

DRAFT
FERNDALE CITY COUNCIL MEETING
Monday, July 28, 2008

A Regular Meeting of the Ferndale City Council was held Monday, July 28, 2008, at City Hall, 300 East Nine Mile Road, Ferndale. Mayor Covey called the meeting to order at 7:41 p.m.

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

Present: Mayor Covey, Council Members Baker, Galloway, Gumbleton, Lennon.

Absent: None.

3. APPROVAL OF AGENDA

334. Moved by Councilman Lennon, seconded by Councilman Galloway, to approve the agenda as submitted.

AYES: Council Members Baker, Galloway, Gumbleton, Lennon, Mayor Covey

NAYS: None

MOTION CARRIED

4. PRESENTATIONS

A. Disability Advisory Committee (DAC).

Ann Serafin announced that, in honor of the 18th anniversary of the signing of the Americans with Disabilities Act (ADA) into law on July 29, 1990, the DAC will conduct wheelchair tours of Ferndale with Council members and will, afterward, distribute to Ferndale businesses packets of information on the dollars and sense of becoming accessible. Ms. Serafin noted that Mayor Covey is in a wheelchair tonight to help the DAC.

B. Plante Moran CRESA: Facilities Project Feasibility Report.

Mr. Bruner outlined possible funding sources for the facilities project, identifying \$4-\$8 million as the range of affordability.

Dave Asker, PMC, covered the project's objectives, the alternatives identified and the cost of each of those alternatives.

Councilman Lennon left Council Chambers at 8:23 p.m. and returned at 8:32 p.m.

Thomas Gagne spoke in opposition to the facilities project.

1) Consideration of City Facilities Project.

335. Moved by Councilman Lennon, seconded by Councilman Galloway, to approve the proposal from Plante Moran CRESA, LLC for transaction management/buyer representation services in the purchase of the second floor of 400 East Nine Mile Road (Credit Union ONE building), and to approve the proposal from Plante Moran CRESA, LLC to assist and coordinate property due diligence activities on the proposed purchase of 345 East Nine Mile Road (OLHSA building) by September 10, 2008.

Greg Pawlica spoke against the proposal for purchasing the second floor of 400 East Nine Mile Road (Credit Union ONE).

Robert Porter spoke in favor of the proposal for purchasing the second floor of 400 East Nine Mile Road (Credit Union ONE).

Councilwoman Gumbleton said she would vote in favor of the motion to do further investigation but wants to know how a separate identity will be created for the City at the Credit Union ONE building.

AYES: Council Members Baker, Galloway, Gumbleton, Lennon, Mayor Covey

NAYS: None

MOTION CARRIED

5. CALL TO AUDIENCE

- Mike Angeli voiced concern about the new location of Rosie O'Grady's on Nine Mile near a residential neighborhood. City Manager Bruner noted the downtown district is zoned for restaurants and bars. Mr. Bruner explained Rosie O'Grady's would need a Special Land Use Permit for an outdoor patio, and the Plan Commission may place conditions on that Permit to minimize impact on the neighborhood.
- Lynna Kauchek presented the Environmental Impact Commission's Green Tip for July on the benefits of biking to work.
- Siouxsan Miller updated Council on the July 17, 2008 Gypsy Moth informational meeting and urged Council to proceed with an egg mass count in the Fall and aerial spraying in the spring.
- Peggy Snow, representing the Beautification Commission, announced the July Peggy Snow, representing the Beautification Commission, announced the July Beautification Awards: Business to Anita's Kitchen and Residential to Annette Starkolit at 1561 Channing and to Bob and Mary Partenski at 2315 Pinecrest. Ms. Snow called for nominations for the Zinnia Award and the Block Award, announced that plans for Make a Difference Day will be forthcoming and announced the Third Annual Perennial Exchange on September 27, 2008, 9:00 a.m. – noon at the Kulick Center.
- Erick Buchholz expressed concern about possible impact on the neighborhood of Rosie O'Grady's plan to move into the former Eyeglass Factory, reiterated concerns with youth loitering in front of Affirmations at night and repeated complaints about noise from Buffalo Wild Wings.
- Greg Pawlica, representing Stepping Out, producers of AIDS Walk Detroit, announced the date of the Walk as September 21, 2008 and explained the business sponsorship program.
- Jean Davis and Dennis Hoepfner thanked the Pub Crawl Committee for allowing the Seniors to sell light-up merchandise which resulted in them raising \$900.

Councilman Lennon was excused from the meeting at 9:18 p.m.

Mayor Covey left Council Chambers at 9:25 p.m. and relinquished the Chair to Mayor Pro Tem Galloway.

6. CONSENT AGENDA

336. Moved by Councilwoman Baker, seconded by Councilwoman Gumbleton, to approve the Consent Agenda as submitted:
- A. Approved minutes of the Regular meeting held July 14, 2008, and the Special meeting held July 21, 2008, as submitted by City Clerk.
 - B. Approved the erection of a Moonwalk at Garbutt Park as requested by Mata Heard for the College Park Post Office Picnic to be held on Sunday, August 10, 2008, from 9:00 a.m. to 9:00 p.m., contingent upon the applicant obtaining the necessary permit from the CDS Department, as submitted by City Clerk.
 - C. Approved a Class II Special Event Permit as requested by A.J. O'Neil of A.J.'s Café for a car-wash entitled "Singing in the Shower" to be held on the southern half of the alley behind the café, approximately 8 feet by 25 feet; the event to be held Sunday, August 10, 2008 from 2:00 p.m. – 6:00 p.m., contingent upon the applicant submitting proper insurance, at least five days prior to the event, and upon the City Attorney approving the insurance.
 - D. Approved the Special Event Application from Kathy Staszewski of Ferndale Labs for Ferndale Labs' Annual Picnic on Saturday, September 13, 2008, from 8:00 a.m. to 5:00 p.m., at Garbutt Park, and approved erection of inflatable play structures and a tent/canopy for the event, pursuant to Section 13-52 of the Ferndale Code of Ordinances, as submitted by City Clerk.
 - E. Adopted Ordinance No. 1052, amending Zoning Ordinance No. 1004 Article 9, Section 9.02 Membership, to permit appointment of alternate members to the Board of Zoning Appeals, as submitted by CDS Director.
 - F. Approved Agreement to extend current contract with the Police Command unit, with a 2% wage increase in each of the two fiscal years, as submitted by Finance Director/Assistant City Manager.
 - G. Adopted Ordinance No. 1053, amending Zoning Ordinance No. 1004, to permit medical, dental and physical therapy offices, clinics, and medical and dental laboratories and similar uses, provided they do not involve any danger of smoke, fire or explosion, nor shall they create a nuisance to the surrounding area, but not including any type of medical facility permitting overnight patients in the M-1 Zoning District, as submitted by CDS Director.
 - H. Adopted Ordinance No. 1054, amending Chapter 6, Article II, Section 6-16 and Section 6-17 of the City of Ferndale Code of Ordinances, to adopt the 2000 International Property Maintenance Code and to repeal The National Property Maintenance Code of 1990, as submitted by CDS Director.
 - I. Adopted 2006 Building and Rehabilitation Codes, as submitted by CDS Director, through adoption of the following ordinances:
 - 1) Ordinance No. 1055 amending Chapter 6, Article I, in General, Section 6-3 of the City of Ferndale Code of Ordinances, adopting the 2006 Edition of the Michigan Residential Code.
 - 2) Ordinance No. 1056 amending Chapter 6, Article I, in General, of the City of Ferndale Code of Ordinances, to add Section 6-4, Michigan Rehabilitation Code for Existing Buildings.

- 3) Ordinance No. 1057 amending Chapter 6, Article I, in General, Section 6-1, of the City of Ferndale Code of Ordinances, adopting the 2006 Michigan Building Code.
- J. Approved proposal of B-n-S Electric, 860 Livernois, Ferndale, rated the highest at 97.6 points, for a three-year contract to perform minor electrical services, as submitted by DPW Director.
- K. Approved bills and payrolls as certified by City Manager to be paid subject to review by the Council Finance Committee.
- AYES: Council Members Baker, Gumbleton, Mayor Pro Tem Galloway
NAYS: None
MOTION CARRIED

Councilwoman Baker noted the Plan Commission is receiving more and more requests for different types of uses in the M-1 Industrial District and is supportive of making M-1 zoning more permissive.

7. REGULAR AGENDA

A. Consideration of filling Police Officer position vacancy.

337. Moved by Councilwoman Baker, seconded by Councilwoman Gumbleton, to authorize the Police Department to fill the vacancy created by the resignation of Police Officer Shaun Harvey and to fill said vacancy.

AYES: Council Members Baker, Gumbleton, Mayor Pro Tem Galloway
NAYS: None
MOTION CARRIED

B. Consideration of Hosting Dream Cruise and Street/Parking Lot Closures.

338. Moved by Councilwoman Baker, seconded by Councilwoman Gumbleton, to approve hosting the 14th Ferndale Woodward Dream Cruise Weekend on August 15, 16 & 17, 2008 and to authorize street and parking lot closures as presented above.

AYES: Council Members Baker, Gumbleton, Mayor Pro Tem Galloway
NAYS: None
MOTION CARRIED

Mayor Covey returned to Council Chambers at 9:37 p.m. and resumed the Chair.

Councilman Galloway was excused from the meeting at 9:37 p.m.

C. Consideration of Cool Cities Resolution regarding the Coal Fired Power Plants in Michigan.

339. Moved by Councilwoman Baker, seconded by Councilwoman Gumbleton, to adopt the Cool Cities Resolution of Opposition to the Proposed Coal Fired Power Plants in Michigan.

AYES: Council Members Baker, Gumbleton, Mayor Covey
NAYS: None
MOTION CARRIED

D. Consideration of Public-Right-of-Way Use Agreement with Blumz...by JR Design (tabled from July 14, 2008).

339. Moved by Councilwoman Baker, seconded by Councilwoman Gumbleton, to approve the attached Public Right-of-Way Use Permit Agreement with the elimination of the 2nd sentence in Paragraph 7, and to authorize the Mayor and City Clerk to sign the Agreement.

AYES: Council Members Baker, Gumbleton, Mayor Covey

NAYS: None

MOTION CARRIED

E. Consideration of Condolence Resolutions:

1) Willa Mae King

340. Moved by Mayor Covey, supported unanimously, to adopt the Condolence Resolution for Willa Mae King.

ADOPTED UNANIMOUSLY

2) Lois Jones

341. Moved by Mayor Covey, supported unanimously, to adopt the Condolence Resolution for Lois Jones.

ADOPTED UNANIMOUSLY

8. COUNCIL APPOINTEE REPORT – City Manager Goals and Objectives Progress Report
City Manager Bruner offered to provide a written report to Council later in the week.

9. COUNCIL LIAISON REPORTS

D. SEMCOG. Councilwoman Baker reported she has scheduled a meeting with the Membership Coordinator to discuss her concerns with meetings being held during regular work hours.

F. Woodward Avenue Action Association (WA3). City Manager Bruner announced WA3 is raffling a Mercury Mariner hybrid this summer. Tickets are \$100 and also grant VIP admission for the unveiling of the Woodward monument later this summer.

10. CALL TO COUNCIL

342. City Clerk Tallman announced the Council Meeting Packet is now available on the City's website. City Clerk Tallman reminded residents of the primary election on Tuesday, August 5, and reported her office will be open on Saturday for Absentee Voting.

343. Chief Kitchen invited all interested parties to tour the Police Department in order to review the department's space issues. Chief Kitchen assured Mayor Covey that the Police Department is keeping an eye on loitering in the downtown area.

344. Councilwoman Gumbleton spoke about ways to get youth more involved with local government and asked that the issue be placed on the Council's August 25, 2008 agenda. Councilwoman Gumbleton reported she will not be able to attend the August 11th Council meeting or the August 18th Joint Council/Ferndale School Board meeting. She asked that the youth involvement issue be discussed at the joint meeting, and requested that Council members be consulted regarding their availability for special meetings before the meetings are scheduled.

345. Councilwoman Baker announced the upcoming 1998 Ferndale High School ten-year reunion. Councilwoman Baker requested a condolence resolution for Diane Sharples be placed on the next Council agenda. Councilwoman Baker requested the City look into marking crosswalks with solid side lines rather than cross-hatching as research shows this is easier for persons with visual disabilities and for seeing-eye dogs to recognize.

346. Mayor Covey reported the grate is missing from the tree well in front of Tony's Sports Bar. Mayor Covey reported the Pub Crawl was successful. Mayor Covey promoted disability awareness during the coming week.

11. CLOSED SESSION: for the purpose of considering the purchase of real estate in accordance with 15.268(d) of the Open Meetings Act.

City Attorney Christ noted that with only three members of Council remaining at the table the statutory requirement for a 2/3 vote to call a closed session is not possible.

Mayor Covey asked that a closed session for the purpose of considering the purchase of real estate in accordance with 15.268(d) of the Open Meetings Act be placed on the next agenda.

12. ADJOURNMENT

There being no objections, Mayor Covey adjourned the meeting at 10:01 p.m.

Craig Covey, Mayor

J. Cherilynn Tallman, City Clerk

**CITY OF FERNDALE
RESOLUTION 2008-339**

**Cool Cities Resolution of Opposition to the Proposed Coal Fired Power Plants in
Michigan**

At a Regular meeting of the City Council of the City of Ferndale, Oakland County, Michigan, held in the Council Chambers at 300 E. Nine Mile, Ferndale, MI 48220 on the 28th day of July, 2008

The following Resolution was moved by Councilwoman Baker, and seconded by Councilwoman Gumbleton:

The City of Ferndale is a Cool City and one of over 800 cities across the country signed onto the US Mayor's Climate Protection Act; and

The City of Ferndale has pledged to reduce our global warming emissions 7 percent below our 1990 levels by 2012 in an effort to curb global warming; and

The scientific evidence and consensus indicates that the United States must cut greenhouse gas emissions by at least 80% by 2050 to prevent global temperatures from rising more than 2^o C over pre-industrial averages; and

Coal burning power plants emit 2 billion tons of the greenhouse gas CO₂ annually out of 6 billion tons economy wide; and

The City of Ferndale supports pursuing energy efficiency and conservation measures and clean energy development such as wind and solar power that will help to stimulate Michigan's economy and curb global warming; and

The Ferndale City Council has grave concerns regarding the plans for 8 proposed coal fired power plants in the state of Michigan; and

Being deeply concerned with the unavoidable emissions of, carbon dioxide greenhouse gases, airborne lead, particulate matter, nitrogen oxides, sulfur dioxides, and their direct link to ground level ozone or smog, acid rain, and their proven hazardous health effects and relationship to chronic lung diseases such as asthma and emphysema; and

Realizing the impacts that the millions of tons of hazardous coal fired power plant combustion wastes that will be generated and disposed of in Michigan landfills that are a threat to the surface and ground waters of our great State; and

According the United States Environmental Protection Agency, coal plants are responsible for nearly 60% of PM₁₀ emissions (particles 10 microns or less in diameter); and

The United States EPA finds the smallest of these particles, 2.5 microns or less in diameter, caused by burning fossil fuels and the chemical reactions of nitrogen oxides and sulfur dioxides emitted by coal plants, to be the most dangerous to human health especially our seniors and children; and

Such an impact on the communities and environment in and around proposed sites for coal fired power plants will be detrimental to the State's effort to recruit and retain businesses to Michigan, reduce the number of green jobs for citizens, and will adversely impact existing residential and commercial property values; and

THEREBY BE IT RESOLVED, that the Ferndale City Council hereby opposes the permitting of the 8 proposed coal burning plant by the Michigan Department of Environmental Quality; and

THEREBY BE IT FURTHER RESOLVED, that the Ferndale City Council urges Governor Granholm and her administration to rescind or deny air permits for all coal fired power plants in the best interest of the health and welfare of Michigan citizens.

AYES: Mayor Covey, Council Members Baker, Gumbleton

NAYS: None

ABSENT: Councilmember Galloway, Lennon

RESOLUTION ADOPTED

DRAFT
**FERNDALE CITY COUNCIL
SPECIAL MEETING
FACILITY NEEDS ASSESSMENT**
Monday, July 28, 2008

A Special Meeting of the Ferndale City Council was held Monday, July 28, 2008, at City Hall, 300 E. Nine Mile Road, Ferndale. Councilman Lennon called the meeting to order at 6:39 p.m.

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

Present: Mayor Covey (arrived at 6:51 p.m.), Council Members Baker, Galloway (arrived at 6:46 p.m.), Gumbleton and Lennon.

Absent: None

3. CALL TO AUDIENCE

Greg Pawlica, representing Steppin' Out's AIDS Walk Detroit, announced the local business sponsorship program.

4. STUDY SESSION: FACILITIES NEEDS ASSESSMENT

City Manager Bruner gave a brief overview of the facilities needs assessment project.

Mr. Bruner and City Attorney Christ addressed questions about a potential conflict of interest with Plante Moran CRESA (PMC) handling deals on both the OLHSA building and the second floor of the Credit Union ONE building.

Mayor Pro Tem Galloway arrived at 6:46 p.m. and assumed the Chair.

Dave Asker, PMC, answered additional questions to clarify the question of conflict of interest.

Paul Wills, architect with PMC, explained Credit Union One space costs would be approximately 25% less than new construction because walls, floor and ceiling decks, and all systems are already in place. Also, there would be no demolition costs.

PMC discussed the City's space needs, noting particularly the space economies of co-locating the Police Department with the District Court so they can share common spaces such as holding cells and sally ports.

Mayor Covey arrived at 6:51 p.m. and assumed the Chair.

Mayor Covey questioned cost differentials. Mr. Asker noted PMC's report identifies a dollar amount on all associated costs, such as parking.

Mayor Covey excused himself for another meeting at 7:06 p.m. and relinquished the Chair to Mayor Pro Tem Galloway. Mayor Covey returned to the table at 7:08 p.m.

Mr. Asker reported Credit Union ONE has indicated support for the City constructing a separate entrance on the west side of the building and of the City installing signage and landscaping to create a presence and a campus feel.

5. ADJOURNMENT

There being no objections, Mayor Covey adjourned the meeting at 7:28 p.m.

Craig Covey, Mayor

J. Cherilynn Tallman, City Clerk