

FARMINGTON CITY COUNCIL
SPECIAL MEETING
September 2, 2008

A special meeting of the Farmington City Council was held on Tuesday, September 2, 2008, 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 7:03 p.m. by Mayor Knol.

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

COUNCIL MEMBERS ABSENT: None.

CITY ADMINISTRATION: Director Gushman (left at 11:05 p.m.), City Clerk Halberstadt, Director Nebus (left at 11:05 p.m.), City Manager Pastue, Attorney Schultz, Treasurer Weber.

APPROVAL OF AGENDA

09-08-161 MOTION by Wright, seconded by McShane, to approve the agenda as amended moving Public and Council Comments directly following Study Session Topics. MOTION CARRIED UNANIMOUSLY.

BUSINESS ITEMS

CONSIDERATION TO SCHEDULE PUBLIC HEARING TO ESTABLISH AN INDUSTRIAL DEVELOPMENT DISTRICT

Administration advised the City received a letter from Roush Enterprises requesting the City Council consider establishing an Industrial Development District for an industrial property located at the north east corner of Nine Mile and Gill Roads.

Responding to a question from Councilmember McShane, City Manager Pastue confirmed the geographic boundaries of this proposed district are appropriate.

Councilmember Buck noted the interest expressed by Roush Enterprises represents a great opportunity for the City.

09-08-162 MOTION by Buck, seconded by Wright, to schedule a public hearing for Monday, September 15, 2008 at 8:00 p.m. to consider establishing an Industrial Development District and authorize the City Clerk to publish a public notice of the hearing. **[SEE ATTACHED NOTICE]**. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO APPROVE LIQUOR LICENSE APPLICATION FOR THE DDA'S HARVEST MOON DANCE

Present: DDA Director Knowles

09-08-163 MOTION by McShane, seconded by Wiggins, to approve a request from the Downtown Development Authority for a temporary liquor license for the Harvest Moon Dance scheduled for Friday, October 3, 2008 from 5:30 p.m. to 10:30 p.m. at the Sundquist Pavilion and Riley Park. MOTION CARRIED UNANIMOUSLY.

APPOINTMENT OF DELEGATE FOR ANNUAL MML MEETING

09-08-164 MOTION by Wiggins, seconded by Buck, to appoint Councilmember David Wright to serve as the City's delegate to the Michigan Municipal League annual meeting scheduled for October 1-4, 2008 on Mackinac Island. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO AUTHORIZE CITY MANAGER TO ATTEND THE ICSC SEMINAR IN CHICAGO, ILLINOIS

09-08-165 MOTION by Wiggins, seconded by McShane, to authorize the City Manager to attend a Retail Real Estate for Economic Development Officials seminar in Chicago, Illinois, offered by the International Council of Shopping Centers, and scheduled for October 2 & 3, 2008. MOTION CARRIED UNANIMOUSLY.

STUDY SESSION TOPICS

PROPOSED OUTDOOR WATER REGULATIONS

Administration presented a matrix with proposed water regulations based on whether the customer is a commercial or residential use, whether they have an automated irrigation system or not, and the time of day. Administration advised an adoption of regulations would provide a reduction in the cost of purchasing water from the Detroit Water and Sewer Department (DWSD).

Responding to a question from Councilmember Wiggins, Pastue stated the proposed times are firm relative to receiving a discount from DWSD.

Pastue pointed out there is insufficient data to show the City can control the system through effective use of the water tower. He stated DWSD is relying on conservation measures to control the system. He stated once the City begins to manage the system and can provide DWSD documentation on flow data, restrictions may be relaxed.

Councilmember Wright recommended replacing the phrase "prefer not" on the matrix with either a yes or no.

Director Gushman confirmed the water restrictions are predicated on odd/even days.

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Mayor Knol expressed concern regarding restricting manual garden irrigation on odd/even days. She stated she is not always available to water on the times and dates provided. She hoped restrictions over commercial users and residents with automated systems would provide enough control to allow flexibility for manual users. She expressed support for the "prefer not" phrase that would allow residents some flexibility.

Responding to a question from Councilmember Buck, Director Gushman stated the peak period also applies to Saturdays and Sundays. Buck also expressed support for the "prefer not" phrase. He discussed optimal times for watering and wondered if the restrictions would make the City "less green."

Pastue responded the watering schedule could be modified, however, any changes could result in a reduced benefit from DWSD.

Councilmember McShane emphasized the importance of education along with the mandate. She stated the "prefer not" phrase should be changed to yes or no.

Responding to a question from Councilmember Wiggins, Pastue stated any cost savings would not be realized until July 2009. He confirmed the cost savings would not initially be based on results, just policy.

Director Gushman stated the process for implementing water restrictions is twofold: first, DWSD would provide a cost savings to communities that adopt a policy for water usage and second, a subsequent reduction in water usage would result in an additional discount.

Discussion followed regarding how rates are currently set for water usage and future proposed changes.

Mayor Knol questioned the impact on the water rate discount if manual watering was excluded from the restrictions. Pastue responded it is a question he will have to ask the DWSD.

Knol requested City Administration give consideration to removing the odd/even restriction on manual garden irrigation from the ordinance.

Buck expressed appreciation to City Administration for both the effort to conserve water usage and seek a resulting cost benefit from DWSD.

REVIEW OF PRELIMINARY ENTRY/WAY FINDING SIGN CONCEPTS

City Manager Pastue presented a number of proposed entry/way finding sign concepts for the City.

PUBLIC COMMENT

Kim Thompson-Everett, 23210 Lilac, expressed concern regarding the rodent issue in Floral Park Subdivision. She provided an historical timeline on previous efforts by the

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City to address the problem. She discussed the many obstacles in facing this problem. She stated because residents have not complained does not mean the problem has been eliminated. She further stated this problem needs to be addressed through additional information and education. She expressed the need for increased code enforcement. She noted this problem has significantly affected her quality of life.

Pastue advised that in the past the City, at significant expense, has retained an extermination service to assist the code enforcement officer on means to attack this problem. He stated the importance of pinpointing the exact locations of the rats. He suggested providing further education in the next City newsletter.

Gushman advised complaints have been significantly reduced from last year. He stated rats can only be managed, but never eradicated.

Knol summarized the City will send out a revised article in the City newsletter regarding property maintenance. She suggested a more targeted letter to the north end of Floral Park Subdivision.

Council thanked Ms. Thompson-Everett for her efforts to address the rodent problem.

Annabelle Gabel, 23089 Violet, spoke about a neighbor on Lilac who has experienced a rat problem. She spoke about previous insect problems she has encountered in her home.

COUNCIL COMMENT

Knol requested Council's participation in the scarecrow contest at Riley Park/Sundquist Pavilion.

CLOSED SESSION

UPDATE REGARDING COLLECTIVE BARGAINING NEGOTIATIONS

- I. Dispatch Bargaining Unit
- II. Public Works Bargaining Unit

LETTER OF UNDERSTANDING WITH POAM – MILITARY SERVICE

REVIEW OF CITY ATTORNEY'S LEGAL OPINION

09-08-166 MOTION by McShane, seconded by Wiggins, to enter into closed session to receive an update on collective bargaining negotiations related to the Dispatch and Public Works bargaining units; to discuss a letter of understanding with the POAM regarding military service; and to review City Attorney's legal opinion.

ROLL CALL

Ayes: Knol, McShane, Wiggins, Wright, Buck.
Nays: None.
Absent: None.

MOTION CARRIED UNANIMOUSLY.

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Council entered Closed Session at 8:35 p.m.

09-08-167 MOTION by Wright, seconded by Wiggins, to return to open session.
MOTION CARRIED UNANIMOUSLY.

Council returned to Open Session at 11:05 p.m.

OTHER BUSINESS

CONSIDERATION TO APPROVE SEPARATION AGREEMENT AND AGREEMENT FOR SERVICES WITH ASSISTANT CITY MANAGER BILL RICHARDS

Administration reviewed provisions of proposed separation agreement and agreement for services with Assistant City Manager Bill Richards.

Administration pointed out the separation agreement specifies the City agrees to maintain fully City paid two-person retiree healthcare, currently Community Blue One or available equivalent coverage. Administration further pointed out this coverage would remain in effect regardless of future changes.

Councilmember Buck questioned some of the verbiage in paragraphs 8 & 9. He asked if a future change to equivalent coverage at lower cost would be allowed under the contract. City Attorney responded yes, but an argument might be made concerning the equivalency of the coverage.

Responding to a question from Councilmember Wiggins, Pastue confirmed the contract language is different from other retiree coverage in that it specifically lists benefit coverage.

Responding to a question from Councilmember Wright, Pastue confirmed there are no other similar agreements with other retirees. City Attorney Schultz stated it is somewhat similar to what is provided in collective bargaining agreements. Pastue advised he does not have a problem with the healthcare provision of the agreement.

Responding to a question from Councilmember McShane, Pastue stated Mr. Richards feels very strongly about the healthcare provision. Pastue stated this agreement is good for both Mr. Richards and the City.

Mayor Knol noted Mr. Richards would receive regular retiree healthcare if he retired at normal retirement age.

Discussion followed regarding the various retiree healthcare plans currently provided by the City.

Wiggins asked when the City would break even relative to the cost of Mr. Richard's early retirement.

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Discussion followed regarding the City's immediate liability for the pension benefit and additional cost of healthcare benefits due to Mr. Richard's early retirement.

Attorney Schultz advised a motion should include the approval is subject to appropriate action by the Retirement Board.

RESOLUTION 09-08-168 Motion by Buck, seconded by Wiggins, to approve a separation agreement with Assistant City Manager Bill Richards as amended: Paragraph 8 inserting the word "certain" in front of "payments" and eliminating the phrase "that are disputed", and in Paragraph 9 replacing the word "accept" with "except"; and subject to appropriate action taken by the Retirement Board. [SEE ATTACHED AGREEMENT].

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

RESOLUTION 09-08-169 Motion by Wiggins, seconded by Wright, to approve an Agreement for Services with Bill Richards effective September 12, 2008. [SEE ATTACHED AGREEMENT].

ROLL CALL

Ayes: Wiggins, Wright, Buck, Knol, McShane

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

LETTER OF UNDERSTANDING WITH POAM – MILITARY SERVICE

RESOLUTION 09-08-170 Motion by Buck, seconded by Wiggins, to approve a Letter of Understanding between the City of Farmington and the Police Officers Association of Michigan (POAM) and its local affiliate, the Farmington Police Officers Association (FPOA), regarding PSO Morche's one-year active military deployment wherein the City agrees to supplement the difference between his military pay and his pay as a public officer. [SEE ATTACHED AGREEMENT].

ROLL CALL

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

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

09-08-171 MOTION by Wright, seconded by McShane, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 11:35 p.m.

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Valerie S. Knol, Mayor

Susan K. Halberstadt, City Clerk

APPROVED: September 15, 2008