

Responding to a question from McShane, Nebus stated the school pays the cost of Public Safety overtime and always pays the cost of additional staff.

Knol noted a quote in a recent Free Press article regarding Farmington's proactive policy on foreclosed homes.

Wright mentioned a recent joint meeting between Council and the DDA Board. He was impressed with the enthusiasm and the interaction between the two groups. He stated the meeting was both informative and worthwhile. He noted a proposal was put forward that nominated Boardmembers to develop a two-prong strategy of seeking large development opportunities and assisting existing businesses develop a better marketing approach. He expressed concern that the needs of the broader City are not being met.

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McShane pointed out there has been some discussion regarding scheduling a meeting with major commercial realtors to determine what strategies could be developed for the entire City.

Referring to a discussion at the joint meeting concerning providing incentives to Commercial Realtors, Wright advised there are definitive laws regarding payment of realtor fees. He advised the City Attorney should be providing guidance to ensure transactions are legal.

Wright recommended the City schedule a special meeting to develop a formal set of goals for next year.

Buck stated he is honored to serve as Mayor for Farmington. He expressed his appreciation to Council for their support in electing him. He congratulated Mike Wiggins on his election as Mayor Pro Tem.

Buck noted he has been fortunate to have Valerie Knol and JoAnne McShane, former Mayors during his tenure, as role models. He hoped to carry on the high standards they have set. He expressed optimism that the opportunities and challenges facing the City will be successfully met through the joint effort of Council, City staff, community volunteers and residents.

**ADJOURNMENT**

**11-09-236** MOTION by McShane, seconded by Wiggins, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 9:10 p.m.

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Tom Buck, Mayor

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Susan K. Halberstadt, City Clerk

APPROVED: December 21, 2009