

FARMINGTON CITY COUNCIL
REGULAR MEETING
April 16, 2012

A regular meeting of the Farmington City Council was held on Monday, April 16, 2012, 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 Buck.

COUNCIL MEMBERS PRESENT: Buck, Cowley, Galvin, Kuiken,
McShane.

COUNCIL MEMBERS ABSENT: None.

CITY ADMINISTRATION: City Clerk Halberstadt, City Manager
Pastue, Attorney Schultz, Director
Schulz, Treasurer Weber.

PLEDGE OF ALLEGIANCE

APPROVAL OF ITEMS ON CONSENT AGENDA

04-12-073 MOTION by Galvin, seconded by McShane, to approve the items on the consent agenda:

- A. Study Session Meeting Minutes of March 5, 2012
- B. Study Session Meeting Minutes of March 19, 2012
- C. Regular Meeting Minutes of March 19, 2012
- D. Special Meeting Minutes of March 26, 2012
- E. DDA Joint Meeting Minutes of March 26, 2012
- F. Approve Farmington Monthly Payments Report March 2012
- G. Approve Building Department 3rd Quarter Report, January 1, 2012 through March 31, 2012
- H. Approve Public Safety Monthly Report, March 2012
- I. Special Event Request "Movie in the Park"- South Farmington Baseball Board
- J. Proclamation – 50th Anniversary Beautification Council of Southeastern Michigan

MOTION CARRIED UNANIMOUSLY.

APPROVAL OF REGULAR AGENDA

04-12-074 MOTION by McShane, seconded by Buck, to amend the agenda by moving Public Comment prior to New Business and the Consideration to Approve Resolution Authorizing Development of Interlocal Agreement with the

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City of Farmington Hills for Dispatch Services. MOTION FAILED. Two Ayes, Three Nays (Cowley, Galvin, Kuiken).

04-12-075 MOTION by Galvin, seconded by Kuiken, to approve the agenda as presented. MOTION CARRIED. Three Ayes, Two Nays (Buck, McShane).

PRESENTATIONS/PUBLIC HEARINGS

MEMORIAL DAY PARADE – Rocky Raczkowski

Rocky Raczkowski was present to discuss the upcoming Memorial Day Parade and request Council's participation in the event.

04-12-076 MOTION by McShane, seconded by Kuiken, to approve the use of Grand River on Monday, May 28, 2012 from 9:00 a.m. to 1:00 p.m. for the purpose of conducting the Memorial Day parade; further the Council holds the State of Michigan Department of Transportation harmless from any liability that may result from the closing of Grand River and authorize the Public Safety Department to file for the permit with MDOT for the closing of Grand River. MOTION CARRIED UNANIMOUSLY.

PRINCIPAL SHOPPING DISTRICT SPECIAL ASSESSMENT RENEWAL

Public Hearing

Mayor Buck requested a motion to open the public hearing.

04-12-077 MOTION by Kuiken, seconded by Galvin, to open the public hearing to receive public comment on the proposed Principal Shopping District Special Assessment Renewal. MOTION CARRIED UNANIMOUSLY.

Mayor Buck invited public comment:

Bill Florin, property owner, does not see the benefit of the PSD for the building he owns on Grace Street. He stated the PSD continually feeds itself and continues to go up. He does not believe he is getting the "bang for the buck." He is protesting the PSD because he should not be included in the district given his location and he does not realize any benefit from it.

Pastue stated if Mr. Florin and his partner are going to contest this assessment, their first step is to appear before the Board of Review and ultimately the Michigan Tax Tribunal. He discussed the purpose of the PSD. He stated the amount has remained constant over the past 4 or 5 years.

Annette Knowles, DDA Executive Director, pointed out the parameters of the Downtown Development Authority and Principal Shopping District are one and the same. She advised the PSD covers seasonal décor, community promotions,

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business development, organization committee, public abilities as well as maintenance.

Betty Qwain, 34057 State Street, inquired why so much money is needed under PSD when the DDA just spent \$2 million redoing Grand River.

Holly Burns, representing Dr. Louis Lenore, expressed opposition to the PSD.

04-12-078 MOTION by McShane, seconded by Kuiken, to close the public hearing. MOTION CARRIED UNANIMOUSLY.

Consideration to Adopt Resolution #5 (Final) Approving Assessment Roll

RESOLUTION 04-12-079 Motion by Kuiken, seconded by Galvin, to adopt Resolution No. 5 (Final) to renew the Principal Shopping District for a five-year period beginning July 1, 2012. **[SEE ATTACHED RESOLUTION].**

ROLL CALL

Ayes: Cowley, Galvin, Kuiken, McShane, Buck.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

No unfinished business was heard.

NEW BUSINESS

CONSIDERATION TO APPROVE BIDS FOR FLORAL PARK SEWER LINING PROJECT

Kuiken asked how residents would be notified of the project.

Pastue responded advance notice will be mailed out to affected homeowners.

Kuiken inquired regarding the duration of the project. Pastue responded it usually takes place in one day.

Galvin inquired if Inland Water Pollution Control performed the other work in Floral Park. Pastue replied no.

RESOLUTION 04-12-080 Motion by Cowley, seconded by Kuiken, to accept bids for the Floral Park Sewer Lining Project and award to the low qualified bidder Inland Water Pollution Control in the amount of \$566,500.

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ROLL CALL

Ayes: Galvin, Kuiken, McShane, Buck, Cowley.

Nays: None.

Absent: None.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPROVE RESOLUTION AUTHORIZING
DEVELOPMENT OF INTERLOCAL AGREEMENT WITH THE CITY OF
FARMINGTON HILLS FOR DISPATCH SERVICES**

Pastue described the provisions of the Intergovernmental Agreement. This agreement would utilize cadets and keep officers in the City. Changes in custodial care and administration would be necessary to keep down costs.

Cowley inquired regarding other cities where cadets are used. Pastue responded Novi, Meridian Township and West Bloomfield. Cowley asked what the incremental costs would be for the cadet program. Pastue replied \$90,000 with no benefits other than FICA.

Kuiken inquired about cadet qualifications. Public Safety Director Schulz responded exact qualifications are to be determined. He stated they would be primarily college students, at least 18 years of age, and that a background investigation would be done.

McShane asked what actions would be taken by cadets in response to a public emergency.

Schulz pointed out cadets are not sworn officers and would not be involved in responding to emergencies. Cadets will be responsible for maintaining the station, front desk and monitoring prisoners.

McShane questioned how someone with an emergency situation who walked in City Hall looking for help would be handled if officers are engaged on the road.

Schulz stated the response would be no different than what is currently done.

Galvin thanked Commanders Demers and Warthman for their detailed report. He pointed out this is a great example of how we can all lead collaboratively and eliminate the fear of change. He does not want to make difficult changes to the Department of Public Safety, however, he is less in favor of putting Farmington in financial distress. He noted the proposed interlocal agreement keeps the officers here and City Hall open. He expressed appreciation to Director Schulz for his efforts.

Mayor Buck asked Cowley if the proposed compromise goes far enough.

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Cowley responded the challenge of making this change is not easy. He noted the compromise is a good one. He thanked the public for their feedback and the command staff for their creative solution. He noted this is not the Farmington of 25 years ago.

Buck pointed out the concerns relative to the proposed agreement. Cowley responded that he recognized the concerns that have been expressed. He noted the plan increases the safety of the officers and the cadet program offers training for new hires.

Buck noted Cowley had previously expressed support for merging Public Safety with Farmington Hills Police and Fire. Cowley shared that his first concern is to maintain the city's budget and position for long term growth. He believes spending has been irrational in the past. He advised there are no sacred cows in addressing the budget. He has gone on record opposing tax increases, however, he noted residents will get an opportunity to vote on one in the future.

Cowley stated his first goal is to see Farmington survive, but believes the City is in danger of losing that opportunity. He stated the current legacy costs of the City are not within its realm to fund. He reminded Council that their number one goal from a recent goal setting session is to balance the budget and position the City for long term growth.

Buck questioned Kuiken about her thoughts relative to merging with Farmington Hills. Kuiken responded not necessarily; pointing out each community is unique. She stated down the road that option may need to be explored if it becomes necessary. She pointed out it would be the vote of the people and not a Council decision.

McShane shared this matter has troubled her greatly. Never in all her years on Council has she seen such crowds in opposition to a proposed change in City operations. She noted that in the past Council has changed policy with only three people objecting. She pointed out the opposition is not totally against the proposed agreement, but would like the opportunity to look at the whole picture first. An opportunity should be given to review the budget and all the areas where cuts or shared services would be possible. She advised a decision by Council should be made based on the wants and needs of the residents. She pointed out that is why Council is elected.

Buck noted his trust in the City Manager who does a pretty good job in managing City finances in conjunction with the Treasurer. However he expressed his displeasure with the proposed agreement and pointed out that not enough was done in working with constituents. He did not believe there was enough education so that the proposed agreement was well understood. He stated that if consolidation of dispatch is necessary, Farmington Hills is the right partner. He expressed his hope that if the consolidation goes through there will be no

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changes in response time, a concern of many. He is most concerned about his representation of Farmington residents. His vote will represent what he believes is the strong sentiment of the public to not merge dispatch.

Discussion followed regarding not allowing public comment prior to consideration of the interlocal agreement.

Galvin pointed out this is a legislative branch of government that is open to the public in order for the public to *hear* the Council.

Kuiken shared she voted no to moving public comment because the public had the opportunity to share their thoughts at the April 2nd meeting, as well as the opportunity to send emails and make phone calls to express their opinions.

04-12-081 MOTION by McShane, seconded by Buck, to *table* consideration to approve a resolution authorizing development of interlocal agreement with City of Farmington Hills for Dispatch Services until after public comment has been received. MOTION FAILED. Two Ayes, Three Nays (Cowley, Galvin, Kuiken).

RESOLUTION 04-12-082 Motion by Kuiken, seconded by Cowley, to adopt a resolution authorizing development of interlocal agreement with the City of Farmington Hills for Dispatch Services and authorize the City Manager to begin negotiating the effects of the consolidation with the Farmington Dispatch bargaining unit. [\[SEE ATTACHED RESOLUTION\]](#).

ROLL CALL

Ayes: Kuiken, Cowley, Galvin.

Nays: Buck, McShane.

Absent: None.

MOTION CARRIED.

PUBLIC COMMENT

Warren Ringold, 34717 Arundel, stated the City Manager has thrown the public a curve ball. He inquired about a recourse for citizens to reverse the Council's vote, timeframe of the consolidation, and shared he would support a tax increase to keep things as they are.

Marie Putt, 31528 Marblehead, stated the public should have been given the opportunity to review and discuss the proposed changes to the interlocal agreement. She asked Pastue if he had discussed with Attorney Schultz about a possible conflict of interest in regards to Councilmember Cowley. Pastue replied no.

Putt indicated she had questions regarding an email that had been distributed relative to a conflict of interest.

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Schultz indicated to Mayor Buck he had not planned to answer questions regarding conflict of interest, process, etc. during public comment.

Marie Putt recited: "If a person holds public office and thereby public trust, with that comes the duty to disclose personal financial interest in the Public Safety consolidation under consideration in public capacity." She quoted Mr. Cowley, "Human nature as it is in the union factor are contributing to hurt the family business as we deliberate the dispatch issue." She stated he has joined his elected position to monetary gain, abstention from voting flows from this conflict. She noted Mr. Cowley has called the officers "boys" that has a negative connotation and a gender based one at that. She is sure veteran officer Schutz is not appreciative.

Putt pointed out Mr. Cowley would benefit monetarily from less enforcement. She pointed out that apparently the email and comments that evening indicate that Mr. Cowley believes he has the power to hire and fire police. She quoted Cowley in the email "poor decisions are made when angry and with a temper." She stated he mentioned a more vibrant market, yield and better return on investment with no mention of the public's safety, response time and what is best for the residents.

Putt noted Mr. Cowley earlier mentioned receiving more emails with a similar tone. She stated "we" intend to call for those to be investigated. She noted Cowley mentioned "entitlement mentality" and on that she agrees. She stated the public safety department and every resident of this City is entitled to a thought out, discussed and prudent plan for the City going forward, not an individual desire to merge the departments as Mr. Cowley has made known for years prior to any economic downturn.

Putt stated Mr. Cowley has attacked the reputation of the Farmington Department of Public Safety for which they cannot rebut to their Councilmembers. She stated he has shown disrespect to previous City Councilmembers and he was wrong. She called it public service 101. There is no personal or private, it is all public.

She asked Mr. Cowley to refrain from voting on this issue because of his bias and conflict of interest and the other Councilmembers to vote no.

John Haapaniemi, 23230 Power Road, shared that he moved to Farmington because of what it is, not to Farmington Hills. He stated at the city's core is police and safety. He noted it is unreasonable to "tease out" police and safety without looking at the whole picture. He is one of the first to say that government does too much, but police and safety is at the core of what government should do. He believes Council's decision was a mistake.

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Dan Potter, 22760 Manning, inquired about delinquent taxes in the City. He asked if the City has been as earnest about recovering delinquent taxes from those parasites living off the City as it has been in moving the consolidation forward. He expressed disappointment in the action that was taken that evening.

George Wright, 21492 Birchwood, noted emergency assistance was needed on three occasions at his home. He was grateful to the Farmington police in every single respect from response time to follow-up. He would not want to do anything that would compromise the safety of the City. He noted there are very few small historical cities like Farmington left. He is not opposed to a tax increase and stressed the importance of keeping up the neighborhoods and green space.

Ashley Milinowski, 23015 Lakeway, expressed her disappointment that residents were not given the opportunity to be heard before the vote.

Peter Haapaniemi, 23907 Wilmarth, pointed out there were only 3 ½ weeks to think about the previous proposal and only 3 ½ minutes for the new proposal; saddened more time was not given. He agreed with Councilmember Cowley that taxes will have to be raised. He suggested increasing millage in order to keep dispatch. He does not believe residents are anti-tax. He urged Council to reconsider their decision.

Sandy Altschul, 33775 State Street, stated there was not enough time for public input on new proposal. It is unfortunate Council did not wait for feedback. He asked about what would happen when the contract expires, or if Farmington Hills consolidates with Novi. He stated the contract will cost more money down the road. He pointed out the action by Council is irreversible.

Jane Feiten, 24165 Twin Valley Court, expressed concern regarding this proposal and the concern regarding the possible lack of coverage by Public Safety. She stated it is presumptuous for Council to just say this is the way it's going to be and feels Council should have made their thoughts known while campaigning.

Jerry Neikirk, 32395 Valley View Circle, expressed disappointment with Council's decision. He was proud to live in Farmington and commented on the quick response time of less than one minute to a recent emergency call at his home. He asked Council if that same response time would be met with the consolidation. He asked the Council to reconsider their decision. He suggested shifting funds from the Grove Street project. He stated Council's decision was not fair to the City of Farmington.

John Jordan, 33940 Glenview, noted that Councilmember Cowley stated earlier that the City has been in a downhill trend for five years. He questioned how many were on Council at the time the Streetscape project was approved. He

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questioned whether the City had money for that project if it didn't have money for dispatch. Referring to an earlier comment regarding the procedure for merging the two cities, he asked what does it matter if a vote of the people is required if we have already joined all their services.

Jim Madigan, 36569 Heatherton, inquired if Council would pass the muster on the Open Meetings Act. He asked if there had been any correspondence that was in violation of the Act.

John Jordan, 23947 Wesley, shared he is proud of the City of Farmington, however, he is not proud of the way Council railroaded the decision through that evening. He is disappointed that Council did not allow people to speak before making a decision. He pointed out the disparity between the cost of the cadet program and dispatch consolidation. He stated there is nothing more important to residents than the Police Department.

DEPARTMENT HEAD COMMENT

No department head comment was heard.

COUNCIL COMMENT

Kuiken thanked everyone for their comments and stated it is not easy to stand up for what you believe in when people are not cheering. She read the following comments into the record:

“This evening I voted yes to merge dispatch with Farmington Hills and institute a Cadet Program in the Dept. of Public Safety which will allow the continuance of inmate housing in Farmington. In conducting research on this topic I have observed firsthand the operations of Farmington Public Safety during a ride along with one of our Farmington officers, have toured our facility, and spoken with our Director of Public Safety, Bob Schultz. I have met with Farmington Hills Police Chief Chuck Nebus (our previous director of Public Safety) and Assistant City Manager of Farmington Hills Dana Whinnery. I toured their dispatch facility and have spoken to several others in law enforcement field. What made the greatest impression on me was how much these two already work together. They hear one another's dispatch calls during patrols, they back each other up in emergencies, and Farmington officers routinely pass through the City of Farmington Hills while on patrol and vice versa. They do not operate in a vacuum from one another. The reasons I voted for this change are:

- Improved Officer Safety – by instituting the Cadet Program our officers are not alone with a potentially dangerous criminal during the booking process as a trained Cadet is on hand to offer any assistance during this process.

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Thus another officer on the street does not have to be pulled into assist in most cases.

- Increased Number of Dispatchers – having at least 3 or more dispatchers working at one time during a major emergency can only improve efficiency as there is more than one dispatcher communicating to officers, receiving critical incoming calls, listening to radio traffic – how would having more people in this situation be less beneficial? Not to mention they don't have additional tasks or distractions to perform outside of this critical task. Farmington Hills has also said they will hire additional dispatchers to meet the increased work load. In fact, one of the dispatch supervisors I met is a resident here in Farmington. We are a priority to them.
- As far as the increased response time argument – I have not seen any data or research to support this assertion. If it will surely increase than please tell me by how much? One minute, 10 sec., 1 hour. No one has been able to provide that. I have a background as an engineer and one cannot come to conclusions without the evidence to support it. Regardless, fear can be a great marketing tool, but I have to base my decision on facts and research, not on fear. The number of sworn officers per sq. mile in Farmington is 2-4x that of our neighboring communities and that is very impactful to our response times. That has not changed.
- Cost Savings – the primary reason this option was explored. Now will the \$100,000 per year savings cover the impending million dollar plus deficit coming down the road? No, in and of itself it won't, but if we do nothing to resolve this shortfall we will reap exactly what we sow: nothing. If we do want we can now, we are acting in a fiscally responsible manner – making changes where we can to make up for the impending shortfall. As anyone who has a budget at home can attest, the smaller savings added to together - add up and become impactful.

I have a family of my own and spend most of everyday in Farmington, if I didn't believe this transition could be done safely, I would not vote for it – period, regardless of savings. That is why based on the research I have done, I have complete confidence that dispatch can be safely integrated with Farmington Hills and maintain a high level of service to the City of Farmington as well as create a considerable cost savings. Instituting the Cadet program is a safer way for officers to conduct this aspect of Public Safety. In this economic climate, this is a fair compromise and I would like to thank the Department of Public Safety for working on productive solutions with the City.”

McShane expressed regret that her vote did not affect the outcome. She thanked residents for their strong support of the Public Safety Department. She

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expressed appreciation for the care and concern expressed by so many. She recognized the financial challenges the City will be facing. She stated everything should be on the table. She advised an analysis of the budget should be done before decisions are made. She invited the public to stay engaged and continue to provide feedback to Council.

McShane commented that Council not only needs public input but understanding as they look for best practices to keep the City solvent and on solid ground. She stated as we do this we must be very assertive in our economic development efforts to fill vacant stores, repurpose shopping centers, retain current businesses and attract new ones.

McShane pointed out that through the communications she received regarding the consolidation issue it became obvious that residents have a strong admiration and source of pride in the Public Safety Department. She stated her desire to keep this intact. She will continue to look out for the public's best interests, but encouraged the public to keep up the dialogue with Council.

Galvin thanked Director Schulz and the Public Safety Department for their patience. He is sensitive to the impact this decision has on the dispatchers and their families, however, Council must look out for the needs of the entire city. He thanked City Administration for their assistance in answering questions. He stated we listened to you, but didn't vote with you.

Galvin recognized the people in attendance were against this decision. He pointed out the one common theme in all the communications he received was the opposition to the consolidation, but nobody opposed the financial deficit and taking us into further debt. He further pointed out the financial forecast reflecting impending deficits was posted on the City's website, but it did not set off any alarms to the public. He expressed great concern because it shows very few residents understand what is happening to small communities.

Galvin noted small communities have a lot of character and connectedness, but have more susceptibility to financial stress than larger communities. He stated it is more difficult if not impossible to dig out from under Proposal A. He heard concern from residents that the consolidation is a permanent change, but he pointed out it is caused by a permanent problem. He stated revenues are down because of property evaluations and they will not fully recover. He advised the budget is an ongoing process with no beginning or end.

Galvin expressed appreciation for the public's involvement in this issue over the last couple of months. He pointed out the City entered into an interlocal agreement with Farmington Hills in December, but no public opinion was expressed on this issue. He does not have a strong opinion one way or the other on the issue of merging with Farmington Hills. He stated the cities and Farmington Public Schools are already merged on a number of levels.

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Galvin invited the public to attend upcoming meetings including a April 23rd budget meeting and a joint meeting with Farmington Hills and the Farmington School District on May 15th at Farmington Hills City Hall.

Cowley advised the proposal for dispatch consolidation was developed six months ago and was handed to the new Council. He stated the public can take comfort in the fact that this new council will make a decision. He discussed the challenge of meeting the legacy costs of the city. He stated large steps need to be taken to get the city where it needs to be in order to remain autonomous. He addressed the concern expressed about his possible conflict of interest. He stated his family has been in Farmington for 40 years; he made a \$3 million investment in his business and has yet to make a profit. He hopes to live long enough to achieve a conflict of interest and at that time will refrain from voting.

Cowley spoke about his father's heart attack and the excellent response time and service he received from Public Safety. He pointed out he made the dispatch decision with that in mind. He has reviewed Public Safety statistics and pointed out there is 1 arrest or booking every 2-3 days on average. He does not believe the decision to consolidate will affect response time, but will improve officer safety. He is not supportive of a tax increase *if* it does not solve the problem. He stated healthcare and legacy costs need to be addressed. He expressed his intention to retire in this town.

Buck expressed disappointment and frustration with the direction and outcome of the meeting. He stated Council and Administration did a very poor job of bringing the public along on this issue. He stated the public needed more time to adapt and understand the changes in the proposal. He assured the public that the officers will still be in Farmington and City Hall will remain open.

Buck expressed disappointment in the utter lack of willingness on the part of some Councilmembers to allow public comment before the vote. He stated this Council has a history of listening and being engaged with its public and tonight that was shut down. He expressed concern that Farmington has moved a little closer to dysfunction of Lansing and Washington DC. He pointed out voters have lost confidence in their representatives because they are not listening to the people and addressing their needs and some of that happened tonight. He asked the public to stay involved and engaged in local government. He stated there is a lot more to do together as we take Farmington forward. He thanked everyone for coming.

ADJOURNMENT

04-12-083 MOTION by Cowley, seconded by Kuiken, to adjourn the meeting.
MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 8:45 p.m.

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J. T. (Tom) Buck, Mayor

Susan K. Halberstadt, City Clerk

APPROVED: May 21, 2012